

MOBILE EU CITIZENS IN PRECARIOUS LIVING CONDITIONS

Results from a survey of 100 mobile
EU citizens in Münster, Germany

Bischof-Hermann-Stiftung Münster



SEPTEMBER 2021



FEANTSA

European Federation of National Organisations Working with the Homeless

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This work is supported by the European Programme for Integration and Migration. Sole responsibility for the contents lies with the author and the contents may not necessarily reflect the positions of EPIM or its partner foundations.

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Foreword

This report contains the findings from a survey of 100 mobile European Union (EU) citizens experiencing homelessness, rooflessness and/or precarious living conditions, which was conducted by staff at the Bischof-Hermann-Stiftung (BHST) in Münster from October to December 2020.

In 2012, BHST staff started to notice an increase in the number of mobile EU citizens experiencing precarious living conditions and/or homelessness present in their various services. Especially in the *Haus der Wohnungslosenhilfe* (HdW), a BHST emergency shelter for homeless men, an increasing number of homeless and/or destitute EU citizens became visible. Among them were women, pregnant women and families with children from different EU Member States who had come to Münster within the framework of freedom of movement within the EU. These people were mainly making use of the opportunity to have consultations with doctors and nurses provided by BHST for people without health insurance.

Even if people originally accessed the service because of a medical concern, it subsequently often turned out that not only their health situation, but also their social situation was characterised by difficult access to services and disadvantage: unemployment and homelessness, poverty and a variety of experiences of discrimination were particularly common.

The multiple problems of these people presented the BHST staff with a huge challenge. BHST decided to focus on these particularly vulnerable groups in the further development of its support services. This included the establishment of the *Europa.Brücke.Münster plus* (EBM+) advice centre in 2016, which is financed in part by the Fund for European Aid to the Most Deprived (FEAD).

This report is based on the work conducted by BHST and especially the EBM+ centre and presents data collected as part of the Protecting the Rights of Destitute Mobile EU Citizens (PRODEC) project

coordinated by the European Federation of the National Organisations working with the Homeless (FEANTSA). As we hold the firm conviction that practical and real-life information is an essential basis for a better understanding of the living conditions of mobile EU citizens at European level and with our many years of experience in this field, we were happy to participate in this transnational survey project.

Through this documentation of results, we would like to contribute to a better understanding of the situation of mobile EU citizens experiencing precarious living conditions and/or homelessness, in order to give a more accurate picture of the following issues:

- ▶ what challenges this group is confronted with and what – often overlooked – strengths they have,
- ▶ in which conditions mobile EU citizens in Münster live,
- ▶ how the sometimes restrictive legal framework and various forms of discrimination can affect their circumstances,
- ▶ which advice and support services are available and how they are used by the target group,
- ▶ how the COVID-19 pandemic has affected people's lives,
- ▶ what can be done by homelessness organisations and other actors to positively influence the living conditions of these persons.

Parallel to the survey in Münster, similar surveys were conducted in Brussels, Barcelona and Stockholm on behalf of FEANTSA under the PRODEC project, with the aim of collecting concrete data on the situation of the target group in different areas of life and to take a closer look at these, with reference to the legal framework and local conditions. We await the other results reports from the surveys in Stockholm and Barcelona with excitement and anticipation.



Acknowledgements

We would like to take this opportunity to thank Mauro Striano for offering to conduct the survey in Münster and Simona Barbu for her support in preparing the report in these difficult times. Further thanks go to Suzannah Young for her support with proofreading and with rendering some of the German concepts in English.

But most of all, we are thankful to the people who took part in the survey. Without their willingness to tell us about their experiences and to entrust information about their often difficult living conditions to us, it would not have been possible to collect this wealth of information.

Münster, 31.05.2021

1

Introduction

This report contains the findings from the survey conducted by BHST¹ on behalf of FEANTSA² and PRODEC³ between October and December 2020 involving 100 mobile EU citizens experiencing precarious living situations and/or homelessness.

BHST is a private church foundation, named after its founder, Bishop Hermann Dingelstad, and has existed since 1896. In the early days, the foundation was particularly dedicated to representing the interests of single workers experiencing precarious living conditions and homelessness. The services offered included accommodation, meals and meeting spaces in various facilities. Today, BHST provides numerous services for homeless people, ranging from direct access emergency accommodation to specialised services for homeless people in need of care, older people with a history of homelessness or people with mental health needs.

BACKGROUND INFORMATION

In order to provide an insight into the background conditions in which mobile EU citizens experiencing precarious living situations and/or homelessness⁴ live in Münster, the following section includes

- ▶ the most salient basic information on the target group,
- ▶ the applicable legislation at EU level and its implementation at national level, and
- ▶ information on the availability of statistical data on the immigration of mobile EU citizens to Germany and on statistics about homeless persons in general.

1 Information on BHST: <https://bischof-hermann-stiftung.de/> [last accessed on 18.05.2021].

2 Information on FEANTSA: <https://www.feantsa.org> [last accessed on 18.05.2021].

3 Information on PRODEC: <https://www.feantsa.org/en/project/2019/08/28/prodec-protecting-the-rights-of-destitute-eu-mobile-citizens-2nd-phase?bcParent=418> [last accessed on 18.05.2021].

4 The definition of "homelessness" underlying the report is based on the classification in the European Typology of Homelessness (ETHOS) and the definition of homelessness used by the Federal Working Group on Homelessness (BAGW). In the report, the term "roofless" refers to people in ETHOS category 1.1 who are "sleeping rough". People who spend the night in emergency sleeping facilities and who, according to ETHOS, belong to category 2.1 and would also be considered roofless here, are referred to as "homeless persons" in accordance with the BAGW definition in order to simplify matters. Accordingly, roofless persons live without any accommodation, while homeless persons live, for example, in emergency shelters or with acquaintances without their own accommodation secured by a rental contract. When the report refers to "homeless persons", it includes both roofless and houseless persons. ETHOS definition, available at: https://www.feantsa.org/download/ethos_de_2404538142298165012.pdf [last accessed on 18.05.2021].

BAGW's definition of homelessness, available at: https://www.bagw.de/fileadmin/bagw/media/Doc/POS/POS_10_BAGW_Wohnungsnotfalldefinition.pdf [last accessed on 18.05.2021].

Target group

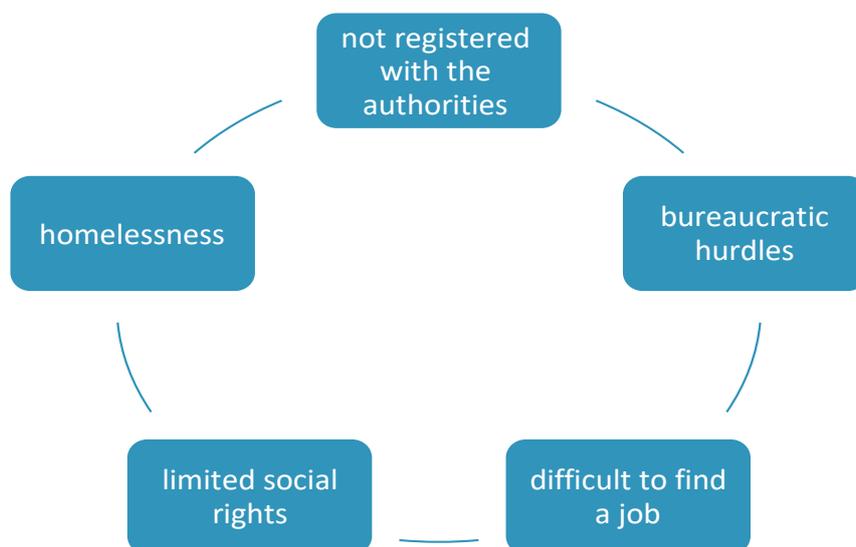
The target group of the survey are mobile EU citizens who have migrated to another EU Member State within the framework of freedom of movement within the EU and who find themselves in precarious living situations characterised by destitution and homelessness.

Not every mobile EU citizen has the best prerequisites to allow them to migrate to another EU country in a planned manner. Some people's living situation in their country of origin is already characterised by various problems such as unemployment, homelessness or a lack of access to education and healthcare. These people often decide to make use of their right to freedom of movement within the EU out of urgent need, with the hope of escaping their precarious living conditions and building a new life in another EU Member State, where they hope to have better opportunities. Preparing for migration, such as by learning the language or finding a job or housing, is often not possible in advance for individuals. Nor do they have sufficient financial resources to draw on to make things easier when they arrive in the new country.

In many cases, immediately after migrating to another EU country, these mobile EU citizens find themselves in similarly precarious or worse living conditions than previously. Some are — at least temporarily — homeless and destitute, do not have sufficient health insurance cover and cannot cope with the bureaucratic demands placed on them without help. In many European cities — including Münster — these people become “visible” by seeking help with their emergency situations from direct access homeless services, as there is no other support network that can help them.

Marie Therese Haj Ahmad and Lisa Riedner, in their *Needs analysis of homeless EU citizens, with particular attention to the special situation of Roma in Frankfurt am Main*, published in 2020, talk in this context about a “phase of precarious arrival”.⁵ This phase of precarious arrival is primarily characterised by homelessness, whereby the absence of housing has a negative impact on all areas of life “and represents a partly insurmountable challenge”.⁶ The following diagram (Figure 1) illustrates the vicious cycle in which mobile EU citizens who find themselves in a phase of precarious arrival can become “trapped”.

FIGURE 1: Vicious cycle of “precarious arrival”, based on Haj-Ahmad and Riedner (2020)



5 Cf. Riedner and Haj Ahmad, 2020, p. 31; the study is available at: https://www.amka.de/sites/default/files/2020-11/Bedarfsanalyse_wohnungsloser_EU-Buerger_innen_in_Frankfurt_am_Main.pdf [last accessed on 18.05.2021]. (Author's translation)

6 Ibid. p.31. (Author's translation)

Homelessness or rooflessness prevent regular registration with the authorities,⁷ which leads to difficulties in dealing with bureaucratic requirements, such as opening a bank account or setting up health insurance. As a consequence, finding a job is more difficult. If mobile EU citizens do not find a job, they cannot obtain “worker status”. This in turn leads to restricted social rights if they cannot otherwise prove their right to freedom of movement. These restricted social rights in turn prevent, for example, their access to welfare benefits, sometimes even to emergency accommodation. People remain in situations of homelessness or rooflessness, possibly for a long time, before they can break the aforementioned cycle. Some people never manage to break the cycle; others keep ending up back in the described situations.

The resources needed to escape from this vicious cycle are – according to Haj-Ahmad and Riedner (2020) – above all “social networks and managing to find a job as a means to free oneself from homelessness”.⁸

The right to freedom of movement in the European Union

The right to freedom of movement within the EU allows all EU citizens and their third-country family members to leave their countries of origin temporarily or permanently without restrictions. The European legal foundations for the right to free movement are anchored in the *Treaty on European Union* (TEU)⁹ and the *Treaty on the Functioning of the European Union* (TFEU),¹⁰ as well as in the *Charter of Fundamental Rights of the European Union*.¹¹ In addition, there are further European directives and regulations that relate to freedom of movement. With regard to the right to residence and the right to claim social security benefits, the *EU Citizenship Directive* (Directive 2004/38/EC),¹² the *Regulation on the Free Movement of Persons* (Regulation 492/2011/EU)¹³ and the *Regulation on the Coordination of Social Security Systems* (Regulation 883/2004/EC)¹⁴ are important.

Although the above-mentioned regulations must be observed by the Member States and are in part also directly applicable, there are some regulations in German law that run contrary to them.¹⁵

7 People moving into a flat must register with a municipal authority, the *Bürgeramt* (“Registration Office”), within 14 days after they move in. To do so, they must present their identity card and a certificate from their landlord. They will then receive a registration certificate. See also: <https://www.eu-gleichbehandlungsstelle.de/resource/blob/1122798/1006798/2fdeb11784de9481bd19c7b85c87197c/behoerdenwegweiser-pdf-eng-data.pdf>

8 Ibid. p.33. (Author’s translation)

9 Available at: https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0020.02/DOC_1&format=PDF [last accessed on 05.05.2021].

10 Available at: <https://www.aevv.de/> [last accessed on 05.05.2021].

11 Available at: https://www.europarl.europa.eu/charter/pdf/text_en.pdf [last accessed on 05.05.2021].

12 <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:de:PDF> [last accessed on 05.05.2021].

13 Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:141:0001:0012:DE:PDF> [last accessed on 05.05.2021].

14 Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:166:0001:0123:de:PDF> [last accessed on 05.05.2021].

15 Cf. Voigt, 2017, p.5 in *Ausgeschlossen oder privilegiert? Zur aufenthalts- und sozialrechtlichen Situation von Unionbürgern und ihren Familienangehörigen* (3. aktualisierte Auflage 2017); available at: https://www.der-paritaetische.de/fileadmin/user_upload/Publikationen/doc/2017-11-13_broschuere_A4_unionsbuerger_aufgabe3_web.pdf [last accessed on 05.05.2021].

For EU citizens living in Germany, the following laws, in which the regulations from the above-mentioned EU requirements apply, are important:¹⁶

- ▶ the “Freizügigkeitsgesetz” (FreizügG),¹⁷
- ▶ the “Aufenthaltsgesetz” (AufenthG),¹⁸
- ▶ the “Sozialgesetzbuch II” (second Social Security Statute Book, SGB II),¹⁹ and
- ▶ the “Sozialgesetzbuch XII” (twelfth Social Security Statute Book, SGB XII).²⁰

These laws regulate, for example, the conditions for being recognised as a worker,²¹ which in turn determine the right of residence or the right to claim cash benefits. In addition, there are further administrative regulations and implementing instructions that apply to authorities but are not binding on the courts:²²

- ▶ the General Administrative Regulations on the Freedom of Movement Act (AVV FreizügG),²³ and
- ▶ the Federal Employment Agency Technical Guidance (FH) on § 7 SGB II.²⁴

Availability of statistical data

Various data sources exist on the numbers of EU citizens moving to Germany. The *Research Centre for the Federal Office for Migration and Refugees*²⁵ reports on the immigration and emigration of EU citizens to and from Germany in the biannual “*Freizügigkeitsmonitoring*” (could be translated as “*Freedom of Movement Monitoring*”) report. The basis for this data collection is the nationwide *Central Register of Foreigners (AZR)*. The AZR only records persons with non-German citizenship who are in Germany “not temporarily”, i.e. for longer than 90 days. In order to be registered in the AZR, EU citizens must have been registered and reported to the AZR by the respective *Foreigners’ Authority* responsible for them. According to Section 2 of the AZR Act, EU citizens may only be registered in the AZR under the following conditions:

- ▶ Section 2 sentence 1 of the AZR Act: The storage of data on a foreigner is permissible if his or her residence in the area of application of this Act is not temporary.

16 In May 2018, a “Fitness Check” was carried out with the cooperation of PRODEC to review the status of the implementation of EU Directive 2004/38 on the residence rights of EU citizens and their family members in Germany. Available at: https://www.feantsa.org/download/prodec-legal-fitness-check_germany7239069577092575326.pdf [last accessed on 19.05.2021].

17 Available at: https://www.gesetze-im-internet.de/freiz_gg_eu_2004/BJNR198600004.html [last accessed on 05.05.2021].

18 Available at: http://www.gesetze-im-internet.de/aufenthg_2004/index.html [last accessed on 05.05.2021].

19 Available at: https://www.gesetze-im-internet.de/sgb_2/SGB_2.pdf [last accessed on 05.05.2021].

20 Available at: https://www.gesetze-im-internet.de/sgb_12/SGB_12.pdf [last accessed on 05.05.2021].

21 To learn more about the term “worker”, it is recommended to read a 2019 report by FEANTS/PRODEC on worker status, available at: <https://www.feantsa.org/download/working-poor-within-the-eu1026919265820446116.pdf> [last accessed on 20.05.2021].

22 Cf. Voigt, 2017, p.5, see footnote no. 14.

23 Available at: http://www.verwaltungsvorschriften-im-internet.de/bsvwvbund_03022016_M112100972.htm [last accessed on 05.05.2021].

24 Available at: https://www.arbeitsagentur.de/datei/dok_ba015897.pdf [last accessed on 05.05.2021].

25 Graf, J. (2021): *Berichtsreihen zu Migration und Integration - Reihe 2 Freizügigkeitsmonitoring: Migration von EU-Staatsangehörigen nach Deutschland*, available at: https://www.bamf.de/SharedDocs/Anlagen/DE/Forschung/BerichtsreihenMigrationIntegration/Freizuegigkeitsmonitoring/freizuegigkeitsmonitoring-halbjahresbericht-2020.pdf?__blob=publicationFile&v=4 [last accessed on 06.05.2021].

- ▶ Section 2 sentence 3 of the AZR Act: The storage of data of EU citizens is only permissible for EU citizens,
 1. for whom the requirements of paragraph 1 are met,
 2. who have submitted an application for asylum,
 3. for or against whom decisions have been taken under residency law,
 4. who have applied for a type of residence permit,
 5. who are threatened with deportation,
 6. for whom a warrant for arrest or for the purpose of determining their whereabouts has been issued,
 7. who meet the requirements of Section 6 of the EU Freedom of Movement Act for the loss of the right of entry and residence because they pose a terrorist threat.

It can therefore be assumed that the data available are only of limited significance with regard to the target group of homeless EU citizens, as not all persons are recorded by the respective immigration authorities or are (allowed to be) reported to the AZR for the reasons mentioned.

According to the *Freizügigkeitsmonitoring* report, a total of 226,040 EU nationals immigrated to Germany in the first half of 2020.²⁶ This was 74,047 fewer than in the first half of 2020. This is mainly attributed to the travel restrictions in the context of the COVID-19 pandemic. The largest immigration groups were persons from Romania (77,362 persons), Poland (41,123 persons) and Bulgaria (26,357 persons).

About 90% of the persons were of working age (16 to 64 years). According to the author of the monitoring report, the age distribution suggests strong labour force participation by EU immigrants.²⁷ The 226,040 inflows of EU citizens were offset by 156,148 outflows. Here, too, the three main groups of persons were those with Romanian (45,406 persons), Polish (30,212 persons) and Bulgarian (15,830 persons) citizenship. In this context, the author speaks of a "great dynamic of migration".²⁸ On the cut-off date of 30 June 2020, a total of 4,919,078 nationals of another EU state resided in Germany. The largest group was that of Polish nationals with 863,327 persons (17.6%), followed by Romanian nationals with 772,692 persons (15.7%) and Italian nationals with 646,995 persons (13.2%).

Another data source that can be used to measure the immigration of EU citizens to Germany is the "Migration Statistics"²⁹ report by the *Federal Statistical Office*. The data recorded in the Migration Statistics report come from the registration of arrivals and departures by the registration authorities in accordance with the registration regulations. Data such as age, sex, nationality and country of origin are differentiated. The statistics include migratory movements across Germany's borders (external migration) as well as migratory movements across municipal borders within Germany (internal migration). In the case of the country of origin, the country in which a person – regardless of nationality – previously lived is recorded. The data from the migration statistics are also of limited significance with regard to the target group of homeless EU citizens, as persons without registration, e.g. persons who live entirely on the street or persons who live with acquaintances and are not registered at an address, are not recorded.

26 The figure also includes nationals from the United Kingdom, as the exit from the EU took place within the reporting period.

27 Cf. Graf, 2021 p.7, see footnote 24.

28 Ibid, 2021, p.10.

29 General explanations on migration statistics: <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Bevoelkerung/Wanderungen/Methoden/wanderungen.html> [last accessed on 06.05.2021] and Press release no. 384 of 01.10.2020 on migration statistics in the 1st half of 2020: https://www.destatis.de/DE/Presse/Pressemitteilungen/2020/10/PD20_384_12411.html;jsessionid=C7937637A6819E603D1C19C1C783EF83.live711 [last accessed on 06.05.2021].

According to these migration statistics, 365,000 persons arrived from other European countries in the first half of 2020 - 282,000 of them from EU-27 states. Compared to the first half of 2019, around 29% fewer arrivals from other European countries were registered in the first six months of 2020. Most departures in the first half of 2020 were to other European countries with 299,000 persons. This is 23% less compared to the first half of 2019, of which 242,000 went to EU-27 states. The decrease in inward and outward migration is again attributed to the restrictions imposed by the COVID-19 pandemic. More precise information from the 2020 migration statistics was not yet available at the time of reporting.

It is not possible to compare the data from the two sources mentioned, as the AZR and the registration authorities' data collection are based on two completely different data sources.

So far, there are no reliable national statistical data on homeless EU citizens. Nationwide emergency housing statistics³⁰ will be published for the first time in 2022 by the Federal Statistical Office. The "Bundesarbeitsgemeinschaft Wohnungslosenhilfe" (Federal Association for Assistance to the Homeless, BAGW) conducts annual estimates of homeless persons in Germany. The foundation for the survey is a standardised, software-based system, the "Dokumentationssystem zur Wohnungslosigkeit" (could be translated as "Documentation System on Homelessness", DzW).

In the DzW, aggregated client data from homelessness services is generated by means of certified software solutions. For the most recent available statistical report, from 2018, BAGW received feed-

back from 191 homelessness services in the independent sector; no data can be collected from the public sector. The data collection includes a total of 55 variables with numerous details on the living situation of the persons seeking advice.³¹

In the statistical report, the items *nationality*, *migration background*³² and *residence status* are recorded in the basic data set. In the analysis, a distinction is made between *German citizens*, *EU citizens*, *non-EU citizens* and *stateless persons*. According to the BAGW estimation model, 678,000 people were homeless in 2018. The proportion of EU citizens among the total number of homeless clients of the participating institutions was 4.7% in 2010 and 17% in 2018. This means that it more than tripled in eight years. According to BAGW, there are about 40,000 people, of whom the majority live on the streets without any accommodation. Also according to BAGW, the proportion of EU citizens who are roofless is around 50%, especially in large cities.

In North Rhine-Westphalia, a survey on homelessness was conducted annually from 1965-2009. This was further developed into an "Integrierte Wohnungsnotfallstatistik"³³ (could be translated as "Integrated Emergency Housing Report") from 2011. Unlike the BAGW statistical report, the integrated report also has data on homeless people from the public sector. The report does not provide detailed information on nationality that would allow conclusions to be drawn about the proportion of EU citizens. It only differentiates between "German" and "non-German" citizenship. On the reporting date of 30 June 2019, 46,610 persons were reported as homeless by the municipalities and the independent homelessness services.³⁴

30 Cf. an online communication by the Federal Government, available at: <https://www.bundesregierung.de/breg-de/aktuelles/wohnungslose-in-deutschland-1672730> [last accessed on 18.05.2021].

31 Current figures from the statistics report can be found here: <https://www.bagw.de/de/themen/zahl-der-wohnungslosen/index.html> [last accessed on 06.05.2021]; the entire BAGW statistical report for 2018 is here: https://www.bagw.de/fileadmin/bagw/media/Doc/STA/STA_Statistikbericht_2018.pdf [last accessed on 19.05.2021].

32 According to BAGW, this group includes non-German clients, all those born in Germany as Germans with at least one immigrant parent or one parent born in Germany as a person of non-German nationality.

33 *Integrierte Wohnungsnotfallberichterstattung NRW*, short analysis, available at: http://www.sozialberichte.nrw.de/sozialberichterstattung_nrw/kurzanalysen/Kurzanalyse-1-2020.pdf [last accessed on 18.05.2021].

34 The former statistic was from 1965 to 2009. Now (since 2011) they have the further developed the *Integrierte Wohnungsnotfallberichterstattung* and the number 46,610 is from 2019; see footnote 33, p.3.

Another key data survey that one comes across when researching the number of homeless people for Münster, is that produced by the “*Landschaftsverband Westfalen Lippe*” (could be translated as “*Westphalia Lippe Regional Association*”) from 30 June 2019. According to this survey, a total of 1,266 people were homeless in Münster at that time. The people counted were those who were housed or supported either by the municipality (778 people) or by independent agencies (488 people) on the reporting date.³⁵

INFORMATION ON DATA COLLECTION

The following section provides information on the circumstances and conditions under which the survey of the 100 participating mobile EU citizens took place. It also critically evaluates methodological aspects such as the design of the questionnaire and the selection of the sample.

Methodological aspects

The information on the methodological aspects of the survey includes information on the selection of the sample and the procedure for carrying out the interviews during the survey, on the questionnaire as an instrument of data collection, as well as an overview of how the results are reported.

SELECTION OF THE SAMPLE

The people interviewed for the data collection exercise were mobile EU citizens who:

- ▶ lived in Münster at the time of the survey;
- ▶ were currently or had recently been homeless or at risk of homelessness; or

- ▶ had experience of homelessness; or
- ▶ were experiencing precarious living situations, and who were supported by BHST.

BHST is responsible for the provision of the following services for homeless people in Münster:³⁶

- ▶ *Haus der Wohnungslosenhilfe* (HdW), emergency accommodation for men;
- ▶ *Haus kurzzeitiger Hilfen* (HKH), emergency shelter for men;
- ▶ *Short-term accommodation* (Huk), emergency accommodation for men;
- ▶ *Winter emergency shelter*, emergency shelter for men;
- ▶ *Europa.Brücke.Münster plus (EBM+)*,³⁷ FEAD-funded advice centre for EU citizens with children up to 7 years of age;
- ▶ *Mobile Medical Service* for people without health insurance; and
- ▶ *Brückenschlag*³⁸ Project, advice centre for families in specific difficult circumstances.

The mobile EU citizens eligible for an interview on the basis of the above criteria were asked whether they would be willing to participate in an anonymous survey about their current living situation while they were using one of the above-mentioned BHST services. Consent was given verbally.

The persons interviewed were personally known to the interviewers through their work context. The duration of acquaintance varied from a few days to several years. The intensity of use of the various services varied from daily (e.g. accommodation) to weekly (e.g. medical service) to sporadic (e.g. advice centre). The interview phase was complete when the target of 100 respondents was reached.

35 The statistics from *Landschaftsverband Westfalen Lippe* mentioned above can be found here: <https://www.statistik.lwl.org/de/zahlen/wohnungslosigkeit/> [last accessed on 23.05.2021].

36 BHST website: <https://bischof-hermann-stiftung.de/> [last accessed on 21.06.2021]

37 An article published in the Winter 2018/19 issue of *Homeless in Europe* magazine provides information on EBM+, available at: <https://www.feantsa.org/download/1-the-use-of-fead-in-germany1032434327325702777.pdf> [last accessed on 22.05.2021].

38 “*Brückenschlag*” is a substantive which means the act of bridging a gap.

Other mobile EU citizens from Münster, who were not (yet) connected to BHST facilities at the time of the survey, were not included during the survey phase.

Considering the sample size of 100 adult mobile EU citizens in relation to the advice figures of the EBM+ advice service, which advises an average of about 250 mobile EU citizens including their children up to 7 years of age (about 200 adults and 50 children), it can be assumed that the sample can provide a realistic insight into the realities of life for mobile EU citizens in Münster.

The sample cannot be considered representative, as it does not represent the population of all mobile EU citizens living in Münster in the above-mentioned living situations.

QUESTIONNAIRE AND LANGUAGE

The interviews were based on a questionnaire developed by BHST staff for the survey. After the interviews were completed, the results of the survey were anonymised and analysed.

The questionnaire included questions on the following topics:

Section A: Sociodemographic data

- ▶ Age
- ▶ Gender
- ▶ Nationality

Section B: Family situation

- ▶ Marital status
- ▶ Number, sex and age of children
- ▶ Information on school and day-care attendance of children
- ▶ Questions on other relatives

Section C: Living conditions

- ▶ Income situation
- ▶ Housing situation

Section D: Health status

- ▶ Physical and psychological complaints
- ▶ Access to medical care
- ▶ Disabilities
- ▶ Addictive disorders
- ▶ History of hospitalisation
- ▶ Health insurance

Section E: Migration

- ▶ Duration of stay in Germany
- ▶ Reasons for leaving the country of origin
- ▶ Belonging to a minority

Section F: Registration and residence status

- ▶ Identity documents
- ▶ Registration in Münster
- ▶ Information on residence status

Section G: Education

- ▶ School and vocational training
- ▶ Language skills

Section H: Use of support services

Section I: Experiences with COVID-19

Section G: Access to mobile phones, internet and public transport

Answer options were mainly given so that they could be evaluated quantitatively: with yes/no questions, multiple-choice answers and a few free text fields. The interviewees' answers were entered into a computer by the interviewers during the interviews, maintaining the anonymity of the persons. Some interviews were conducted over the phone due to contact restrictions caused by the COVID-19 pandemic.

Wherever possible, the interviews were conducted in German; if the interviewees had limited knowledge of German, language mediators were used. These could be volunteers as well as acquaintances or relatives of the interviewees. Very few inter-



views were conducted where the interviewer and interviewee shared the same first language. It was assumed before the survey that language barriers could give rise to distortions in the statements by the persons and the entries in the questionnaire. This is why we chose to opt for multiple-choice questions where the answer options were given and a majority of closed questions. Since either

sufficient knowledge of the German language or the presence of an interpreter was necessary for participation in the survey, some persons in the target group could not be included. Errors due to language barriers or due to the use of language mediators cannot be completely ruled out despite great care having been taken to minimise this eventuality.

Due to the high proportion of Bulgarian-speaking people seeking help within the support service, Bulgarian-speaking volunteer language mediators work at BHST. Some of them were also able to interpret during the interviews. Language mediators were not used for other languages, which is why clients with a different first language either had to have sufficient knowledge of German, Arabic, French, Spanish or English to be able to participate³⁹ or had to bring an acquaintance or family member to interpret in order to be able to participate in the interview. The presence of Bulgarian-speaking language mediators may have led to a larger number of Bulgarian-speaking clients being interviewed.

39 These languages are spoken by the full-time support workers.

2

Presentation of results

The results of the survey are presented in several different ways, depending on the scope of the topic and the necessary explanations of the accompanying circumstances, such as legal requirements or national or regional specifics. In addition to the presentation of the numerical results⁴⁰ and a comment, other aspects relevant for understanding the background are taken into account and explained as required, such as, for example:

- ▶ explanations of the legal framework in the respective sub-areas,
- ▶ information on the conditions in Münster,
- ▶ BHST staff experience in advising, accompanying and supporting the target group of mobile EU citizens experiencing precarious living conditions,
- ▶ comparisons between the situation of persons with German citizenship and third-country nationals, where relevant and possible.

The presentation of the results deviates from the order in which the data were collected in the questionnaire for the sake of clarity. First, we present basic *sociodemographic data* on the interviewees. This is followed by *information on the migration experiences of the people*, their current *residence status*, their *reasons for migration*, and experiences such as *racism and/or discrimination* and *belonging to an ethnic minority*. This is followed by

information on *accommodation and housing situation*, which is a core area of the report and provides a detailed overview of the services offered by homelessness organisations and the provision of housing for mobile EU citizens.

The next section takes a closer look at the *income situation* of the interviewees, covering both earned income and background information on the most important welfare benefits and the relevant eligibility criteria for mobile EU citizens. Housing situation and income from employment have a direct and indirect effect on people's *health status*. This is the subject of the section following analysis of the interviewees' housing situation. We also focus on the *existence of health insurance coverage*.

The following chapter provides answers on the *educational background, language skills* and *access to educational opportunities* of adult mobile EU citizens and their children. The section on *use of support services* clarifies which other support services are available for people in housing need and precarious living situations in Münster beyond emergency shelters. This is followed by the results of a short survey on the *use of mobile phones, internet and public transport*.

Finally, the *impact of the COVID-19 pandemic* on the target group of mobile EU citizens who participated in the survey is examined in more detail.

40 Created with the help of Microsoft Excel.

SOCIODEMOGRAPHIC DATA

The sociodemographic data collected during the survey included *age, gender, nationality and marital status and children*. After questions on marital status, more detailed questions were asked on the number of children as well as the characteristics “single parent” and “caring for other persons”.

Age and gender

Table 1 gives an overview of the age groups of the 100 respondents.

- ▶ The most represented age group was 29-38 years with 32% belonging to this group.
- ▶ The average age of the people interviewed was 40.7 years.
- ▶ The youngest person was 19 years old.
- ▶ The oldest person was 68 years old.

TABLE 1: Age groups (n=100) in %

AGE GROUPS	NUMBER OF PERSONS
19-28 years	16
29-38 years	32
39-48 years	25
49-58 years	18
59-68 years	9
Total	100

Of the 100 respondents, 56% were female and 44% male. This division was random.

Nationality

The most common nationalities of the 100 people interviewed were as follows:

- ▶ The largest proportion of persons came from Bulgaria, with 59%;
- ▶ 15% came from Romania; and
- ▶ 9% came from Slovakia.

Four persons each came from Italy, Latvia, and Spain. One person each came from Greece, Croatia, Lithuania, Portugal and Hungary.

Comment

The numerical distribution of the nationalities represented is mirrored in the experiences of EBM+. Since the establishment of EBM+ in 2016, slightly more than half of the approximately 250 people seeking advice each year have come from Bulgaria.

Marital status and children

The results concerning the marital status (Table 2) of the respondents show that:

- ▶ 49% were single and 51% were in a relationship.
- ▶ 54% of the women (n=56) were single and 46% in a relationship.
- ▶ Among the men (n=44), 43% lived alone and 57% in a relationship.

TABLE 2: Marital status, number and gender (n=100) in %

MARITAL STATUS	FEMALE	MALE	TOTAL
Divorced	8	3	11
Married	15	17	32
Unmarried couple	11	8	19
Separated (but not divorced)	3	1	4
Single	15	14	29
Widowed	4	1	5
Total	56	44	100

Regarding the presence of children, Table 3 shows that 69% had at least one child up to the age of 18. A total of 133 children could be counted. On average, the interviewees with children had two children under the age of 18.

In Figure 2, it can be seen that most of the 133 children (67%) were not older than 14 years. 54% of the children were male, 41% were female. The gender of 5% of the children was not specified.

TABLE 3: Number of children (n=69) in %

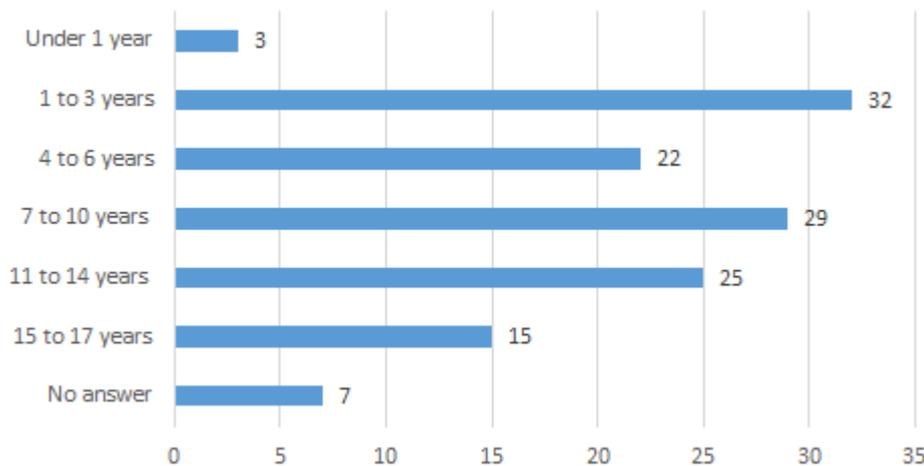
NUMBER OF CHILDREN	PROPORTION OF PERSONS
1 child	39
2 children	36
3 children	12
4 children	12
9 children	1
Total	100

20% of the 69 persons who had children stated that they were single parents. In absolute numbers, that meant 14 persons, including 13 women and one man.



FIGURE 2: Age groups of the children in absolute numbers

AGE GROUPS OF THE CHILDREN (n=133)



Of the 133 children, the majority (85%) lived with the respondents. 12 children (9%) did not live with the person interviewed. Six of the 12 lived with relatives in the country of origin, six in another household in Germany. For 6% (eight children), no information concerning the place of residence could be determined.

38% of the 100 respondents supported other relatives, including parents in need of assistance and adult children and their children. Most relatives lived abroad.

Comment

The proportion of persons with children is high, at 69%. With one exception, the group of single parents is made up of women. According to the experiences of BHST, the living conditions of single parents and their children are often particularly insecure and precarious. This is especially true when there are young children to care for, who do not yet go to school. As a rule, people are forced to work in order to maintain their right to freedom of movement. In many cases, a connection to a *day-care centre* (in the following called “*Kita*”) is indispensable so that the parent is able to go to work; otherwise, there must be a trusted person in their social circle who can take care of the children.

Another aspect that is often perceived as stressful is the high degree of responsibility and duty towards other relatives, whom the persons want to or have to take care of, despite their own precarious living situation.

MIGRATION EXPERIENCES AND RESIDENCE

Under this item, information on migration routes prior to arrival in Münster was collected, as well as information on the length of time spent in Germany. The interviewees were also asked about their reasons for migration and their longer-term plans regarding residence in Germany.

Duration of uninterrupted residence in Germany

The answer options to the question about *uninterrupted residence in Germany* were given to simplify the evaluation and were selected on the basis of the regulations from the *Freizügigkeitsgesetz* (Freedom of Movement Act) applicable in Germany, as certain eligibility conditions and obligations can be derived from the respective duration of residence. These

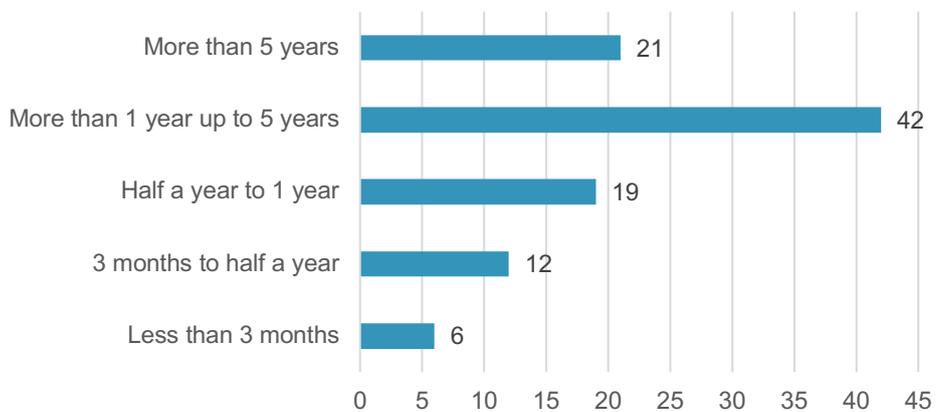
include, for example, the right to *permanent EU residence after five years of uninterrupted residence in an EU country* or the *obligation to seek employment* within the first six months of residence. The persons were also asked whether they would like to stay in Germany permanently or not.

- ▶ 37% have lived in Germany for less than a year.
- ▶ 42% have lived in Germany between one and five years.
- ▶ 21% have lived in Germany continuously for more than five years.

The survey of the 100 persons gave the following answers concerning their duration of stay in Germany (see Figure 3):

FIGURE 3: Duration of stay in Germany (n=100) in %

HOW LONG HAVE YOU LIVED IN GERMANY WITHOUT A BREAK? (n=100)



88% answered that they wanted to settle permanently in Germany or Münster, 11% were not sure and 1% said they did not want to stay in Germany permanently.

Comment

The results show that some of the persons interviewed have been living in Germany for more than six months, but they still seem to have a high need for support through various services, e.g. homelessness services and/or welfare advice. Furthermore, in view of the high number of persons (88%) who stated that they wanted to stay in Germany, the majority seem to be satisfied with their living situation in Germany or Münster and feel “at home”.

Stays in other countries

Mobile EU citizens who turn to BHST for advice often also have experience of migration in other (EU) countries. In many cases, these are stays abroad in connection with seeking or taking up employment.

Among the 100 respondents, the situation was as follows:

- ▶ 39% had migration experience in other countries;
 - ▶ 54% of them were female, 46% male.

19 different countries were mentioned, including eleven EU countries and eight non-EU countries.

- ▶ Most persons had migration experience in one other country;
- ▶ 15% in two other countries.
- ▶ One person even had migration experiences in five other countries.
- ▶ The most mentioned country was Great Britain with 28% while France was named by 18%.

Comment

The reason for staying in another EU country was to look for a job or to take up a job. The fact that eleven persons out of 39 (28%) had moved to Germany from the UK within the year prior to the

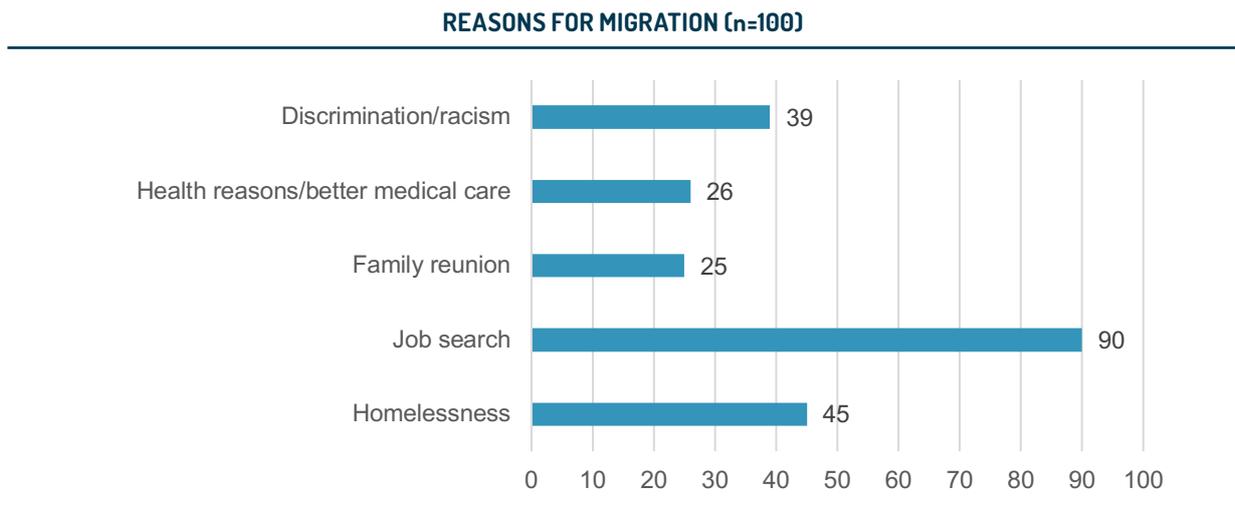
survey could be related to Brexit and the associated uncertainties regarding the status of mobile EU citizens in the country after it left the EU.

Reasons for migration

In order to gain a better understanding of the factors that led people to migrate to another EU country or to Münster specifically, they were asked about the reasons that led them to migrate. For this question, multiple answer options were given, as well as the interviewers had the opportunity to record further answers or information from the interviewees in a *free text field*.

Figure 4 provides an initial overview of the results concerning the reasons for migration.

FIGURE 4: Reasons for migration (n=100) in %; multiple answers were possible



Due to the multiple answers option, it was also possible to identify the most frequent combinations (Table 4).

TABLE 4: Most frequent combinations of reasons for migration (n=100) in %

FREQUENT COMBINATIONS OF REASONS FOR MIGRATION	PROPORTION OF PERSONS
Job search and homelessness	42
Job search and experience of discrimination and/or racism	37
Homelessness and experience of discrimination and/or racism	29
Experience of discrimination and/or racism, homelessness and job search	28
Job search and family reunification	19
All possible reasons (see Figure 4)	6

From statements made by mobile EU citizens using the various BHST services, it is known that *belonging to an ethnic minority* can lead to an *intensification of the various disadvantages* and, in addition to the above-mentioned reasons, can further increase the pressure or the desire to leave the country of origin. Therefore, items were included in the questionnaire that allowed people to declare themselves as belonging to a minority and, if so, to describe which minorities they belonged to.⁴¹ The results concerning 99 respondents' self-identification as belonging to a minority are shown in Table 5. In total, 48% (n=47) stated that they regarded themselves as belonging to one of the minority groups below.

TABLE 5: Belonging to a minority (n=47) in absolute numbers

MINORITY	ABSOLUTE NUMBERS
No further precision	11
"Roma" ⁴²	21
Turkish-speaking minority of Bulgaria"	7
"Racist foreign term" for "Sinti and Roma"	4
"Sinti"	1
"Kopanari"	1
"Asian"	1
"Hungarian minority in Slovakia"	1
Total	47

41 The Council of Europe Framework Convention for the Protection of National Minorities (German version) available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007cdc3> [last accessed on 19.05.2021] guarantees "freedom of disclosure" to members of national minorities. This means that members of a national minority are free to choose whether they feel they belong to a minority or not. Freedom of disclosure guarantees that proof of belonging to a group may not be demanded (cf. *Glossar der neuen deutschen Medienmacher*, available at: <https://glossar.neuemedienmacher.de/glossar/filter:b/> [last accessed on 19.05.2021].

42 The interviewees used different terms to identify their ethnic origin, which we have included in the analysis. For reasons of brevity, the term "Roma" is used in the following to include "Sinti" or terms such as "Sinti" and "Roma". Further information on the generic term "Roma" can be found, for example, in the following publication by the Council of Europe from 2012: <https://rm.coe.int/1680088eab> [last accessed on 10.05.2021].

Table 6 shows the results on the possible reasons for migration of the interviewed mobile EU citizens who regard themselves as belonging to a minority, compared to those who regard themselves as belonging to the majority populations.

TABLE 6: Reasons for migration, broken down by belonging and not belonging to a minority (n=99) in %

REASONS FOR MIGRATION	BELONGING TO A MINORITY	
	YES (N=47)	NO (N=52)
Job search	91	88
Family reunion	17	33
Better medical care	43	12
Homelessness	70	23
Discrimination	68	13

Of the 47 people who considered themselves to belong to a minority, 68% stated that they had experienced discrimination and/or racism in their country of origin. Belonging to a minority did not seem to mean automatically experiencing discrimination and/or racism. Two respondents (“Hungarian minority Slovakia” and “Turkish minority Bulgaria”) stated that they had not experienced discrimination and/or racism. Both groups cited the search for work as the main reason for their migration. However, homelessness, the desire for better medical care and experiences of racism and/or discrimination were mentioned significantly more often by those who considered themselves part of a minority. The following quotes, which were recorded in response to the question about belonging to a minority, reveal how drastically some of the people have experienced racism and/or discrimination in their countries of origin.

“We have no life in Bulgaria!”

“As a Roma woman I feel very discriminated against; as a Roma person you don’t get anything, I don’t want to go back either!”

“They tell us: Roma, go away!”⁴³

Comment

The results of the survey give an overview of the most important factors that motivate people to leave their country of origin. In addition, the motivating factors could be connected with some of the respondents’ belonging to a minority.

Hope for improvement of living situation

Interviewees’ motivation for moving to Germany was predominantly the hope of improving their living situation through access to work, housing and healthcare. The multiple reasons some people give especially show how hopeless the perspectives of some of the interviewees are in their country of origin and how unequally the chances of participation in society for all people can be distributed in the different EU countries.

The responses highlight the importance of the right to free movement, which enables people to move to another place in the EU and create better life prospects for themselves and their families. However, they also show how important it is to ensure support systems for mobile EU citizens in all Member States within the framework of free movement.

No person mentioned “the prospect of receiving welfare benefits” as a reason for migration. This is particularly important in light of the fact that newly arrived EU citizens are often accused by various authorities or politicians of the racist narrative of “immigration into the welfare system”.

43 Such experiences are also noted by the European Commission, which recently launched an infringement procedure against Bulgaria in connection with a case of hate speech against two Roma people by a far-right Bulgarian politician. More information is available at: <https://sofiaglobe.com/2021/02/18/ec-opens-infringement-proceedings-against-bulgaria-on-hate-speech/> [last accessed on 10.05.2021].

Experiences of racism and discrimination

We were not able to ask for further details on the interviewees' experiences of racism and/or discrimination because of the quantitative focus of the survey, as well as expected language barriers during the interviews. In addition, the interviewers are all *white*⁴⁴ and have not experienced racism. This may also have had an influence on the response behaviour of the interviewees. It can be assumed that mobile EU citizens experience different forms of racism and/or other forms of discrimination based on *hostility towards specific groups*.⁴⁵ This can be, for example, *racism against Roma and Sinti*,⁴⁶ but also *hostility against rough sleepers*⁴⁷ or *discrimination based on social background*.⁴⁸ In addition, homeless mobile EU citizens may be affected by a phenomenon known as *aporophobia*,⁴⁹ which is increasingly experienced by homeless people worldwide. This is discrimination against people because they are poor.

The fact that more than one third of the respondents (39%) stated that they had *experienced racism and/or discrimination in their countries of origin*, shows that this aspect plays an important role in the factors that lead people to leave their

countries of origin. Members of the Roma minorities especially still experience discrimination and disadvantages in almost all areas of life (education, health, work, housing, etc.) in their countries of origin. However, mobile EU citizens are also repeatedly and significantly affected and disadvantaged in their everyday lives by prejudice, discrimination and/or racism by the majority population in the countries to which they migrate.

Experiences of disadvantages in connection with belonging to a minority in Münster could not be surveyed in the quantitatively designed survey. In the future, it would be helpful to take a closer look at the perspectives of those affected and to see whether the people and possibly also the workers supporting them have examples of disadvantages and discrimination on the basis of their ethnicity.

One initiative that fights against disadvantages due to racist discrimination is the reporting centre for racist incidents in Münster. In order to enable *victims and witnesses of racist incidents* to take action against racism and/or discrimination on the basis of nationality and ethnicity, the *Münsteraner Netzwerk Rassismuskritik* ("Munster Network for

44 *White* is deliberately italicised here because it does not describe a biological characteristic or a real skin colour, but a political and social construct. *Whiteness* refers to the dominant and privileged position within the power relation of racism, which otherwise remains mostly unspoken and unnamed. See also <https://www.amnesty.de/2017/3/1/glossar-fuer-diskriminierungssensible-sprache> [last accessed on 19.05.2021].

45 More information here: <https://www.bpb.de/politik/extremismus/rechtsextremismus/214192/gruppenbezogene-menschenfeindlichkeit> [last accessed on 18.05.2021].

46 In a flyer produced by the Amadeu Antonio Foundation, which is actually aimed at young people, it says aptly: "Racism against Roma and Sinti people is also called "antiziganism" or "antiromaism". However, there are different opinions among those affected as to which term is more appropriate. Although "antiziganism" is the best known, some reject it because it reproduces racist insults. Some Sinti, on the other hand, criticise the fact that they are not explicitly mentioned in "antiromaism". Others prefer the term "gadjé racism". "Gadjé" is a word from the Romani language and refers to non-Roma, among others. So the term is meant to clarify which people practice racism against Roma and Sinti people." The flyer is available at: https://www.amadeu-antonio-stiftung.de/wp-content/uploads/2019/01/Flyer_GMF_Roma.pdf [last accessed on 18.05.2021].

47 On the subject of hostility towards rough sleepers: https://www.amadeu-antonio-stiftung.de/wp-content/uploads/2019/01/Flyer_GMF_Obdachlos.pdf [last accessed on 18.05.2021].

48 Also on this subject: https://www.amadeu-antonio-stiftung.de/wp-content/uploads/2019/01/Flyer_GMF_Soziale_Herkunft.pdf [last accessed on 18.05.2021].

49 "Aporophobia" is a neologism created by the well-known Spanish philosopher Adela Cortina to describe the "rejection of the poor". More information can be found here: <https://www.iqs.edu/en/aporophobia#:~:text=Aporophobia%20is%20a%20neologism%20created.%2C%20disregard%2C%20fear%20and%20hate> [last accessed on 10.05.2021].

Comment

The proportion of persons who have a registered address is very high. This means that people usually have easier access to a wider range of public services.

Pitfalls in connection with official registration

It is important to note that homeless people who do not live in one of the above-mentioned shelters cannot officially register with the authorities. The prerequisite for registration is the presentation of a “*Mietgeberbescheinigung*”⁵³ (“landlord’s certificate”), in which the owner of the flat (or a person authorized by the owner) certifies that the person has moved into the flat. The legal requirement for a *Mietgeberbescheinigung* is intended to prevent falsified registrations. Any unauthorised person issuing this can be punished with a heavy fine. In the case of people who are receiving cash benefits, rent payments are taken into account proportionally in the amount of benefits granted. If the benefits provider finds out, by checking the data of the municipal registration office, that another person has moved in, the benefits paid towards the rent are reduced and the person who has moved in must pay their share of the rent. If the person who has been registered does not pay the rent, rent arrears accrue, which can lead to the loss of the flat.

“Care of addresses” as an alternative

Persons who are unable to register at the registration office have the option of obtaining a “*care of address*”.⁵⁴ This does not replace registration at the municipal registration office. Nevertheless, the existence of the address provides information about the person’s usual area of residence and facilitates correspondence, e.g. with banks or health insurance companies.

Disadvantages for persons without registration

The *disadvantages of not registering are manifold*, e.g. people are placed in an unfavourable tax class at the tax office and only receive a classification in tax class 1 (for single persons) upon special application. The unfavourable tax class leads to high wage deductions for workers. Another disadvantage is that the time spent in Germany without registration is not usually recognised when applying for a *permanent residence permit after five years of legal residence*.

Residence status

When asking about the residence status of the persons interviewed, it was of primary interest whether the persons were currently entitled to *freedom of movement* and whether they possibly had a *permanent residence card* according to § 4a *Freizügigkeitsgesetz* (Freedom of Movement Act) after five years of legal residence. When the right to permanent residence has come into effect, the exclusions from welfare benefits for EU citizens are no longer applicable.

Applying for a certificate on the right to permanent residence is done at the *Ausländerbehörde* (Foreigners’ Authority). However, the certificate is only of a declaratory nature. This means that even without the certificate, the right of permanent residence exists “automatically” if the requirements are met.⁵⁵

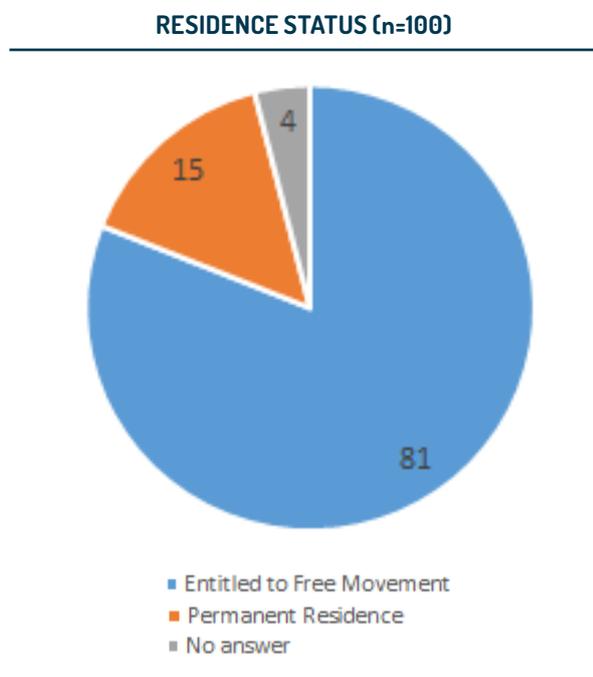
Figure 5 below shows the different residence statuses of the 100 persons interviewed. The majority of the respondents (81%) was entitled to free movement.

53 This document is a certificate issued by the landlord of a flat or also by providers of services for the homeless certifying that a person has moved into a flat or shelter. As soon as a person has moved into a flat or emergency shelter, he or she has two weeks to register at the municipal registration office by presenting the certificate and his or her ID. Failure to comply with the deadline may also be punishable by a fine under certain circumstances.

54 The address is that of an advice centre run by Diaconia Münster, who collects the letters and gives them to the persons that use their service.

55 See also: Voigt, Claudius (2017) *Ausgeschlossen oder Privilegiert? - Zur aufenthalts- und sozialrechtlichen Situation von Unionbürgern und ihren Familienangehörigen*, available at: https://www.der-paritaetische.de/fileadmin/user_upload/Publikationen/doc/2017-11-13_broschuere_A4_unionsbuerger_aufgabe3_web.pdf [last accessed on 20.05.2021].

FIGURE 5: Residence statuses of the respondents (n=100) in %



We found that five persons, despite more than five years of residence, still did not have a permanent residence certificate.

Comment

The results regarding persons who do not yet have a certificate of permanent residence after five years of legal residence may indicate that not all mobile EU citizens who have been in Germany for more than five years know about the possible legal advantages of applying for a permanent residence card. Advice centres can inform people about this and help them with the application process.

Withdrawal of the right to freedom of movement

For this topic, some additional background information is necessary. The Foreigners' Authority is responsible for checking the right of residence of EU citizens living in Germany. If an EU citizen applies for welfare assistance or Child Benefit, and it turns out that he or she is not entitled to these benefits, the service provider who found out about this fact will notify the Foreigners' Authority. The reporting obligations of the service providers to the Foreigners' Authority are subject to legal requirements and data protection regulations.⁵⁶ Within a few weeks, the Foreigners' Authority will contact the person concerned by email and ask for evidence of their residence status. The following documents can be used as evidence:

- ▶ Passport (with a photo);
- ▶ Identity document;
- ▶ Proof of registration with the registration office;
- ▶ Rental contract or proof of residence in emergency accommodation;
- ▶ Employment contract and proof of income (pay slips, bank statements);
- ▶ Proof of school attendance of any children;
- ▶ Benefit statements from the authorities granting e.g. unemployment benefit;
- ▶ Marriage and/or birth certificates;
- ▶ Written statement on the current living situation; or
- ▶ If necessary, further documents depending on the situation.

⁵⁶ Claudius Voigt has recently produced a guide for advice centres on this topic. It is available at https://www.einwanderer.net/fileadmin/downloads/tabellen_und_uebersichten/UEbermittlungspflichten.pdf [last accessed on 25.05.2021].

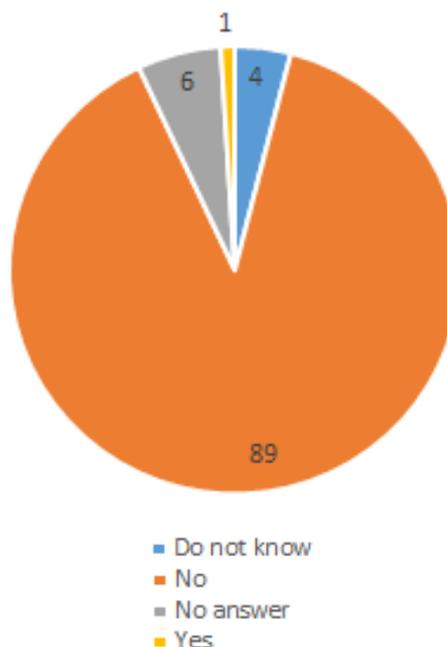
A deadline is set for the submission of these documents. If the person does not respond, one or two reminders will be sent. If there is still no response, the requirements are deemed not to have been met and a final threat is made to withdraw the right to freedom of movement if no documents are received by a certain deadline. If there is no reaction, the *right to free movement is withdrawn* and an obligation to leave the country is imposed. § 7 *Freizügigkeitsgesetz* (Freedom of Movement Act) states: "Union citizens or their family members are obliged to leave the country if the Foreigners' Authority has determined that they have no right of entry or residence. The decision should threaten deportation and set a deadline for departure. Except in urgent cases, the deadline must be at least one month."⁵⁷

From then on, the only option is to come to an agreement with the Foreigners' Authority through legal proceedings. BHST has no knowledge of any cases in which mobile EU citizens have actually been deported. Many people seeking advice need help from advice centres or social workers when responding to the Foreigners' Authority's enquiries. Often the letters are not understood, due to a lack of knowledge of the German language, and the persons are afraid of negative consequences and fear for their stay in Germany. Here, advice, on the legal regulations, the examination procedures and consequences under residence law, is of central importance in order to inform people about their rights and obligations and thus contribute to their empowerment. The above-described procedure of reporting applications by institutions to the Foreigners' Authority has been widely criticised in expert circles, as benefit-granting agencies are transformed into border control officers.⁵⁸

The results concerning the withdrawal of the right to free movement are shown in Figure 6:

FIGURE 6: Withdrawal of the right to free movement (n=100) in %

WITHDRAWAL OF THE RIGHT TO FREE MOVEMENT (n=100)



One person had had the experience of having his freedom of movement withdrawn in the past, but was not able to give more precise information on this.

Comment

The findings correspond to the experience of BHST staff that the withdrawal of the right to freedom of movement by the Foreigners' Authority in Münster is rather seldom.

57 Access to the legal text is via the following link: https://www.gesetze-im-internet.de/freizueg_gg_eu_2004/BJNR198600004.html [last accessed on 19.05.2021].

58 Cf. e.g. Riedner, 2017, available at: <https://movements-journal.org/issues/04.bewegungen/06.riedner--aktivierung-durch-ausschluss.html> [last accessed on 14.04.2021], and Voigt, 2021, see footnote 57.

Imprisonment

When asking people about their residence status, they were also asked about any imprisonment in connection with criminal offences and any resulting consequences under residence law.

The results show that out of 95 persons who answered the question,

- ▶ 95% had never been imprisoned; and 5% said they had been imprisoned.
 - ▶ Detention lasted a few weeks in four cases and two years in one case.
 - ▶ The offences were theft and assault, one person did not want to give any information.
 - ▶ The persons were all male and all, except for one man who did not want to give any information about his whereabouts, were living in an emergency shelter.

There were no reports of a withdrawal of the right to free movement as a consequence of a criminal offence: two of the five men said their right to free movement was not withdrawn as a result of the criminal offences committed, two were not sure and one person did not want to give an answer.

Comment

Usually, the withdrawal of the right to freedom of movement and the associated obligation to leave the country take place after the release from imprisonment, if this is demanded by the authorities. Irrespective of the survey, BHST has not been informed about any cases in which a re-entry ban has been imposed. The answers on the respondents' experiences of imprisonment suggest that delinquency played a very minor role among the group of persons interviewed.

LIVING CONDITIONS: HOMELESSNESS AND HOUSING SITUATION

The following table (Table 7) gives an overview of the current housing conditions of the people interviewed. Based on FEANTSA's ETHOS definition or the BAGW definition, 60% of the people interviewed were currently homeless.

TABLE 7: Housing situation (n=100) in %

HOUSING SITUATION	PROPORTION OF PERSONS
Own flat	39
Emergency shelters for families	31
Emergency shelters for singles	10
Admitted to mainstream flat with no rental contract (see p.31)	9
With acquaintances/relatives	9
Sleeping rough ⁵⁹	1
No answer	1
Total	100

Preventing rooflessness and ending the homelessness of people seeking help is one of the core tasks of BHST. The provision of housing is one of the areas of life with existential importance for every person, regardless of gender, origin or nationality. Housing is a human right. Due to the high relevance and complexity of this topic area, the presentation of the findings of the survey is preceded by some important background information on the legal regulations concerning access to emergency accommodation.

59 There was one woman with one child who, at the time of her interview, stated that she was going to have to sleep on the street with her child the following night. That same day she was able to find a space in a family shelter.

Legal aspects concerning emergency accommodation of homeless persons

The information on the legal framework originates from two publications:

- ▶ “*Arbeitshilfen zum Obdachlosenpolizeirecht der Bundesarbeitsgemeinschaft Wohnungslosenhilfe*”⁶⁰ (could be translated as “BAGW guide to police powers as regards rooflessness”); and
- ▶ “*Grundsätze der polizei- und ordnungsrechtlichen Unterbringung von (unfreiwillig) obdachlosen Menschen unter besonderer Berücksichtigung obdachloser Unionsbürger*”⁶¹ (could be translated as “Principles of accommodation by police or regulatory authorities of (involuntarily) roofless people with special consideration for roofless EU citizens”),

which were written in 2020 and 2015 by the lawyer and retired municipal law director Karl-Heinz Ruder.

Involuntary rooflessness endangers elementary human rights to which all people are entitled, such as the basic right to the protection of human dignity in Article 1 Paragraph 1 *Grundgesetz*⁶² (could be translated as “Basic Law”) and the right to life and physical integrity in Art 2 Paragraph 2 *Grundgesetz*. The threat to basic human rights leads to an acute danger to public safety and order. Therefore, cities and municipalities in Germany are obliged to accommodate involuntarily roofless persons within the framework of prevention of danger and to protect basic legal rights.⁶³



The regulations on housing involuntarily roofless persons, unlike the regulations on welfare benefit claims, are not found in social welfare law, but are regulated in the regulatory authority laws of the federal states, which serve to avert danger. For this reason, persons who are not entitled to welfare benefits must still be accommodated under regulatory law.

In Münster, the *Ordnungsbehördengesetz Nordrhein Westfalen (OBG NRW)*⁶⁴ (could be translated as “Public Order Authorities Act of North Rhine-Westphalia”) stipulates that the obligation to provide accommodation is in the responsibility of the municipality in which the roofless person presently resides. The right to accommodation in case of involuntary rooflessness is “everyone’s basic right”⁶⁵ and applies regardless of nationality.

60 Ruder, Karl Heinz (2020): *Arbeitshilfen zum Obdachlosenpolizeirecht*. In *Bundesarbeitsgemeinschaft Wohnungslosenhilfe* (ed.), *Reihe Materialien zur Wohnungslosenhilfe, Heft 67*. Berlin, Germany: BAG-W Verlag der Bundesarbeitsgemeinschaft Wohnungslosenhilfe e. V.

61 Available at: <https://www.ebet-ev.de/files/EBET/evo/Recht/Ruder%20Rechtsgutachten%20Unterbringung%20BAGW.pdf> [last accessed on 07.05.2021].

62 Basic Law for the Federal Republic of Germany, available at: <https://www.gesetze-im-internet.de/gg/index.html> [last accessed on 07.05.2021].

63 Cf. Ruder, see footnote 59.

64 Available at: http://www.lexsoft.de/cgi-bin/lexsoft/justizportal_nrw.cgi?t=162048053524684790&xid=167198.2 [last accessed on 07.05.2021].

65 Cf. Ruder, 2020, p.7, see footnote 59.

In addition to the *Grundgesetz*, mobile EU citizens can invoke the *European Convention on Human Rights* (ECHR)⁶⁶ and the prohibition of discrimination in Article 18 of the *Treaty on the Functioning of the European Union* (TFEU)⁶⁷ to claim their right to accommodation.⁶⁸

Access to emergency shelters in Münster

Depending on their individual situation, homeless and roofless people in Münster have access to various homelessness accommodation offers. Some of these services are under municipal responsibility, i.e. they are directly operated and managed by the City of Münster. Other services are run by independent organisations. The accommodation is financed by the City of Münster, the administration is carried out by the independent providers. All services are theoretically also available to mobile EU citizens.

There are separate emergency shelters for single women and men. In addition, there are shelters for families, where married couples or couples living together permanently are also accommodated. In order to gain an impression of the proportion of homeless EU citizens in the various shelters during the period of the survey, the occupancy figures were requested. In addition to information on accommodation, the following section contains the occupancy figures of the facilities from December 2020, obtained by telephone.

EMERGENCY SHELTERS FOR MEN

Homeless or roofless men can be accommodated in the various BHST facilities that have already been mentioned. These are the following:

- ▶ *Haus der Wohnungslosenhilfe* (HdW), emergency accommodation for men,
- ▶ *Haus kurzzeitiger Hilfen* (HKH), emergency shelter for men,

- ▶ *Short-term overnight stay* (HuK), emergency accommodation for men,
- ▶ *Winter emergency shelter*, emergency shelter for men.

The men can contact the facilities themselves at any time. The HKH and HuK are the most easily accessible and often the first point of contact. Here, single homeless men can stay overnight in four-bed rooms, take showers, do laundry and prepare food. The staff consists of students and social workers. In the winter months, there is also a winter emergency programme, which consists of temporarily constructed containers for accommodation and offers similar services. Both facilities are usually closed during the day.

The HdW is open all day. Here, there is also a meal service and – in addition to social work support – nursing and housekeeping support. Since the beginning of the COVID-19 pandemic, the rooms have been reduced from occupancy by four to occupancy by two or three men. In connection with these measures, another shelter, the HKH, was opened. Homeless men whose situation is relatively stable and who require less intensive support than the users of the HdW live here.

BHST staff will decide which of the above-mentioned facilities is most appropriate when persons ask for emergency shelter.

There are normally 80 places available in the HdW, but due to the pandemic there are currently about 60. The HuK has 48 places but currently a maximum of 36 can be occupied, the HKH has 30 and the winter emergency shelter has up to 40 places. The occupancy figures as per 16 December 2020, a date selected randomly⁶⁹ for the four shelters are shown in Table 8:

66 Available at: <https://xgesetze.de/emrk> [last accessed on 07.05.2021].

67 Available at: <https://www.aevv.de/> [last accessed on 07.05.2021].

68 Cf. Ruder, 2020, p.11, see footnote 59.

69 The figures come from an internal point in time survey by BHST.

TABLE 8: Reference date survey of shelters for homeless men

SHELTER	OCCUPANCY OF EMERGENCY SHELTERS FOR HOMELESS MEN			
	GERMAN CITIZENSHIP ABSOLUTE	3RD COUNTRY NATIONALS ABSOLUTE	EU CITIZENS	
			ABSOLUTE	%
Winter emergency shelter	7	-	18	72
HuK	16	4	14	41
HdW	40	8	12	20
HKH	17	2	15	44
Total	80	14	59	39

Comment

Of the shelters mentioned, the HdW is the shelter with the highest number of support services. The proportion of EU citizens is higher the easier the access is. This could be due to the lack of access to welfare benefits among this group of people.

In addition to the above-mentioned services, there are other conditional access forms of housing for homeless men provided by BHST, which can currently only rarely be used by mobile EU citizens. The reason for this is that the persons often do not

have the corresponding requirements in terms of entitlement to benefits that pay for the care and support in these special services.

At the time of the survey, there was a small group of homeless mobile EU citizens with high care and home help⁷⁰ needs who had to remain in the HdW for the reasons mentioned above and had no access to the more conditional forms of housing, even though they needed more support. The case study below demonstrates how problematic this can be.

Case study

Mr. I. was Latvian. He had been sleeping rough in Münster for many years. He had no entitlement to welfare benefits because he had not worked regularly. Due to his frequently challenging behaviour, his accommodation in emergency shelters had to be terminated and he had to be temporarily sanctioned with house bans on a recurring basis. He did not have health insurance and suffered from severe alcohol dependence. 1.5 years ago, his health deteriorated visibly. Eventually, he was admitted to the HdW, even without the entitlement to welfare benefits to fund his care. An application for the “Bridging Benefits” provided for in § 23 SGB XII (see chapter “Special case: Bridging Benefits” on page 54) was not possible, because Mr. I. could not agree to leave for Latvia. He would not have been able to receive adequate help there for his poor state of health.

After admission to the HdW, Mr. I.’s challenging behaviour subsided and his physical and mental health deteriorated rapidly. The staff of the HdW provided him with the appropriate medical, palliative care and home help support.

He expressed his wish to stay at the HdW and spend his last weeks and days there. In April 2021, he contracted COVID-19 and died a short time later from his serious pre-existing conditions.

⁷⁰ Cleaning the room, changing bed linen, providing meals, doing laundry, helping with tidying up and keeping things tidy, taking out the rubbish, shopping, etc.

EMERGENCY SHELTERS FOR WOMEN

Homeless, single women can get support from facilities run by the *Sozialdienst Katholischer Frauen* (SKF) (could be translated as “Catholic Women’s Social Service”, SKF).

The services are similar to those provided by BHST and consist of an emergency night shelter with 20 places and a winter emergency shelter with 12 places. Both facilities are located in the same building. Here too, there are facilities for personal hygiene, washing machines, cooking facilities and

a team of staff that provide social work sessions, nursing and housekeeping. Men and women with children cannot access these shelters. The staff decide on where women are admitted to, after consultation with the *Fachstelle Wohnraumsicherung*,⁷¹ the specialist unit for securing housing in the local social services department.

The figures that could be collected through the telephone inquiry into occupancy figures in December 2020⁷² are shown in Table 9.

TABLE 9: Proportion of EU citizens in shelters for single women

SHELTER	PLACES	AVERAGE OCCUPATION	NUMBER OF WOMEN	GERMAN CITIZENSHIP	3 rd COUNTRY NATIONALS	EU CITIZENS IN %
Winter emergency shelter	12	3	7	-	-	100
Night shelter	20	15	25	12	5	32 ⁷³

Comment

The proportion of homeless EU citizens occupying women’s services is also the higher the easier the access to the service. The prerequisites for admission to the night shelter with a higher level of care are receiving welfare benefits or earning an income from work.

EMERGENCY ACCOMMODATION FOR HOMELESS FAMILIES WITH CHILDREN

For homeless or roofless families, the Münster social services department *Fachstelle Wohnraumsicherung* currently has a total of six shelters available. The houses are spread throughout the city. Access to the shelters is controlled by *Fachstelle* staff.

In two of the shelters, people are provided with their own small living units, which have their own

cooking facilities and bathroom. In the four other shelters, the bathrooms and cooking facilities are intended for use by several households. Three of the shelters are staffed around the clock by security staff. The residents of the shelters are looked after by a team of social workers; each facility is managed by one or more social workers. They are responsible for ensuring compliance with the house rules and are the contact persons for the users’ advice and support needs. In addition, the City of Münster also employs “case managers” who look after individual families and can also support them in their search for their own flat.

For the use of the accommodation, the residents are charged “user fees” per person. In the case of residents who receive benefits from the Job Centre or the social services department, the user fees are classed as accommodation costs and, depending on the income situation of the persons, are paid in

71 The *Fachstelle Wohnraumsicherung* is an institution of the social services department of the City of Münster and is responsible for the accommodation of homeless or roofless people, partly in a coordinating capacity and partly in a direct capacity.

72 Information gathered during a telephone call with the provider of the emergency shelter for homeless or roofless women.

73 In absolute numbers, there were eight women with EU citizenship.

full or in part by the respective authority and transferred directly to the municipality. If the homeless or roofless families do not receive welfare benefits, they must pay the user fees to the municipality themselves.

The monthly user fee for the emergency accommodation for families is currently (as of January 2021) €200.13 per person (€136.20 basic fee and €63.93 service charge). For a family consisting of four people (two adults and two children), this is €800.52. If the family lived in a rented flat, the Job Centre would recognise rental costs up to a maximum of 864.50€ (rent plus additional charges).

Families living in the shelters receive a temporary written permission document, called an *Ordnungsverfügung*. As a prerequisite for this document, the City of Münster requires mobile EU citizens to prove that they can pay their living costs. This can be done, for example, by receiving welfare benefits but also by having a job. Compliance with the requirements is checked by the *Fachstelle Wohnraumsicherung*. If the persons cannot provide the relevant proof, the accommodation is declined.

In the case of mobile EU citizens who are currently being accommodated, in individual cases the accommodation may be terminated if the requirements are no longer met. The *Fachstelle* at the social services department checks compliance with the eligibility criteria at regular intervals during the accommodation period. The persons are requested to provide the relevant documents proving their right to the accommodation. If, for example, due to a termination of employment and the resulting loss of worker status, neither a document from the Job Centre nor a new working contract can be

presented, the accommodation will be terminated after a period of a few weeks and a one-time financial assistance for the return to the country of origin will be offered.

People usually rely on independent advice to clarify the conditions for access to accommodation and in the case of imminent termination, due to a lack of language skills, and lack of knowledge of bureaucratic procedures or their legal rights.

Another way in which the City of Münster provides institutional accommodation for homeless families is by means of *Einweisung in Wohnungen* (could be translated as “referral to housing”). Here, families with “promising” prospects are allocated a “mainstream” flat for a limited period of time, possibly with the option of renting it themselves through a contract at some point. “Promising” is understood to mean, for example, ongoing employment and secure entitlement to welfare benefits. These flats are made available to the City of Münster by landlords. The user fee is paid by the users themselves or the relevant authorities to the City, which then passes it on to the landlords. According to BAGW, anyone living in such a flat is also considered to be currently affected by homelessness, as he or she does not have his or her own flat secured under tenancy law.⁷⁴ From the point of view of the FEANTSA ETHOS definition, these are people in category 3.3, those who live in transitional housing, i.e. in facilities “where the duration of stay is limited and no permanent housing is available”.⁷⁵

The occupancy figures showed that in December 2020,⁷⁶ 251 of 264 places in six accommodation facilities for homeless families were occupied, which corresponds to an occupancy rate of 95%. Of the 251 users, 147 were mobile EU citizens,

74 BAGW defines this in its emergency housing definition as follows: “Accommodation forms that are explicitly excluded from tenant protection in tenancy law [...], such as hotel accommodation (“for temporary use”) and accommodation in housing rented by legal persons under public law or recognised private welfare providers in order to make it available (without tenant protection) to persons with urgent housing needs, do not count as housing relationships secured by tenancy law. Those so accommodated remain currently affected by homelessness until a tenancy with tenant protection is secured”. Available at: https://www.bagw.de/fileadmin/bagw/media/Doc/POS/POS_10_BAGW_Wohnungsnotfalldefinition.pdf [last accessed on 09.05.2021].

75 ETHOS - European typology of homelessness, homelessness and precarious housing, available at: https://www.feantsa.org/download/at_6864666519241181714.pdf [last accessed on 09.05.2021].

76 According to information provided by the *Fachstelle Wohnraumsicherung* of the City of Münster upon telephone enquiry.

which corresponds to a proportion of 59%. Of the persons interviewed, 50% lived in the accommodation provided by the municipal homelessness service:

- ▶ 62% of the 50 persons lived in emergency accommodation for families (including couples with and without children as well as single parent families);
- ▶ 20% lived in emergency shelters for singles (including two women and eight men); and
- ▶ 18% were placed in a “mainstream” flat by order of the social services department.

Comment

The high percentage of mobile EU citizens in the family shelters could be an indication that it is especially difficult for families where each member is a mobile EU citizen to access regular housing.

Current and past experiences of homelessness and rooflessness

The results of the survey concerning the respondents’ current and past experiences with homelessness show that, at the time of the survey,

- ▶ 90% of the 39 people with their own tenancy agreement had had experience of homelessness and/or rooflessness,
 - ▶ which means that only 10% of them were able to find a flat as soon as they moved to Münster.

In summary, 95% of the 100 respondents had current or previous experience of homelessness and/or rooflessness. Of the 39% with own tenancy agreement, eight persons, or 21%, also said they were *threatened with losing their home* due to rent arrears. Of the eight people at risk of homelessness, five would later receive support to maintain housing: three of them received a loan to pay off rent arrears and two were supported by advice services.

The experiences of homelessness of the people involved in the survey *varied in duration*. Table 10 provides information about this. Data on the dura-

tion of homelessness could be collected from the 39% that had a flat with their own tenancy agreement.

TABLE 10: Duration of homelessness (n=39) in absolute numbers

DURATION OF HOMELESSNESS	NUMBER OF PERSONS
Less than 1 month	1
1 to 6 months	4
6 to 12 months	10
1 to 1.5 years	11
1.5 to 3 years	3
More than 3 years	4
No answer	6
Total	39

The average length of time that most of the respondents had been homeless before they were able to rent their own flat was between six months and 1.5 years. There were also four episodes of long-term homelessness (usually in shelters).

Comment

The high percentage of people who had current or previous experiences of homelessness shows that homelessness is one of the biggest challenges mobile EU citizens in precarious circumstances in Münster have to deal with. The data also suggest that it is difficult for mobile EU citizens arriving in the city to find a flat immediately. A large proportion of them experience homelessness, some even for a longer period of time. 46% stay homeless for more than a year.

However, people who are able to find their own flat are also in danger of becoming homeless again. With regard to the *prevention of homelessness*, advice centres play a particularly important role in supporting people, for example, in accessing tenancy rescue services, such as a loan to cover rent arrears.

Homeless children

The fundamental rights of homeless and poor children are regularly violated. For several years, there has been research activity across the EU on, for example, the damaging effects of homelessness on children's mental and physical health and development.⁷⁷

In the BAGW statistical report for 2018, a separate chapter is dedicated to the situation of homeless families with children.⁷⁸ In recent years, BAGW has registered a significant increase in the number of homeless families with children nationally, including above all families with a history of migration. FEANTSA has also recorded this trend at EU level.

As part of the EU Strategy on the Rights of the Child, the European Commission published a proposal for a Council Recommendation on the establishment of a European Child Guarantee on 24 March 2021. The proposal stems from the European Parliament's long-standing efforts to combat child poverty in the EU more effectively. Among other things, disadvantaged children in the EU should be guaranteed access to healthy food, healthcare and adequate housing in particular.⁷⁹

The results of our survey show that the absolute number of homeless children in the care of the mobile EU citizens interviewed is thus higher than the total number of adult homeless EU citizens (61), at 73.

- ▶ 65% of the 113 children that lived in the household of the respondents were homeless at the time of the interview;

- ▶ 78% of the 73 homeless children lived with their parents in emergency accommodation for homeless families;⁸⁰
- ▶ 11% lived with their parents in the home of acquaintances or relatives; and
- ▶ 11% were admitted with their parents into a "mainstream" flat without a tenancy agreement.

Comment

The survey was not explicitly designed to address the situation of homeless children. This makes it all the more striking how high the proportion of homeless children was.

Children among homeless mobile EU citizens are particularly vulnerable and their situation requires increased attention and special protection by all stakeholders in Münster, but also at national and international level.

Refusal of access to emergency accommodation

Despite the seemingly clear legal framework described in the section on "Legal aspects concerning emergency accommodation of homeless persons", it is the case that in many German cities, mobile EU citizens who are homeless and destitute are denied access to accommodation in an emergency shelter in the event of involuntary homelessness. This practice is contrary to the studies on the legal framework by various authors whose publications are mentioned below.

77 An example is this study on the situation of homeless children in Belgium, 2017: https://www.kinderrechtencommissariaat.be/sites/default/files/bestanden/dossier_homelessness_from_childs_perspective_eng.pdf or here: <https://www.feantsa.org/download/peer-review-belgium-short-report8651497522279168456.pdf> [last accessed on 19.05.2021].

78 BAGW statistical report, available at: https://www.bagw.de/fileadmin/bagw/media/Doc/STA/STA_Statistikbericht_2018.pdf [last accessed on 19.05.2021].

79 For further information on the Child Guarantee see: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child-and-european-child-guarantee_en [last accessed on 19.05.2021].

A statement by FEANTSA on the Child Guarantee from March 2021 can be found here: [FEANTSA_Statement_CG_final_\(1\).pdf](https://www.feantsa.org/download/peer-review-belgium-short-report8651497522279168456.pdf) [last accessed on 25.05.2021].

80 See footnote 54.

According to a *nationwide study concerning the origin, course and structure of homelessness and strategies for its prevention and elimination*⁸¹ conducted between September 2017 and June 2019 by the *Gesellschaft für innovative Sozialforschung und Sozialplanung e.V. (GISS)* (Agency for Innovative Social Research and Social Planning e.V. (GISS)), on behalf of the Federal Ministry of Labour and Social Affairs (BMAS), only 17.1% of the independent cities and a quarter of the cities and municipalities belonging to districts stated that they would accommodate destitute EU citizens without a time limit. Between 45.7% and 50% of the cities⁸² stated in the study that they would not give emergency accommodation to destitute and homeless EU citizens if they did not have a connection to the labour market because they had the option of returning to their country of origin.⁸³

BAGW criticises the practice of many municipalities that deny access to emergency accommodation to EU citizens who are homeless or in need of assistance and calls for the equal treatment of all

people affected by homelessness, irrespective of their nationality, as well as the unrestricted access of EU citizens to emergency support services.⁸⁴

In a position paper published in 2019, the *German Caritas Association* and the *Katholische Arbeitsgemeinschaft Wohnungslosenhilfe* (could be translated as “Catholic Federal Working Group on Assistance for the Homeless”) also demand that an obligation to provide shelter under the law in cases of involuntary rooflessness be implemented in all municipalities.⁸⁵ Like Ruder (see section on “The accommodation of homeless persons by regulatory authorities”), Kanalan and Kößler conclude in an article published in 2018 that persons who are involuntarily roofless must be accommodated under regulatory law, regardless of whether they are eligible for cash benefits. In addition to accommodation by regulatory authorities, youth welfare measures under the eighth Social Security Statute Book (SGB VIII)⁸⁶ can also be used to justify accommodation.⁸⁷

81 See, among others, Busch-Geertsema, Henke and Steffen, 2019a in Busch-Geertsema, V.; Henke, J.; Steffen, A. (2019a): *Entstehung, Verlauf und Struktur von Wohnungslosigkeit und Strategien zu ihrer Vermeidung und Behebung*. Ed. by Federal Ministry of Labour and Social Affairs, Berlin. Available at: <https://www.giss-ev.de/fileadmin/publikationen/fb534-entstehung-verlauf-struktur-von-wohnungslosigkeit-und-strategien-zu-vermeidung-und-behebung.pdf> [last accessed on 17.05.2021].

Further publications by the authors on the same topic can be found here:

Busch-Geertsema, Volker; Henke, Jutta; Steffen, Axel (2019b): Homelessness in Germany. Results of a nationwide study. In: NDV, *Nachrichtendienst des deutschen Vereins für öffentliche und private Fürsorge*, 2019, 487-492. Available at: <https://www.deutscher-verein.de/de/uploads/-buchshop/pdfs/wohnungslosigkeit-in-deutschland.pdf> [last accessed on 17.05.2021].

And here: Busch-Geertsema, Volker; Henke, Jutta; Steffen, Axel (2020): Homelessness in Germany. In: *European Journal of Homelessness*, 2020, Brussels, 81-91. ISSN 2030-2762 / ISSN 2030-3106. Available at: https://www.giss-ev.de/fileadmin/publikationen/ejh_14_homelessness-in-germany.pdf [last accessed on 17.05.2021].

82 The authors of the study differentiate here between cities that belong to districts (50%) and independent cities (45.7%), or dependent and independent cities. The former belong to a district, the latter fulfil the tasks of the district itself.

83 Ibid. p.120.

84 *Bundesarbeitsgemeinschaft Wohnungslosenhilfe e.V. (2019): Hilfen für BürgerInnen aus anderen EU-Mitgliedsstaaten in Wohnungsnot und sozialen Schwierigkeiten: Basic positions of the Bundesarbeitsgemeinschaft Wohnungslosenhilfe e.V.*, Berlin. Available at: https://www.bagw.de/fileadmin/bagw/media/Doc/POS/POS_19_EU-BuergerInnen_in_Wohnungsnot.pdf [last accessed on 17.05.2021].

85 Position paper by the German Caritas Association (DCV) and the Catholic Federal Working Group on Assistance for the Homeless (KAG W) 2019: Working with clients from other EU Member States in precarious situations. Available at: https://www.kagw.de/cms/contents/kagw.de/medien/dokumente/position-kag-w-und-d/2019_position_dcv_kagw_arbeit_mit_eu_auslaender.pdf?d=a&f=pdf [last accessed on 17.05.2021].

86 The text of the SGB VIII can be found here: http://www.gesetze-im-internet.de/sgb_8/SGB_8.pdf [last accessed on 07.06.2021]

87 Kanalan, I.; Kößler, M. (2018): *Obdachlosigkeit von UnionsbürgerInnen-eine Herausforderung für Kommunen!* In NDV, *Nachrichtendienst des deutschen Vereins für öffentliche und private Fürsorge*, pp.303-307, 377-379. Available at: https://www.issger.de/cms/upload/nachrichten/Obdachlosigkeit_von_Unionsbrger_innen_NDV-6-7-2018.pdf [last accessed on 17.05.2021].

Also, in an analytical report on the legal aspects of emergency accommodation by the *Deutsches Institut für Menschenrechte* (could be translated as “German Institute for Human Rights”) from 2020, the authors state that previous rulings by higher administrative courts do not support the argumentation of the municipalities and also presuppose an obligation to accommodate this group if the general requirements are met.⁸⁸

Granting of emergency shelter in Münster

The City of Münster, like other municipalities, continues its current practice (status May 2021) of usually not granting accommodation in emergency shelters to homeless or roofless EU citizens who do not meet the requirements for welfare benefits, despite the legal concerns outlined above. The City of Münster argues (except a few exceptions in cases of special hardship) that EU citizens who do not meet the requirements for welfare benefits can eliminate the risk of homelessness or rooflessness by returning to their home country. Returning to another EU Member State is considered a reasonable expectation. If the person lacks financial security, this should be ensured primarily through the welfare system of the home country. If the person has no family or friendship networks or these are insufficient to meet their needs, they should have their needs met with the help of the welfare institutions of the country of origin. This is set down in a *Beschlussvorlage*,⁸⁹ which could be translated as a “paper that records a political decision”. Furthermore, the city argues that although the risk of homelessness or rooflessness might be avoided in the short term through accommodation, the lack of financial means would mean the person’s situation would continue to be precarious and this would not be resolved through emergency accommoda-

tion. In this context, the City of Münster refers to the possibility of only offering financial support for the return journey of persons who are ineligible for welfare benefits. Should the persons refuse to return to their country of origin, they would subsequently not be accommodated and would be classified as “*voluntarily roofless*”. Should the persons accept the offer of help to return, they would receive – provided that they sign a declaration that they agree to leave the country – called *Bridging Benefits according to § 23 SGB XII* (see section “Special case: Bridging Benefits according to § 23 SGB XII”) to overcome destitution in the short term until they leave the country. These include accommodation, provision of food, clothing and healthcare.

The practice of linking emergency accommodation to the signing of an agreement to leave is legally controversial. Following Ruders’ legal opinion (see section “Legal aspects concerning emergency accommodation of homeless persons”), this is an inadmissible linking of *social welfare law* and *regulatory law*. The accommodation of EU citizens who are not entitled to benefits is also a topic in Münster’s municipal policies and the subject of a further *Beschlussvorlage*.⁹⁰ This document provides that EU citizens who are not entitled to benefits and do not meet any of the requirements are to be accommodated in separate emergency accommodation for a maximum of 3 months. If, by the end of this period, they have not been able to receive benefits and have not been able to find employment, the accommodation has to be terminated. In practice, the proposed resolution has not yet been implemented, as the City of Münster has not yet found a suitable property to use as alternative accommodation. According to the legal opinion described above, the temporal limitation of accom-

88 Cf. Engelmann, Mahler, Follmar-Otto, 2020, p.40 in Engelmann, C.; Mahler, C.; Follmar-Otto, P. (2020): *Von der Notlösung zum Dauerzustand: Recht und Praxis der kommunalen Unterbringung wohnungslosen Menschen in Deutschland*. (Analysis / German Institute for Human Rights). Berlin: German Institute for Human Rights. Available at: https://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/Publikationen/ANALYSE/Analyse_Von_der_Notloesung_zum_Dauerzustand_web.pdf [last accessed on 17.05.2021].

89 For the detailed legal opinion of the City of Münster, see *Beschlussvorlage V/0600/2017*. Available at: <https://www.stadt-muenster.de/sessionnet/sessionnetbi/getfile.php?id=408631&type=do> [last accessed on 17.05.2021].

90 See public draft resolution V/0811/2019: *Entwicklungen und Herausforderungen im Bereich der Wohnungslosenhilfe - Ergebnisse und Verfahrensvorschläge des interfraktionellen Arbeitskreis Wohnungslosigkeit* (EU immigrants without entitlement to welfare benefits). Available at: <https://www.stadt-muenster.de/sessionnet/sessionnetbi/getfile.php?id=447287&type=do> [last accessed on 17.05.2021].

modation to three months without a subsequent extension is not permissible either, as emergency accommodation under *regulatory law* must be guaranteed for as long as the person is roofless, irrespective of income and welfare benefit receipt.

The results show that 21% (n=100) reported past experiences of being refused access to emergency accommodation in Münster. The reasons for the refusal of accommodation by the social services department were, for example, a missing or not yet existing entitlement to welfare benefits or missing worker status, which resulted in destitution of the persons so that they could not meet their living costs. In 81% of the cases (n=21), children were also affected by the refusal of accommodation. The people with children who were not accommodated by the social services department found the alternatives shown in Table 11.

TABLE 11: Alternative accommodation where shelter was refused (n=21) in absolute numbers

ALTERNATIVE ACCOMMODATION	NUMBER OF PERSONS (ABSOLUTE)
Acquaintances/family	7
Acquaintances/family and in a car	1
In a tent	4
Acquaintances/family and hotel (funded by donations)	1
Hotel (funded by donations)	1
In a car	1
Sleeping rough	1
Shelter for women	1
No answer	4
Total	21

Comment

The refusal of access to shelters appears particularly dramatic when children are directly affected.

Physical and psychological distress

Experience shows that people have to stay in the alternative solutions until they meet the aforementioned access requirements of the social services department. This can take a few days to a few weeks. This period is associated with psychological as well as physical distress for those affected. The attempts of some homeless mobile EU citizens to take legal action against the Job Centre or social services department for the rejection of their accommodation for themselves and their family due to a lack of proof of employment or benefit entitlement, have so far been unsuccessful.

Concern for children

In individual cases, homeless or roofless mobile EU citizens with children who had applied for accommodation from the social services department and were refused reported to BSHT that the social services department had pointed out to them that it would have to inform the *Jugendamt* (Youth Welfare Office) about the situation of the children due to the destitution or homelessness of the parents. This led to great uncertainty and fear on the part of the parents that the children would be taken into care by the *Jugendamt*. The parents were upset about this because the reason they had asked the social services department for help was especially to protect their children. More precise information on this could not be elicited, as BHST staff were not personally present on any of these occasions. However, BHST is not aware of any cases in which the *Jugendamt* in Münster has actually arranged for children to be taken into care because their parents were homeless.

A way out of homelessness: access to regular housing

The results show that, of the 100 respondents, 39% lived in a flat with their own tenancy agreement.

Comment

According to the experiences of BHST, homeless mobile EU citizens in Münster have a great need for support in finding adequate housing. In general, the vacancy rate in Münster's housing market at any one time is less than 1%, and rents are very high, especially in the city centre.

What is more, benefit recipients only have access to flats where the rent is within the limits set by the city. Other reasons why mobile EU citizens cannot easily end homelessness include:

- ▶ low income,
- ▶ receiving state benefits such as *Arbeitslosengeld (ALG) II* (unemployment benefit) or social assistance,
- ▶ discrimination,
- ▶ lack of language skills.

Receiving support requires a lot of time and effort, e.g. to apply for a *Wohnberechtigungsschein*, a document that enables low-income persons to gain access to socially subsidised housing. Also searching on the Internet and in newspapers and contacting landlords or registering with housing associations takes a lot of time and does not guarantee success in finding accommodation.

In the past, the BHST had good experiences with the project *Wohnen und Alltag* (could be translated as "housing and everyday life"), which was

affiliated with *EBM+*. Here, two student assistants supported mobile EU citizens to look for accommodation with the above-mentioned steps, but also – if successful – in signing tenancy agreements and settling in the neighbourhood. At the moment, the City of Münster is not providing any further financial support for the project.

The *Förderverein für Wohnhilfen e.V.*,⁹¹ an association for housing assistance, which was established in 1991 and was founded by different employees of the services for the homeless in Münster, is currently committed to creating better access to housing for homeless mobile EU citizens. At the *Förderverein*, individuals and institutions work together to help homeless people find a home. The aim is to create living space for homeless people and to support them with various services. This includes, among other things, the identification of assistance needs of different target groups and the development of model solutions for innovative building projects.

LIVING CONDITIONS: INCOME AND FINANCIAL SITUATION

In order to understand how mobile EU citizens met their living costs, they were asked whether they had any income, and if so, what that income was. They were also asked whether they received state benefits, and if so, which type of benefits they received.

Salary

Before taking a closer look at the findings of the survey, a clarification of the concept of *worker status* is provided at this point. This status is of particular importance in relation to the right to residence and the welfare benefit entitlements of mobile EU citizens resulting from their employment.

91 The website of the *Förderverein* can be found here: <http://wohnhilfen-muenster.de/> [last accessed on 20.05.2021].

Clarification of terms: Worker status

The interpretation of the term “*worker*”⁹² repeatedly leads to uncertainties and disagreements when examining the right to free movement of mobile EU citizens or the *granting of welfare benefits*.⁹³ In case law, there are numerous court decisions dealing with the interpretation of this term. One such example is the following decision of the European Court of Justice (ECJ), which states that an activity with a monthly income of €175 for 5.5 hours’ work per week can constitute worker status. The income does not have to cover all the person’s living expenses. However, it is a prerequisite that the activity is a genuine and effective activity in which a person performs services for another person for a certain period of time according to the latter’s instructions, for which s/he receives remuneration in return.⁹⁴ A person does not only have worker status while they are employed, they also retain it in the event of involuntary unemployment. If the job

lasted less than a year, worker status it is retained for 6 months; if the job lasted longer than a year, it is retained until new employment is taken up.

The regular weekly working time for a “*mini job*”,⁹⁵ is around 8-10 hours, depending on the hourly wage, but is sometimes less. For a “*part-time job*”,⁹⁶ it is usually 15-30 hours per week, and for a “*full-time job*”,⁹⁷ it is 38.5-40 hours per week. In contrast to a *mini job*, social security contributions are paid by the employer and the employee in the case of *part-time and full-time employment*. This includes health insurance, pension contributions and “unemployment insurance”.⁹⁸

Part-time or full-time employment is usually recognised by the authorities, such as the Job Centre or the Foreigners’ Registration Office, as “*justifying worker status*”. *Mini jobs* with a weekly working time of less than 8 hours can, as mentioned above, lead to problems with recognition by the Job Centre.

92 In the context of the first phase of PRODEC, the following guide was published on the concept of worker: “The “working poor” and EU free movement: the notion of “worker” in the context of low-wage and low-hour employment”, available at: <https://www.feantsa.org/download/working-poor-within-the-eu1026919265820446116.pdf> [last accessed on 19.05.2021].

93 An overview of the social insurance schemes and the respective contributions can be found, for example, here: https://www.haufe.de/personal/entgelt/beitragssaetze-zur-sozialversicherung_78_493770.html [last accessed on 07.05.2021].

94 Cf. ECJ, Judgment of 04.02.2010 – Genc, C-14/09; BVerwG, Judgment of 19.04.2012 – 1 C 10.11, which can be found here: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62009CJ0014&from=DE> [last accessed on 07.06.2021]

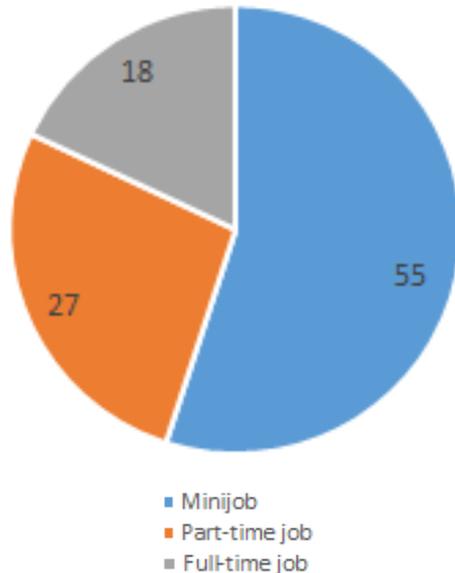
95 Definition by the Federal Employment Agency: “Mini jobs are marginal employment with a maximum monthly salary of €450 or a work assignment of a maximum of 70 days per calendar year. Due to the lack of social insurance contributions, mini jobs do not provide social security.” Available at: <https://www.arbeitsagentur.de/lexikon/minijob#:~:text=Definition%3A%20Minijobs%20sind%20geringf%C3%BCgige%20Besch%C3%BCftigten,sichern%20Minijobs%20sozial%20nicht%20ab> [last accessed on 28.01.2021].

96 The employer pays a monthly lump sum into the pension fund for a “mini-jobber”. In principle, the mini-jobber is also obliged to pay a contribution of 3.6% of their income into the pension fund, but can be exempted from this on application.
According to the Federal Statistical Office, part-time employment is “any working time that involves fewer working hours than the working time of comparable full-time persons”. Unlike a mini job, social security contributions are paid here. Definition available at: <https://www.destatis.de/DE/Themen/Arbeit/Arbeitsmarkt/Glossar/teilzeittaetigkeit.html> [last accessed on 07.05.2021].

97 The Federal Statistical Office defines full-time employment as follows: “Full-time employment is employment in which persons are regularly expected to work the hours normally worked or the hours stipulated by collective agreement or by law. Collectively agreed working hours may vary considerably between establishments.” Definition available at: <https://www.destatis.de/DE/Themen/Arbeit/Arbeitsmarkt/Glossar/vollzeittaetigkeit.html> [last accessed on 07.05.2021].

98 <https://ec.europa.eu/social/main.jsp?catId=1111&langId=en&intPagId=4557>

FIGURE 7: Workers (n=60) in %
WORKERS (n=60)



Of the 100 people interviewed, 60% were in gainful employment (see Figure 7) at the time of the survey, of which

- ▶ 55% had a *marginal job*, a “mini job” or “€450 job”,
 - ▶ most of them (51%) as cleaners.
- ▶ 27% worked *part-time*,
 - ▶ 50% (n=16) of them as cleaners;
 - ▶ 25% as helpers; and
 - ▶ 25% did not give any further information.
- ▶ 18% of the 60 workers were *employed full-time*,
 - ▶ including three cleaners;
 - ▶ two support staff;

- ▶ one person each as a delivery driver, warehouse staff and machine operator; and
- ▶ three people did not give any further details.

All employed persons were in a salaried position. Only one person was self-employed, but this person was unable to work due to the pandemic.

Comment

The majority of people have a connection to the labour market. However, a closer look reveals that mobile EU citizens face various limitations concerning work, which will be examined in more detail in the following section.

Income does not cover needs

As the results show, the majority of the jobs held by the mobile EU citizens surveyed were marginal jobs, i.e. “mini jobs”, as discussed above, or jobs with temporary employment agencies. These jobs can mostly be described as “precarious”. In many cases, the earned *income from the above-mentioned occupations is not sufficient to cover living expenses*. Often, only the legally prescribed minimum wage is paid. In North Rhine-Westphalia, this was €9.35/hour in 2020 and €9.50/hour in the first half of 2021. In the cleaning sector, a collectively agreed wage is paid which, at €10.80/hour (2020) and €11.11/hour (2021), is €1.45/hour (2020) and €1.61/hour respectively above the minimum wage.⁹⁹

As a reference for whether a person has the possibility to meet their living costs independently, what is called the “minimum subsistence level worthy of a human being” should be used as a reference at this point. The minimum subsistence level is the basis for calculating the *standard rates*¹⁰⁰ of *Arbeitslosengeld* (unemployment benefit) (ALG) II. In

99 Further Information can be found here: <https://www.dgb.de/themen/++co++6ca263de-fb0e-11e9-bdcf-52540088cada#wiehoch2021> [last accessed on 15.04.2021].

100 The definition by the *Landeszentrale für Politische Bildung Baden-Württemberg* says: “The Hartz IV standard rates are calculated on the basis of the statistically recorded data on around 60,000 households as regards income and expenditure. Recipients of Unemployment benefit II and social assistance are not taken into account. The standard rate is based on the bottom 20 per cent of households.” Available at: <https://www.lpb-bw.de/regelsatz-hartziv#c66742> [last accessed on 07.05.2021].

2021, the standard rate for a single person is €446 per month; in 2020 it was €432 per month.¹⁰¹

Accordingly, mini-jobbers can “just about” meet their standard needs of €446 (as determined by a statistical survey)¹⁰² with a maximum income of €450, but cannot pay the cost of housing and heating. Living independently of state benefits is practically impossible, unless the person has no accommodation and heating costs. But even then, they would not be able to pay their monthly health insurance contribution, which is about €190 and which is not paid by the employer if the person has a mini job. Mobile EU citizens with mini jobs are therefore usually dependent on state benefits in any case (see case study under the section on “Unemployment benefit II”). Given the level of financial means that are necessary to pay their living costs and the often very low incomes, it can be assumed that a large number of people do not have the possibility to provide financial support to family members who, for example, live in precarious conditions in their country of origin.

Even mobile EU citizens with children who are single parents and work full-time, or couples with children where only one parent is able to work, cannot always pay for their living costs through their salary alone.

Income is not secure

The second main reason for the precarious employment situation of mobile EU citizens is their often unstable income. This means that people are sometimes only employed for a few days, weeks or months on a fixed-term basis and/or are often dismissed with little notice, i.e. within the probationary period and often unexpectedly, from one day to the next, so to speak, because companies’

workload sometimes fluctuates very strongly. Due to the pandemic, this has got worse, for example many cleaning companies that usually employ staff to clean schools or department stores have had to lay off staff or were unable to extend fixed-term contracts due to the temporary closures caused by the pandemic lockdown. The same applies to the catering industry. A sudden loss of income usually leads to people being dependent on (higher) welfare payments. However, these are often (wrongly)¹⁰³ only granted after an examination of the circumstances under which a person lost their job, which can sometimes take several weeks.

Opportunities for professional development are limited

Despite the described problems arising from precarious employment, mini jobs or jobs with temporary employment agencies, they are almost always the only way for a large number of low-skilled mobile EU citizens with little or no knowledge of the German language to gain access to the labour market in Germany at the beginning of their employment trajectory. Access to this type of work is easy because employers in the above-mentioned areas often do not require elaborate application procedures, proof of professional qualifications or particularly good language skills.

As a rule, career progression is difficult after taking up a mini job. It is often not possible to convert a marginal job into a part-time or full-time job on a permanent basis because, for example, employers have no economic interest in increasing mini jobs to part-time or full-time jobs. Changing from a mini job to part-time or full-time employment, e.g. with another employer, is usually also more difficult because mobile EU citizens do not always have the opportunity to quickly improve their German

101 A table showing the composition of the Hartz 4 standard rate for a single person is available at <https://www.lpb-bw.de/regelsatz-hartziv#c66742> [last accessed on 07.05.2021].

The general administrative regulations of the Freedom of Movement Act state: “So long as the certificate of involuntariness is not available, the Job Centre, social services department or the Foreigners’ Authority must assume that the loss of work or self-employment was involuntary – and initially provide benefits. (AVV *FreizügG*; 2.3.1.2; *Fachliche Hinweise zu § 7 SGB II*; 7.18).” (Voigt, 2017, p.16) in *Ausgeschlossen oder privilegiert? Zur aufenthalts- und sozialrechtlichen Situation von Unionsbürgern und ihren Familienangehörigen*, available at: https://www.der-paritaetische.de/fileadmin/user_upload/Publikationen/doc/2017-11-13_broschuere_A4_unionsbuerger_auflage3_web.pdf [last accessed on 19.05.2020].

102 See footnote 100.

103 See footnote 98.

language skills, nor do they have the opportunity to develop their professional qualifications alongside their current job or to obtain further qualifications or training.

People who independently quit an existing job in search of better paid employment can get into difficulties if they do not immediately find the new job they hope for. Such “self-induced” unemployment leads to people losing all or at least part of their entitlement to cash benefits. Some EU citizens who have to work in a mini job because they can’t find anything else for a while experience that the authorities assume that they simply don’t want to work anymore and are deliberately counting on receiving benefits.

Risk of exploitative working conditions

Furthermore, mobile EU citizens report negative experiences in the context of their job search or employment activity. Supposed employers do not issue employment contracts and do not pay wages for work done, or they demand a commission for an employment contract that does not come into being. In other cases, unlawful dismissals, false payslips or missed wage payments occur despite existing contracts. In these circumstances, the persons usually have no opportunity to take legal action due to a lack of evidence or witnesses. In many cases, they are also afraid of negative consequences. There are known cases of workers being threatened verbally or physically. In other circumstances, it may be possible for those affected to turn to an employment tribunal, for example to sue for unpaid wages or to take legal action against unlawful dismissal. First-language support for employment law issues is offered by the *German Trade Union Confederation* project *Faire Mobilität*¹⁰⁴ (Fair Mobility) or the



Würde und Gerechtigkeit ¹⁰⁵ (Dignity and Justice) project.

Cases of labour exploitation in the meat industry, which have recently attracted a great deal of media attention, especially in connection with COVID-19, have so far tended to be an exception among mobile EU citizens who contact BHST.¹⁰⁶

Other income

In addition to income from employment, there are numerous other forms of income to which mobile EU citizens are legally entitled under certain conditions, such as Child Benefit or unemployment benefit, but also other forms of income, such as begging or selling street newspapers.

In Table 12 below, only those benefits or incomes that were reported as income by the persons interviewed are considered. The table gives an overview of the different benefits the respondents received.

¹⁰⁴ <https://www.faire-mobilitaet.de/> [last accessed on 06.05.2021].

¹⁰⁵ <https://www.wuerde-gerechtigkeit.de/> [last accessed on 06.05.2021].

¹⁰⁶ A study worth reading on labour exploitation in the meat industry and in packing services, prepared by the Service Agency against Labour Exploitation, Forced Labour and Human Trafficking *ARBEIT UND LEBEN* Berlin-Brandenburg DGB/VHS e. V., can be found here: https://www.kok-gegen-menschenhandel.de/fileadmin/user_upload/202006_Servicestelle_gegen_Zwangsarbeit_Analyse_Fleisch_und_Paketbranche_web_final.pdf [last accessed on 07.05.2021].

TABLE 12: Receipt of monetary benefits (n=96) in %

BENEFITS FOR JOBSEEKERS AND EMPLOYEES	PROPORTION OF PERSONS
Unemployment benefit I (<i>Arbeitslosengeld I, ALG I</i>)	7
Unemployment benefit II (<i>Arbeitslosengeld II, ALG II, "Hartz 4"</i>)	74
Benefits for pensioners or (temporarily) incapacitated persons	
Social assistance according to SGB XII (<i>Sozialhilfe</i>)	5
Foreign pension	2
German pension	1
Orphan's pension	1
Health and long-term care allowances	
Care allowance (<i>Pflegegeld</i>)	1
Child-related benefits	
Child benefits (<i>Kindergeld</i>)	28
Child supplement (Child Benefit for low-income parents (<i>Kinderzuschlag</i>)) ¹⁰⁷	6
Maintenance advance (<i>Unterhaltsvorschuss</i>)	6
Maintenance (<i>Unterhalt</i>)	1
Parental allowance (<i>Elterngeld</i>)	1
Other benefits or income	
Housing benefit (<i>Wohngeld</i>)	7
Donations	2
Begging	2
Sale of street newspapers	2
No income at all (only maintenance in kind by relatives)	4

¹⁰⁷ [https://www.stw-ma.de/en/Counseling+_+Service/Counseling+Service/Social+Benefits/Kinderzuschlag+\(Children+Allowance\).html](https://www.stw-ma.de/en/Counseling+_+Service/Counseling+Service/Social+Benefits/Kinderzuschlag+(Children+Allowance).html)

Comment

The above list of individual sources of income reveals the complexity of the bureaucratic requirements and legal frameworks that have to be taken into account when applying for the various benefits. To be able to navigate the benefits system, EU citizens need competent advice. The application process also requires a great deal of time and human input.

In general, it can be said that mobile EU citizens without entitlement to benefits and those who have not yet been able to access their entitlements are usually affected by absolute poverty. On the other hand, those who are in employment and who have to receive supplementary ALG II are usually in a state of relative poverty.

It should also be noted at this point that the current employment situation and the respective sources of income or benefit payments only represent a snapshot. It is quite possible that some people had applied for benefits at the time of the survey but the benefits were not yet in payment. At the same time, it is possible that people lost their entitlement to the benefits mentioned a short time later or that the benefits were discontinued for other reasons.

A comparatively large number of people receive state benefits such as ALG/Unemployment Benefit II (71) and Child Benefit (27). Therefore, these two will be examined in more detail below in the following section.¹⁰⁸

Unemployment Benefit II

Unemployment Benefit II or *Arbeitslosengeld II*, also called “Hartz IV” or abbreviated to *ALG II*, is a state social benefit that is paid by municipal job centres and is made up of municipal and federal funds. It serves to ensure the minimum subsist-

ence level is met (see point 2.2.1) and can also be granted as a top-up if other income, e.g. salary, Unemployment Benefit I, Child Benefit, etc., is not sufficient to cover the cost of living.

The basic requirements for receiving ALG II are financial need and earning capacity. Whether these and other requirements are met is checked specifically by municipal job centres.

In addition to the general requirements, mobile EU citizens are subject to further conditions on their entitlement to benefits. In principle, they are excluded from Unemployment Benefit II for the first three months of their stay. This only does not apply if they can already prove “worker status”, are self-employed or are family members of the aforementioned groups of persons.

The Job Centre in Münster recognises worker status if the person works at least eight hours a week. Furthermore, employees and self-employed persons who have involuntarily lost their jobs are also entitled to benefits within the first three months of their arrival in Germany.

In order to receive ALG II, mobile EU citizens must belong to one of the following categories of persons:

- ▶ workers,
- ▶ self-employed persons,
- ▶ unemployed persons after involuntary loss of work (depending on the duration and type of activity, there may also be a priority claim to ALG I here),
- ▶ persons with a right of residence pursuant to Art. 10 of Regulation 492/2011,¹⁰⁹
- ▶ permanent residents after five years of residence,

¹⁰⁸ Here, EU citizens can find a good overview of the other benefits: <https://www.eu-gleichbehandlungsstelle.de/eugs-en> [last accessed on 25.05.2021].

¹⁰⁹ On 6 October 2020, the European Court of Justice ruled that people with a right of residence under Article 10 of Regulation 492/2011 (school-age children of EU nationals, former workers and their parents) in Germany may not be excluded across the board from benefits under SGB II and SGB XII. <http://curia.europa.eu/juris/documents.jsf?num=C-181/19>. In practice, this has led to a significant improvement for many families in terms of benefit awards for EU citizens (cf. Voigt, 2021, p.1). Work aid available at: https://www.der-paritaetische.de/fileadmin/user_upload/Publikationen/doc/SGB-2_schulkinder_2020_web.pdf [last accessed on 07.05.2021].

- ▶ family members of the above-mentioned groups of persons.

Job-seeking EU citizens who do not meet any of the above-mentioned requirements are legally excluded from ALG II.

Table 13 shows how many of the interviewed persons in employment received supplementary ALG II because they were not able to support themselves and their families from their wages alone.

TABLE 13: Employees with and without supplementary receipt of ALG II (n=60) in %

EMPLOYMENT	WITHOUT ALG II	WITH ALG II	TOTAL
Mini job (n=33)	15	85	100
Part-time employment (n=16)	19	81	100
Full-time employment (n=11)	64	36	100

The fact that mobile EU citizens need supplementary financial support, e.g. in the form of ALG II, shows that the income they earn from work does not cover their needs in most cases.

The following case studies help to illustrate the above-mentioned interrelationships.

Case study I

Mr. K. and Ms. N. are an unmarried couple originally from Romania who have been living in Münster for several years. They have a son together, U., who is 7 years old. The family is currently accommodated in an emergency shelter for homeless families. Mr. K. has a mini job and earns €450 per month. For the son, U., the father receives Child Benefit amounting to €219.00.

The €450 income covers what is known as the “minimum subsistence level” or the standard needs of an adult, which in 2021 is €401 each per month for adults in a couple. Ms. N.’s standard needs are €401, the son’s €309.

The standard needs of all persons in a household are added together and then the costs for accommodation and heating are added. If there is an additional need, for example due to pregnancy, the standard need is increased. Next, any income from employment is subtracted and a basic allowance of €100.00¹¹⁰ is taken into account. A further tax-free amount is deducted, calculated on the basis of the amount of income from employment.¹¹¹ Individual contributions to health and long-term care insurance, which are paid directly to the insurance companies by the job centres, are then added. Of the €1,212.00, €600.00 is paid directly to the City of Münster for accommodation costs. Mr. K. receives €612.00 into his bank account.

110 Called an “allowance according to § 11b Abs. 2 SGB II”, available at: https://www.gesetze-im-internet.de/sgb_2/_11b.html [last accessed on 07.05.2021].

111 Called an “allowance according to § 11b para. 3 SGB II”, available under: see above.

Case study II

The second case study illustrates the highly complex financial situations families can find themselves in due to the “benefit jungle” described:

The M. family has lived in Münster for more than 4 years and originally comes from Spain. The family consists of the parents and five children. The eldest son, I., is already an adult. Mrs. M. is a Spanish citizen Mr. M. is a Moroccan citizen with an EU residence card. The parents are married. The children have Spanish nationality. The youngest child is two years old and was born in Germany.

Mr. M. has a full-time job in a cleaning company. Mrs. M. works for the same company and has a mini job. Mr. M.'s worker status does not transfer to his family because he is not an EU citizen. Their son, I., had an apprenticeship as a motor vehicle mechatronics technician, which he lost. He is currently attending a vocational school.

Mr. and Mrs. M.'s income, together with Child Benefit, does not cover their needs. However, it is too high to receive ALG II. Therefore, Mr. and Mrs. M. receive housing benefit and child supplement. For a while, they also received parental allowance for their youngest son. Thus, the family has a total of four different monetary benefits and two salaries. In total, they have six sources of income.

Child Benefit

Child Benefit or *Kindergeld* is a family benefit that serves to compensate for the additional expenses that families incur from having children, e.g. due to the child's subsistence needs and education. In 2020, the amount of Child Benefit in Germany was €204 per child (€210 for the third child and €235 for each additional child). On 01 January 2021, Child Benefit was increased to €219 (or €225 and €250).

In principle, it is possible to receive Child Benefit for biological children as well as for adopted children, foster children, stepchildren and grandchildren who live in the same household as the person making the claim. As a rule, the persons entitled to Child Benefit are not the children themselves, but the parents, adoptive parents, foster parents, step-parents or grandparents with whom the child lives. They must submit the application in writing to the *Familienkasse* (family benefits office, the authority in charge for the payment of Child Benefit) in their region. Child Benefit can be paid retrospectively for the six months prior to the application, provided that the other requirements are met.

The age of the child also plays a role: parents of children up to the age of 18 are always entitled to Child Benefit. For the parents of adult children to receive Child Benefit, there are additional requirements, such as the child completing vocational training. Moreover, it is possible for adult children who no longer live with their parents to receive Child Benefit directly upon application.

Mobile EU citizens can only receive German Child Benefit under certain conditions.¹¹² They must be considered to have unlimited income tax liability¹¹³ or limited income tax liability.¹¹⁴

112 The statutory regulations on Child Benefit entitlement for EU citizens, which have been in force since 16.9.2019, are regulated in Section 62 (1a) of the Income Tax Act (EStG). Available at: https://www.gesetze-im-internet.de/estg/_62.html [last accessed on 09.05.2021].

113 According to the Income Tax Act, every natural person who has his or her habitual residence or domicile in Germany is already considered liable to pay income tax at birth. This means that they have to pay taxes on the income they earn. More detailed information can be found on the Federal Central Tax Office website, e.g. here: https://www.bzst.de/DE/Privatpersonen/SteuerlicheIdentifikationsnummer/steuerlicheIdentifikationsnummer_node.html#js-toc-entry5 [last accessed on 09.05.2021].

114 See above point 1.1.

Mobile EU citizens are considered to be *subject to unlimited income tax liability* if they:

- ▶ have their domicile or habitual residence in Germany, or
- ▶ do not live in Germany and have their habitual residence but earn at least 90% of their income in Germany and apply to the competent tax office for unlimited income tax liability.

They are considered to be *subject to limited income tax* if they:

- ▶ do not live or have their habitual residence in Germany, but are employed subject to social security contributions (i.e. part-time or full-time).

During the first three months after transferring residence to or establishing habitual residence in Germany, mobile EU citizens are not entitled to Child Benefit if they have no domestic income during this period. This includes income from employment or income from a business.

In order to be entitled to Child Benefit, mobile EU citizens must also be entitled to freedom of movement, i.e. they must be working or be family members of an EU citizen entitled to freedom of movement (see regulations in the *Freizügigkeitsgesetz* under § 2). Non-working mobile EU citizens and their family members must have sufficient health insurance cover and means of subsistence to maintain their right to free movement.

There is no entitlement to Child Benefit for persons whose right to freedom of movement results exclusively from the purpose of seeking employment (§ 2 *Freizügigkeitsgesetz*). This exclusion does not apply in cases where mobile EU citizens have already resided in Germany on the basis of another right to freedom of movement before starting to look for work. This applies, for example, if the persons have worked before. A claim to Child Benefit also exists

if there is a right of residence according to Art. 10 of Regulation 492/2011.

Under certain circumstances, mobile EU citizens who meet the above-mentioned requirements can also receive German *Kindergeld* for their children living abroad, at least on a pro-rata basis. There are special instructions from the family benefits office on cross-border cases. The family benefits office itself checks whether the above-mentioned eligibility criteria are met in each individual case.

In order for the family benefits office to be able to process an application for Child Benefit, mobile EU citizens and, if applicable, their children must be identifiable via their tax identification number (tax-ID).¹¹⁵ The relevant application documents and evidence can be submitted either in writing or online to the family benefits office. After the application has been checked and if all requirements have been met, the money will be transferred to the applicant's bank account. Child Benefit is considered a priority benefit and is counted as income by benefit-granting authorities, such as the Job Centre.

As long as the family benefits office has not yet decided on a Child Benefit application, recipients of ALG II, for example, initially receive the amount as an advance payment from the Job Centre. The family benefits office then reimburses the money to the Job Centre that has paid the advance. This is often cited as a cause of irritation for the clients of the BHST advice centre, as they do not understand that Child Benefit, which they sometimes have to wait weeks or months for, does not mean an additional income, but is only "offset".

The results of the survey show that – compared to the proportion of people who have children (69) – the number of people receiving Child Benefit, at 27, is at first glance to be regarded as small.

¹¹⁵ A person's tax ID is issued by the Federal Central Tax Office. A tax ID is issued to all persons registered in Germany. For EU citizens, it is assigned automatically as soon as they register for the first time at the registration office in the municipality where they have their residence. The identification number will be communicated in writing. Mobile EU citizens who are not registered in Germany, e.g. because they are only staying in Germany temporarily to work, or homeless persons, must submit a separate application for a tax ID. Further information can be found, for example, on the website of the Equal Treatment Authority for EU Workers: <https://www.eu-gleichbehandlungsstelle.de/eugs-de/eu-buerger/infothek/neu-in-deutschland/steuern> [last accessed on 09.05.2021].

However, it is unclear here whether the answers always refer to the respective person who is actually entitled to Child Benefit or whether the question was answered in general for the family.

As regards the single parents, exactly half of them, that is seven persons, received Child Benefit.

Comment

The results could be an indication that it is sometimes very difficult for mobile EU citizens to access Child Benefit. This corresponds with the experience of BHST's daily advice practice as well as that of other advice centres nationwide.¹¹⁶

In some cases, persons receive lists of up to 20 required documents from the family benefits office, some of which are not even relevant to the justification of the claim and go beyond the required level of information needed to check the claim, such as the usual place of residence, tax liability or the (possibly previous) pursuit of gainful employment. Experience has shown that many mobile EU citizens are not able to meet the requirements or provide the required documents due to language barriers and ignorance of bureaucratic procedures and therefore need support, e.g. from welfare advice centres. This is also a great challenge for the advisors and sometimes takes an enormous amount of time. It can be assumed that people who do not receive such support will often not be able to assert their legal rights to Child Benefit.

Debts

The income described above is of course also influenced by expenses. In BHST's experience, people or households with low incomes are particularly at risk of getting into debt due to unforeseen expenses or ill-considered contracts or hire purchase agreements. The language barrier also plays a significant role in the issue of indebtedness.

Almost half of all respondents (49%) reported having problems with debts to different service providers and/or authorities. The debts existed in a wide variety of areas, but more detail was not asked for, so as not to intrude too much into the privacy of the individuals.

Comment

Experience from BHST's advice practice shows that these are debts from mobile phone contracts, fines for riding without a ticket on public transport, internet connections, debts to health insurance companies, etc. However, it is not uncommon for mobile EU citizens to have debts to the authorities, since, for example, benefits have to be paid back if, for example, overtime has resulted in a higher income from work than initially assumed. Paying for a purchase with a bank card without actually having money in the account can also lead to immense costs.

Solving a debt problem can take a lot of time and requires a high level of expertise. There are various professional advice centres in Münster for persons with debt problems. Due to the language barrier, mobile EU citizens often have difficulties in accessing help from a debt advice service. For people who do not know anyone who can interpret for them, this help is therefore often not accessible and the costs for language mediation services are not affordable for them.

Those affected are often under great financial but also psychological pressure. They receive letters, phone calls and even house calls from debt collectors, bailiffs or enforcement officers they do not understand. Or they agree on instalment payments that they cannot keep, which complicates the situation even more. Another problem is that people with debt problems are registered in a central register called the SCHUFA.¹¹⁷ People with a negative SCHUFA score, for example, have great problems finding a rental flat, as landlords can demand the data registered with the SCHUFA.

116 For further information, please refer to the section "Problems with accessing rights to benefits".

117 There, a score is calculated that provides information about a person's creditworthiness.

The findings show how important it is to inform people as preventively as possible about the pitfalls that lead to debt problems. If a debt problem has already arisen, support is necessary to get it under control as sustainably as possible and not to cause any more debts.

In individual cases, supporting people in insolvency proceedings through the aforementioned professional debt advice centres can be a way out. However, this requires sufficient language skills and a high degree of cooperation on the part of the persons concerned.

Case study

A case study of a family from Bulgaria shows how quickly debts can arise due to ignorance of procedures and language barriers.

The L. family, consisting of father, mother and two children, migrated to Münster at the end of 2019. The father works and receives ALG II on top of his salary. The family did not have any debt problems.

With the advent of the pandemic in spring 2020, the local bank where Mr. L. has his account opened the possibility of an easy-access loan of €2,000 for its customers. Mr. L. understood that he could withdraw this money from the account unconditionally. Due to the language barrier, the lack of information and the ease of access to the offer, Mr. L. assumed that this was a one-off payment in connection with the COVID-19 pandemic, which would be paid out to the customers by the savings bank. He withdrew the sum of €2,000, thereby considerably surpassing the credit limit on his account. The overdraft alone caused Mr. L. to incur high interest on the overdraft facility.

Only with the support of language mediators was Mr. L. able to talk to the bank in order to clarify what exactly had happened and how the involuntary taking out of a loan and the associated debt problem could be resolved.

There was little understanding for his situation on the part of the bank, so Mr. L. has to pay back the withdrawn amount plus interest in an instalment agreement.

Special case: “Bridging Benefits according to § 23 SGB XII”¹¹⁸

Although none of the persons received these benefits at the time of the survey, this special form of social assistance, which is exclusively intended for mobile EU citizens, should be briefly mentioned here.

These benefits, called *Überbrückungsleistungen* (Bridging Benefits) are for mobile EU citizens who are excluded from regular benefits. This is,

according to the Federal Government (2016), to prevent them from being destitute.¹¹⁹ The benefits can be applied for once in a period of two years for a period of one month and include costs for food, personal hygiene and healthcare, accommodation and heating, treatment for acute or painful illnesses and assistance during pregnancy and maternity. Furthermore, there is an entitlement to a loan to cover reasonable return travel costs. A payment of Bridging Benefits for a longer period is *possible* under *certain circumstances*. The legal text is as follows:

118 The legal regulations are available at: https://www.gesetze-im-internet.de/sgb_12/_23.html [last accessed on 07.05.2021].

119 See here: <https://www.bundesregierung.de/breg-de/aktuelles/sozialleistungen-fuer-eu-auslaender-346428> [last accessed on 26.05.2021]

*Insofar as this is required in individual cases due to special circumstances, persons entitled to benefits pursuant to sentence 3 shall be granted other benefits within the meaning of paragraph 1 in order to overcome special hardship; likewise, benefits shall be provided beyond a period of one month insofar as this is required in individual cases due to special circumstances in order to overcome special hardship and to cover a period of temporary need.*¹²⁰

In practice, most social services departments (including Münster) grant *Überbrückungsleistungen* only if the applicants explicitly declare their wish to leave the country, which is why not many people make use of this option. However, the binding declaration on the will to leave as a condition for receiving Bridging Benefits is not explicitly stated in the text of the law. According to various social courts, including the Regional Social Court of North Rhine-Westphalia, it is not necessary

to formulate a will to leave in order to be granted Bridging Benefits according to § 23 SGB XII.¹²¹ The Federal Ministry of Labour and Social Affairs also holds this legal opinion.¹²²

Problems with accessing rights to benefits

With regard to access to and receipt of welfare benefits, the increase in the complexity of bureaucratic requirements in particular is perceived as discriminatory. To further explore the problem, here is some information from other sources.

On the topic of “Difficulties of EU citizens in accessing rights to benefits”, *Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege* (BAGFW), a federal association of voluntary welfare workers, conducted an online survey in 2020 of the advice centres (including immigration advice centres for adult immigrants, EHAP projects, homeless assistance facilities, etc.) of the association’s members.¹²³

¹²⁰ See footnote 106.

¹²¹ LSG NRW (7th Senate); Decision of 30 January 2019; L 7 AS 2006/18 B ER
LSG NRW (7th Senate); decision of 28 March 2018; L 7 AS 115/18 B ER
LSG Hamburg (4th Senate), decision of 21 February 2018; L 4 SO 10/18 B ER
SG Hildesheim (55.Kammer); decision of 13 February 2017; S 55 AS 4029/17 ER
And here: https://ggua.de/fileadmin/downloads/unionsbuergerInnen/Schreiben_BMAS_Ausreisewillen.pdf [last accessed on 17.05.2021].

This legal opinion was also confirmed in July 2019 in a major case before the *Landessozialgericht Berlin-Brandenburg* (*Landessozialgericht Berlin-Brandenburg*, 11.07.2019, ref. L 15 SO 181/18). The court found that “Bridging Benefits” according to § 23 SGB XII provide for the obligation to grant temporary Bridging Benefits in cases of exceptional hardship, even for a longer period of time and without a fixed deadline. In the case of EU citizens, this exceptional hardship is always to be assumed as long as the Foreigners’ Authority has not determined a loss of freedom of movement and thus there is no obligation to leave the country or no deportation takes place. In accordance with the decision, since 12 November 19, the Berlin social administration has been granting unlimited Bridging Benefits to newly immigrated EU citizens who are affected by the exclusion from benefits, in accordance with Section 23 of the SGB XII. See here: Circular Soz No. 04/2017 on benefits under SGB XII for Union citizens and their family members as well as persons from Switzerland and from the states of the European Economic Area (EEA) Norway, Liechtenstein and Iceland treated as such under residence law, with amendments on 12 November 2019. Available at: https://www.berlin.de/sen/soziales/service/berliner-sozialrecht/kategorie/rundschreiben/2017_04-613035.php#p2019-11-12_1_16_1 [last accessed on 25.05.2021].

¹²² See here: https://ggua.de/fileadmin/downloads/unionsbuergerInnen/Schreiben_BMAS_Ausreisewillen.pdf [last accessed on 17.05.2021].

¹²³ In the *Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege e. V.* (Federal Association of Voluntary Welfare Work), the voluntary welfare work umbrella organisations (*Deutscher Caritasverband, Der Paritätische Gesamtverband, Deutsches Rotes Kreuz, Diakonie Deutschland and Zentralwohlfahrtsstelle der Juden in Deutschland*) work together with the aim of securing and further developing social work with the help of joint initiatives and socio-political activities (cf. BAGFW, 2021), available at: <https://www.bagfw.de/ueber-uns/mitgliedsverbaende> [last accessed on 07.05.2021].

A total of 396 institutions responded to the questionnaire. Even though the survey cannot be considered representative, it reveals that throughout Germany there are considerable difficulties for mobile EU citizens in claiming benefits under SGB II and SGB XII and in accessing Child Benefit and that the (illegal) rejection of benefit claims by EU citizens does not only occur in individual cases. The most important findings relate to the following problematic facts, which the institutions surveyed reported back from their advice practice.

EU citizens attending Job Centres, which are responsible for granting ALG II, for example, have had the following experiences:

- ▶ Applications from mobile EU citizens were not accepted by the Job Centres due to lack of German language skills.
 - ▶ 167 of the 396 institutions (43%) reported at least one case of this.
 - ▶ 26% of the 167 recorded 10 to 50 cases.
- ▶ Worker status was wrongly challenged by the Job Centres.
 - ▶ 180 of the 369 institutions (45%) reported at least one case of this.
 - ▶ 32% of the 180 recorded 10 to 50 cases.
- ▶ Job Centres make the insinuation that mobile EU citizens took up employment only for the purpose of claiming benefits.
 - ▶ 74 of the 396 institutions (19%) reported at least one case of this.
 - ▶ 24% of the 74 recorded 10 to 50 cases.

The following experiences, among others, were reported at the *Familienkassen* (family benefits offices):

- ▶ the *Familienkassen* demand more extensive documentation from EU citizens than from German citizens, some of which is not directly related to the examination of the access requirements:
 - ▶ 196 of the 396 institutions (49%)
- ▶ cases in which the *Familienkassen* do not fulfil their obligation to cooperate with the family benefits institutions in the respective states in accordance with Art 76. of EU Regulation 883/2004¹²⁴
 - ▶ 38 out of 396 institutions (10%)

Particularly indicative of the discrimination against mobile EU citizens by benefit providers is the debate about guidelines by the Federal Employment Agency. The guidelines are entitled *Bekämpfung von bandenmäßigen Leistungsmissbrauch im spezifischen Zusammenhang mit der EU-Freizügigkeit*¹²⁵ (Combating gang-related benefit abuse by EU citizens), which have been made public and were actually intended for internal use. According to the Federal Employment Agency, the aim of the guidelines is to recognise alleged abuse of welfare benefits due to feigned worker status by EU citizens, which is to be examined particularly closely and critically by the Job Centres.¹²⁶

In their analysis of a previous version of the guidelines from 2019, various authors, including the *Netzwerk Europa in Bewegung* (Europe in Movement Network), speak of EU citizens in precarious

124 Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:166:0001:0123:de:PDF> [last accessed on 09.05.2021].

125 Link to the guidelines: Arbeitshilfe_zu_EU-Freizuegigkeit__internes_Papier.pdf (tacheles-sozialhilfe.de) [last accessed on 20.05.2021].

126 Cf. Thomé and Voigt (2021), statement and further materials available at: <https://tacheles-sozialhilfe.de/startseite/aktuelles/d/n/2748/> [last accessed on 20.05.2021].

employment being placed under general suspicion of welfare benefit fraud, and criminalised and racially discriminated against by the Federal Employment Agency with the aim of preventing EU citizens from receiving welfare benefits.¹²⁷

According to the guidelines, suspicions of attempted fraud that should be particularly examined with regard to employment and the related circumstances are, for example

- ▶ the shift from larger employers to smaller ones,
- ▶ work in the construction, cleaning and transport trades,
- ▶ clumsily or very uniformly completed income and other certificates,
- ▶ termination of employment after a short time.

According to the *Netzwerk Europa in Bewegung* (2019), these points are common for employment in the low-wage sector, but not necessarily for the pretence of worker status.

The same applies to the following “suspicious circumstances”, such as when

- ▶ the persons are often accompanied by the same interpreter,
- ▶ the applications are well filled out despite poor German language skills, or
- ▶ an increase in working hours is announced in the conversation with employment agencies.

These may also indicate that people are receiving help from advice centres or support from colleagues, and do not necessarily indicate fraud on the part of the applicant.

Case study

Ms R. is a Bulgarian citizen. She is a single parent and has a five-year-old son who goes to Kita.¹²⁸ She lives with her son in a flat with her own tenancy agreement. Ms R. had a mini job as a cleaner until March 2021, which was terminated due to the lack of work caused by the pandemic. As the involuntary nature of the job loss was recognised, she was entitled to benefits under SGB II for a further six months after the termination and received ALG II.

During these six months, she did not manage to find new employment due to the effects of lockdown. In addition, Ms. R. became pregnant a second time during this time. As she did not have worker status, she had to live without ALG II. She only received Kindergeld and maintenance payments (or Unterhalt) of €200 for her first child. She received nothing for herself. She was deregistered from her health insurance by the Job Centre, could no longer pay her rent and was threatened with losing her flat. She could only pay the rent for the flat through donations. Debts of about €500 were accumulating. Ms. R. tried to make a claim for welfare payments with the help of a lawyer. She was under a lot of pressure and worried daily about her future and the future of the children. The second child was born prematurely in the 29th week of pregnancy and had to be cared for in an intensive care unit for several weeks. In the first few weeks, Ms. R. lived off donations from hospital staff and other agencies and travelled back and forth between the flat, her first son's home with his father and the hospital.

In the meantime, Ms. R. is living back with the children's father in the flat that they managed to avoid eviction thanks to donations from friends. She has been able to stabilise her situation and the newborn son is doing well.

¹²⁷ The analysis can be found here: <https://europainbewegung.de/analyse-der-arbeitshilfe/> [last accessed on 20.05.2021].

¹²⁸ See footnote 136.

LIVING CONDITIONS: HEALTH SITUATION

General information on the health status of homeless or roofless people

Women and men living on the streets without any accommodation at all, housed in non-self-contained accommodation, living in precarious shared housing or other permanent temporary accommodation, and people at risk of losing their homes are a population group with a high health burden.¹²⁹

This quote makes it clear that homelessness or rooflessness in general is a high health burden for the people affected. This applies to all homeless and roofless people, regardless of their age or nationality. There are different reasons for this, e.g.:

- ▶ permanent physical and psychological stress caused by shared emergency accommodation (e.g. with regard to infectious diseases, lack of possibilities to be alone and lack of privacy),
- ▶ physical and psychological stress caused by sleeping outdoors (e.g. weather, dangers from fellow humans),
- ▶ especially among new immigrants, lack of or unclear health insurance,

- ▶ lack of trust in medical staff, in part fear of contact or stigmatising behaviour on the part of the staff themselves,
- ▶ among immigrant homeless or roofless people, lack of language skills, lack of knowledge of bureaucratic procedures and legal requirements.

As a result, people in a housing emergency suffer more frequently from multiple illnesses, undiagnosed or diagnosed mental illnesses and addictions with the corresponding secondary illnesses compared to the majority population. Also, to be taken into account are factors such as: permanent stress from precarious housing situations; lack of access to preventive healthcare and medical treatment; frequent lack of opportunities to eat healthily. In addition, homeless or roofless people run the risk of existing illnesses becoming chronic or worsening due to their precarious living conditions.

A good overview of the health situation of homeless or roofless people can be found in an article in the *Ärzteblatt* (a German medical gazette), which provides information on a *systematic review* conducted on this topic in 2017.¹³⁰

Health conditions

Table 14 gives an overview of the key findings on the identified health conditions and disabilities among the respondents to our study.

TABLE 14: Overview of health complaints identified (n=100) in %

HEALTH ISSUE	YES	NO	NO ANSWER	TOTAL
Physical conditions or illnesses	42	57	1	100
for which receiving medical treatment	30	11	1	42
Psychological conditions or illnesses	20	78	2	100
for which receiving medical treatment	8	12	-	20
Disabilities	12	88	-	100

129 Cf. Rosenke, 2017, p.2019 in: Specht, Thomas; Rosenke, Werena; Jordan, Rolf; Giffhorn, Benjamin: *Handbuch der Hilfen in Wohnungsnotfällen. Entwicklung lokaler Hilfesysteme und lebenslagenbezogener Hilfeansätze*, Berlin/Düsseldorf, 2017.

130 Kaduszkiewicz, H., Bochon, B., van den Bussche, H., Hansmann-Wiest, J., van der Leeden, C.: The medical treatment of homeless people. *Dtsch Arztebl Int* 2017; 114: 673-9. DOI: 10.3238/arztebl.2017.0673; the English version is available at: [Ausgabe_A \(aerzteblatt.de\)](https://www.aerzteblatt.de/Ausgabe_A) [last accessed on 20.05.2021].

PHYSICAL CONDITIONS

The results on the physical conditions show that

- ▶ 42% of the respondents suffered from one or more physical condition or illness,
- ▶ 57% had no physical conditions or illnesses, and
- ▶ 1% did not want to give any information.

The answers about subjectively perceived physical illnesses were given in a variety of different registers, ranging from colloquial terms to the naming of diagnoses.¹³¹ The answers were grouped according to the logic of the *International Statistical Classification of Diseases and Related Health Problems* (hereafter referred to as “ICD”) in order to establish a more general classification and comprehensibility.¹³²

The most frequently named physical illnesses were (from most frequent to least frequent):

- ▶ diseases of the circulatory system (ICD Chapter IX)
 - ▶ among these, “high blood pressure” was mentioned most frequently, with 14 mentions;
- ▶ diseases of the musculoskeletal and connective tissues (ICD Chapter XIII)
 - ▶ among these, “back pain” was mentioned most frequently, with 10 mentions and “pain in the rest of the musculoskeletal system”, with 9 mentions;
- ▶ endocrine, nutritional and metabolic diseases (ICD chapter IV), including most frequently “type II diabetes”, with 8 mentions.

Of 42 respondents with a physical illness, 30 (71%) were receiving medical treatment in Germany, while 11 (26%) were not. One person did not answer.

- ▶ 65% of 100 respondents could name a family doctor.
- ▶ 24% also had access to a specialist doctor.
- ▶ 29% had an up-to-date vaccination card.

Comment

Personal health situation is a sensitive and private area. In addition, it is difficult to verify the information given by the respondents if there is no possibility to inspect medical records or to draw up a medical history or carry out an examination. The information on the illnesses can only provide a general overview and indication of the health situation of the interviewees.

Chronic diseases

High blood pressure and *type II diabetes* can be classed as chronic diseases, whereas the different *pain problems* can be both *chronic and acute*. 26% (11 out of 42 persons) stated that they suffered from three or more conditions at the same time. There could be a simultaneous presence of several conditions that can be classed as chronic or several acute conditions. Or there can be a combination of acute and chronic diseases. High blood pressure and type II diabetes in particular can lead to a variety of secondary diseases, such as heart attacks or strokes, if they are not treated or managed properly. Factors such as an unhealthy diet, lack of exercise and stress have a negative effect on the course of the diseases. For optimal treatment, regular visits to the doctor and, as a rule, the taking of medication, are necessary.

Restricted access to doctors and prevention

The fact that only 65% of all respondents could name a family doctor indicates a need for improvement with regard to preventive aspects. The impression is created that the respondents only go to the doctor when they are already ill. However, even if people do not suffer from a chronic or acute physical illness, it is helpful for them to know who they can turn to in case of illness.

¹³¹ Meaning the persons are or were undergoing medical treatment and provided information on this.

¹³² ICD = International Statistical Classification of Diseases and Related Health Problems, the codes were researched at: <https://www.icd-code.de/> [last accessed on 9.2.2021].

Two thirds without a vaccination card

Only one third of the respondents had an up-to-date vaccination card. In certain professions, the lack of a vaccination card can lead to people having to catch up on vaccinations that they have actually already received, as they do not have the proof. As a rule, however, this is not a problem, and a vaccination certificate can also be issued retrospectively. With regard to an internationally recognised vaccination certificate, especially with regard to vaccinations against COVID-19, it remains to be seen which regulations will be introduced in the future.

MENTAL HEALTH COMPLAINTS OR MENTAL ILLNESSES AND ADDICTION

Of the 100 persons asked, 20% reported that they were suffering from mental health complaints or mental illnesses. The following table (Table 15) gives information on the specific answers based on the individual descriptions by the respondents (n=20).

TABLE 15: Mental health complaints or mental illnesses (n=20) in absolute numbers

MENTAL HEALTH COMPLAINT	NUMBER OF PERSONS
“Depression”, “depressed”, “depressive” or “sad”	12
“Fear” and “concern”	3
“Stress and excessive demands”	3
“Confusion and disorientation”	2
“Addiction” ¹³³	2
“Mania”	2
Total	24

Table 16 gives a more detailed view of the answers concerning addictive disorders.

TABLE 16: Addictive disorders (n=100) in %

ADDICTIVE DISORDERS	YES	NO	NO ANSWER	TOTAL
Alcohol	6	94	-	100
Drugs	3	94	3	100
Nicotine	61	38	1	100

The persons with one or more addictive disorder (except nicotine) were of male gender and five of them were single and lived in an emergency shelter for single people. One man was in a relationship with a woman and lived with her and their child in an emergency family shelter.

Comment

The data on health conditions can only be evaluated to a very limited extent because, as already mentioned, no diagnostics were carried out within the scope of the survey and the answers are based solely on the subjective perception of the respective person. It is not uniformly possible to clearly delineate temporary “complaints and moods” from serious psychiatric illnesses requiring treatment. Indications of the existence of mental illnesses could be provided by the information that 8 persons stated that they were undergoing medical treatment for the conditions in Germany. However, it could also mean that 12 persons did not receive medical treatment despite having mental illnesses with a severe disease value.

The question on the presence of addictive disorders is also a sensitive, private area. Due to the limitations of the survey, the respondents’ answers regarding addiction in particular are to be regarded as ambiguous. What can be determined, however, is that addiction disorders are clearly found among single, male and homeless persons at this time. In this context, living together as a family could be understood as a possible “protective factor”.

¹³³ Two persons described their addiction as a mental health issue. One person reported a problem with alcohol; the other person did not want to give further information.

Case study

Homeless mobile EU citizens with mental illness are a highly vulnerable group of people. The extent to which the impact of the COVID-19 pandemic exacerbated the situation is illustrated by the following case study.

Ms. C. came to Germany in 2019 with her two daughters. Ms. C. is a Greek citizen and speaks Greek, French and English. Due to homelessness and rooflessness as well as traumatic experiences in the past, Ms. C. suffers from depression and alcohol addiction. Thanks to the advice of the BHST staff, Ms. C. was placed in outpatient social work care and family support was provided by the youth welfare office. With the help of this support, Ms. C. gained sustainable access to the psychiatric care system in Münster and received both outpatient and inpatient treatment and was able to stabilise her situation.

In addition to this care, Ms. C. wanted help with social contact, as she and her daughters were very socially isolated. However, the range of group and meeting opportunities that do exist in Münster has been greatly reduced or discontinued due to the pandemic. It was precisely these opportunities that would have been absolutely necessary in order to support Ms. C. adequately in the long term, in view of her psychological conditions. The contacts would most likely have been able to provide her with support and stability to better deal with her situation.

The pandemic has created a problematic gap here for Ms. C., which has led to a general destabilisation of her situation.

PEOPLE WITH DISABILITIES

Table 17 gives an overview of the disabilities indicated. For five of the persons in the survey, their disability was determined and classified by an official assessment. One person had a degree of disability of 100%, two of 80%, one of 50% and one of 30%.

TABLE 17: Disabilities (n=12) in absolute numbers

DISABILITY	NUMBER OF PERSONS
Reduced mobility	7
Disability due to combination of illnesses	3
Deafness	1
Not specified	1
Total	12

Comment

The findings provide evidence that various aspects of advice and care need to be taken into account for people with disabilities.

On the one hand, the presence of a disability in particular makes the search for housing more difficult, because people are dependent on conditions such as accessibility and the presence of a lift, for example. Also, mobile EU citizens with a disability often have difficulties in claiming assistance for disabled people.¹³⁴ The regulations on benefit entitlements for people with disabilities must always be considered in individual cases in conjunction with the regulations of the Freedom of Movement Act, from which the right of residence derives.¹³⁵ Only 5 out of 12 people who stated that

¹³⁴ Passage gmbh and the Caritas Association for the Diocese of Osnabrück published a guide on the topic of "Advising people with a DISABILITY in the context of MIGRATION AND ASYLUM" in 2017. This is available at: https://www.fluchtort-hamburg.de/fileadmin/user_upload/Beratungslaufaden_web.pdf [last accessed on 09.05.2021].

¹³⁵ On 03.03.2021, the European Commission presented a new EU strategy for people with disabilities to guarantee them more participation in society. Information is available at: https://ec.europa.eu/germany/news/20210303-strategie-menschen-mit-behinderung_de [last accessed on 09.05.2021].



they have a disability that restricts them in their everyday lives have a classification of the severity of their disability and the associated entitlements, e.g. to use public transport. This can be seen as a reason for advice and support providers to check again carefully here whether additional support is available when applying for a severely disabled person's card. The same applies to support in accessing legally regulated assistance for people with disabilities.

Hospitalisation

Hospital stays can also give an insight into the health situation of the interviewees. To gain insight into this area, the survey asked for the number and duration of hospital stays in the past 12 months prior to the interview. Table 18 below gives an overview:

TABLE 18: Number of hospital stays during the last 12 months before the survey (n=27) in absolute numbers

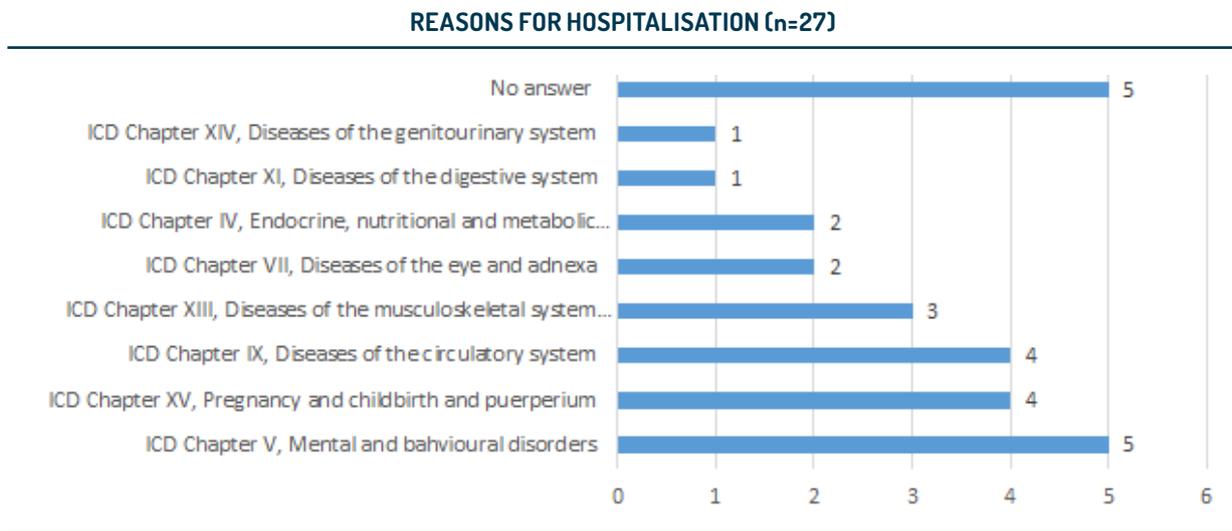
NUMBER OF HOSPITAL STAYS IN THE LAST 12 MONTHS	NUMBER OF PERSONS
Once	16
2 to 3 times	7
More than 3 times	3
More than 5 times	1
Total	27

The *duration of stay in hospital* (n=27) varied:

- ▶ 22% stayed as outpatients for a few hours;
- ▶ 59% had to stay a few days up to one week; and
- ▶ 19% had to stay for more than one week.

The persons were hospitalised for a wide variety of reasons (see Figure 8). The reasons listed against ICD chapters correspond to the information given in the chapters on *physical and mental health conditions and addictive disorders*.

FIGURE 8: Reasons for hospitalisation, broken down by ICD classification (n=27) in absolute numbers



If we look more closely at “ICD chapter 5, mental and behavioural disorders”, we see that three persons were treated in hospital because of an addictive disorder and two because of depression. Treatment usually lasted about a week; one person was in hospital for more than two weeks because of alcohol or drug rehab. All five persons had been in treatment for the addictive or psychiatric disorder more than twice in the last 12 months.

Comment

According to the experiences of BHST, medical care for EU citizens in precarious situations who have psychiatric or addictive disorders is difficult. Access to psychotherapy, e.g. behavioural therapy for addiction or depression, is particularly problematic when there is a language barrier. Costs for translators cannot usually be covered, as there are no legal regulations in this regard.¹³⁶

Health insurance

In order for EU citizens to receive medical care in Germany, they need proof of health insurance cover. The following section provides information on the different access routes and requirements for mobile EU citizens.

European Health Insurance Card

Those who have a *European Health Insurance Card* (EHIC) can initially use this to obtain medical care. The EHIC is only valid during a temporary stay, for example for a tourist visit. Its validity ends when the place of residence or the centre of interest is moved to Germany until further notice. The benefits of the EHIC are limited to acute illnesses and unplanned medical needs. The treatment of non-acute chronic illnesses, vaccinations for adults or childbirth are not possible on the EHIC. When an EHIC is presented, billing is done with the health insurance company of the respective country in which the EHIC was issued. In practice, difficulties and uncertainties often arise when billing EU countries, both in doctors' surgeries and with statutory health insurers. For this reason, the EHIC is only a temporary solution.

Legal obligation to obtain health insurance

People who have their centre of interest in Germany are legally obliged to be members of a health insurance fund. There are several different funds in Germany. The person is free to choose the health insurance fund of which he or she wishes to be a member. Depending on the employment relationship, there is a choice between private and statu-

¹³⁶ A status report by the German *Bundestag* on the assumption of interpreter costs from 2017 is available here: <https://www.bundestag.de/resource/blob/514142/d03782888dd292a2ed12cffd271d8ecb/WD-9-021-17-pdf-data.pdf> [last accessed on 09.05.2021].

tory insurance. Membership of the health insurance scheme is evidenced by an *electronic health card* (eGK) or a *provisional treatment certificate* from the respective health insurance fund. The eGK or treatment certificate must be presented each time regular medical care services are used. Although there is a legal obligation to be member of a health insurance fund, it is not always easy for EU citizens living in Germany to find a direct route to health insurance. Reasons for this include: different and sometimes complicated access routes, lack of knowledge of health insurance options, language barriers or discrimination. This is even more difficult for homeless people without income who are looking for work. An uncomplicated way to access German health insurance is to take up employment that is subject to *social insurance contributions*. Here, employers and employees each pay a share of the health insurance contribution, which is deducted directly from the salary.

A *mini job alone* is not sufficient. Persons who initially take up a mini job enter the statutory health insurance scheme through the receipt of state cash benefits. Here, the benefit provider pays the contributions directly to the insurance company. In both cases, the spouse and (grand-)children of the insured person are entitled to free family insurance.

There is also the possibility of “*voluntary insurance*”, which can be “taken along” from the EU country of origin, but only if certain previous insurance periods have been fulfilled. Here, the contributions are paid by the persons themselves and are set on a sliding scale depending on their income. Even people who have no income at all have to pay a monthly contribution of about €190, which in practice, often leads to financial overburden and indebtedness.

Standard insurance

One access route that is of little significance in practice due to a lack of knowledge of it among EU citizens and the financial burden on those affected is what is called the *Auffangversicherung* (could be translated as “*catch-all insurance obligation*”). EU citizens who move their place of residence or centre of interest to Germany in order to look for work are covered by this insurance obligation if they were last legally insured (in another EU country) or have never been insured. This applies for the first six months after moving to Germany and as long as a job is (actively) sought. To be insured, an applica-

tion can be made to any statutory health insurance fund. In case of doubt, a job-seeker’s notification from the *Federal Employment Agency* must be submitted to the health insurance fund as proof of job-seeking or, after six months, further job-seeking efforts, such as application documents. The insured persons must pay the contributions themselves as long as they do not take up gainful employment or apply for welfare benefits. The standard insurance obligation thus creates the legal basis for the inclusion of all EU citizens who move their residence to Germany in order to look for work. In practice, their application is associated with uncertainties, and, in some cases, such applications are rejected unlawfully by the health insurance funds.

Compulsory follow-up insurance

If employment with an employer ends, e.g. due to dismissal, the employer deregisters the person with the health insurance fund and stops paying the insurance contributions. If employment subject to social insurance is resumed, the person is registered again. During periods when the person does not work and receives cash benefits, he or she continues to be covered because the contributions are paid by the benefit provider. If there is no coverage through cash benefits, the person must pay the contributions themselves. In German this is called *Obligatorische Anschlussversicherung* (OAV). This could be translated as “*compulsory follow-up insurance*”.

Health insurance funds are obliged to sign persons up for OAV after the end of employment. After the person has submitted a declaration of their income, the individual contribution amount is determined. Often, people cannot pay this contribution. If there are contribution arrears of more than three months, the entitlement to benefits is reduced and the person can only claim on their health insurance for acute illnesses. If people who have been deregistered by their employer or benefit provider cannot be reached within six months, their health insurance can be terminated by the health insurance fund. If they do not declare their income, the maximum contribution is charged, which can be about €700 per month.

Issues with access to health insurance

In order to clarify the health insurance situation of people without actual health insurance coverage living in Germany, “*clearing centres*” have been

created in recent years, where specially trained staff assist people in finding or clarifying health insurance coverage. The *clearing centres* are not exclusively aimed at EU citizens, but at all people living in Germany without or with unclear health insurance coverage. The *clearing centre* in Münster is called *Klar für Gesundheit* (Clear for Health) and is run by the *Gemeinnützige Gesellschaft für Asylsuchende (GGUA)* (Charitable organisation for asylum seekers) and *Caritas Münster*. In their annual reports, the staff of *Klar für Gesundheit* record a high proportion of EU citizens among the total number of persons advised, which, according to a staff member of *Klar für Gesundheit* in Münster, is consistently over 50%.¹³⁷

All people in Germany have a legal right to be treated by doctors and hospitals in an emergency, even if they do not have (proven) health insurance. In addition, there are volunteer-organised and donation-based medical services for people without health insurance in almost all larger German cities. In Münster, there are two ports of call: *Malteser Medizin* for people without health insurance and the *BHST Mobile Medical Service* provided in the HDW mentioned at the beginning of this report. Both centres cooperate closely with *Klar für Gesundheit*, to ensure sustainable and regular access for everyone to health insurance.

TABLE 19: Type of health insurance (n=100) in %

TYPE OF HEALTH INSURANCE	PROPORTION OF PEOPLE
Member of a German health insurance fund	90
No health insurance cover	5
Health insurance cover in country of origin	3
Health insurance cover in other EU Member State	1
Not sure about health insurance cover	1
Total	100

Of the 90 people in Table 13 who have health insurance in Germany, 13% stated that they have no proof of their insurance and 3% have a provisional document to present to the doctor.

In certain cases, a person may have been insured before and then lost the insurance cover. Therefore, the persons who stated that they were not insured were asked whether this had happened to them. Three persons stated that they had previously been covered by German insurance. Two of these persons were deregistered by the insurance company and one person was deregistered by the Job Centre. One person stated that he had been insured in his country of origin and had lost the insurance cover by moving abroad.

Comment

The results show that among the mobile EU citizens surveyed, most had secure access to health insurance. However, a more nuanced view is appropriate here, which takes into account that this insight is mainly due to the fact that the persons interviewed had mostly already been receiving support for a while at the time of the interview. Thus, the persons had already had a certain amount of time to stabilise their circumstances before the interview. If they had been interviewed at an earlier stage, the results would probably have been less positive.

Consequences of not having health insurance

It is important to note that the survey respondents owned at best a European Health Insurance Card (EHIC) when they moved to Germany, but as a rule had no cover at all in the event of illness. People who turn to the BHST facilities often do not have an EHIC for various reasons. Those who can provide neither proof of EHIC nor of their health insurance cover in Germany are only treated in extreme emergencies. Depending on how much time a person needs to become a member of a German health insurance fund through employment or the receipt of cash benefits, weeks to months must be bridged without health insurance. If illnesses occur, serious problems can arise depending on their severity. At this point, the example of an acute heart attack should be mentioned, which is treated in an emer-

¹³⁷ *Klar für Gesundheit's* annual reports are not publicly available.

gency, even invasively and with intensive medical care, but for the aftercare of which neither medical rehabilitation nor a reliable supply of vital medication can be guaranteed. This unsolvable situation, which is life-threatening for the person concerned, is also a great burden for medical staff and the staff of clearing centres and homelessness services. The absence of health insurance cover also prevents the use of preventive medical check-ups.

Importance of clearing procedures

The differentiated analysis of the results gives an impression of how important and helpful it is to be able to draw on the expertise of clearing and advice centres in complex individual cases, and of the immense importance of having health insurance. In addition, it provides information on the fact that there is a not insignificant proportion of people who fall through the proverbial cracks, despite the fact that health insurance is compulsory by law.

LIVING CONDITIONS: EDUCATIONAL ATTAINMENT AND ACCESS TO EDUCATION FOR CHILDREN AND ADULTS

Information on the educational situation of the interviewees can, among other things, provide indications of the opportunities on the labour market, but also of the (vocational) support needs of mobile EU citizens with regard to their access to other educational opportunities, such as language courses. Therefore, the persons were asked about their schooling and vocational training in their country of origin, but also in Germany. Further questions related to the respondents' language skills and access to language courses.

Another important issue is the access of children of EU citizens in precarious situations to early childhood and school education. In the context of the

survey on the number of children under 18 years of age, parents were also asked whether their children attended a day-care centre or school.

Children

EARLY CHILDHOOD EDUCATION

In Germany, access to early childhood education and “*extra-familial day-care*” is regulated by the Child and Youth Welfare Services (*Kinder- und Jugendhilfe*) provided for in SGB VIII of the Social Code.¹³⁸ There are general federal level requirements that have to be implemented at state and municipal level and which have some major differences in design. In North Rhine-Westphalia, the educational mandate of day-care facilities for children is regulated in the *Kinderbildungsgesetz*¹³⁹ (could be translated as “Child Education Act”). The same applies to the cooperation between primary schools and day-care facilities for children.

The collective term “*day-care facilities*” includes *Krippe* for children under three years of age and *Kindergarten* for children from three to six years of age. Collectively, these are called “*Kita*”.¹⁴⁰ According to SGB VIII, there is a legal entitlement to day-care for children from the age of one. There is no legal obligation for parents to send their children to a day-care centre.

Registering for a place in a *Kita*, drawing up a childcare contract with the *Kita* and the settling-in phase at the *Kita* are complex procedures for which mobile EU citizens can get help from a special office, a *Familienbüro* (could be translated as “family office”) as part of the *Jugendamt*. Since the *Familienbüro* has more of a coordinating function, additional help from advice centres is usually necessary.

Table 20 shows the data that could be collected concerning access to *Kita* for the interviewees' children up to the age of six.

138 The SGB VIII contains the regulations on child and youth welfare, see footnote 76.

139 The text of the law can be found here: <https://www.mkffi.nrw/kinderbildungsgesetz> [last accessed on 10.05.2021].

140 In the following, only the term “*Kita*” is used, which means both forms of care, i.e. *Kindergarten* and *Krippe*.

TABLE 20: Children with access to Kita (n=54) in %

AGE GROUP	ACCESS TO KITA	NO ACCESS TO KITA	TOTAL	N=
Under 1 year	-	100	100	3
1 to 3 years	37.5	62.5	100	32
4 to 6 years	64	36	100	22
Total				54

In summary, slightly less than half 48% (26 out of 54) of the children between one and six years had access to early childhood education services.¹⁴¹ 26% of the 54 children had access restrictions due to waiting periods and because they were homeless. No data were collected on the average length of the waiting period.

Comment

BHST's working experiences show that mobile EU citizens face many obstacles in finding access to *Kitas*, which are explained in the following section.

Difficulty of access due to homelessness

Homelessness is a major problem in accessing a *Kita*. Homeless families usually face one or even several moves after some time. The reasons for this are a change of accommodation for organisational reasons or the family's move into their own flat. However, the length of this period is uncertain and hardly plannable. The *Familienbüro* and *Kitas* require a permanent address for the allocation of a place, as they are concerned about overburdening both the families and the facilities by a change of *Kita* due to a move.

EU mobile citizens often being dependent on access to a Kita

The at least temporary impossibility of access to a *Kita* can be an insoluble problem, especially for mobile EU citizens who are single parents. They

are often dependent on extra-familial childcare options in order to be able to pursue employment, without which they cannot support themselves and their children due to the legal regulations.

For the children of mobile EU citizens who are not yet of school age and have no knowledge of German, attending a *Kita* is a very important step in preparing them for school. For the parents, too, the contact they can establish with other families through the *Kita* is a helpful way of settling into society.

SCHOOL EDUCATION

In principle, compulsory schooling applies to all children from the age of six living in Germany. As a rule, compulsory schooling lasts for ten years, i.e. four years of attendance at a primary school followed by attendance at a secondary school. The federal states each have their own school laws. For Münster or North Rhine-Westphalia (NRW), the current version of the *Schulgesetz NRW*¹⁴² (could be translated as "NRW School Act") applies.

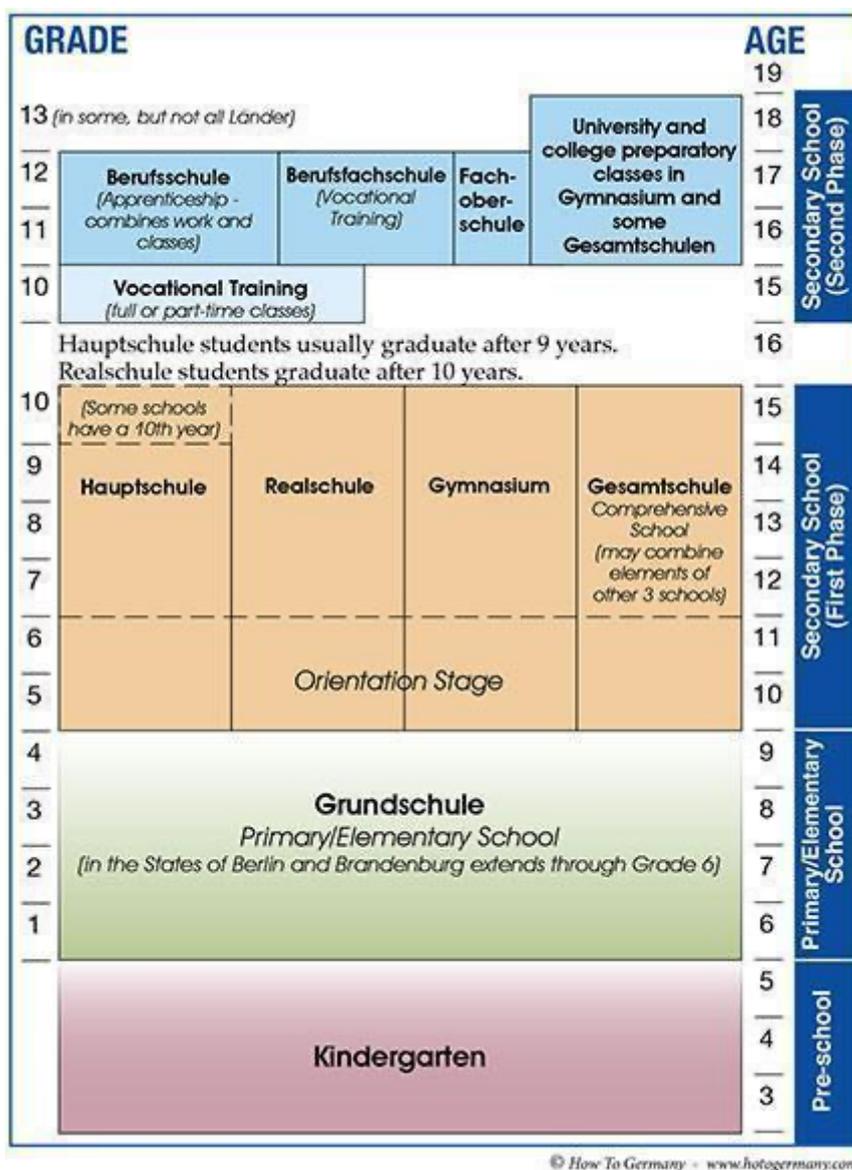
The *Schulgesetz NRW* defines the conditions under which teaching and learning takes place in schools in NRW, with which rights and obligations and with which goals.

The following chart (Figure 9) illustrates the complexity of the school system in Germany:

141 In the two age groups from 1 to 3 years and 4 to 6 years one child each was in the country of origin and they did not go to a *Kita*.

142 Cf. *Bildungsportal NRW*, 2021, available at: <https://www.schulministerium.nrw/themen/recht/schulrecht/schulgesetz-fuer-das-land-nordrhein-westfalen> [last accessed on 30.03.2021].

FIGURE 9: School system in Germany¹⁴³



The *Grundschule* (“primary schools”) teach children basic knowledge, skills, abilities and values from Grade 1 to Grade 4.

This is followed by *Sekundarstufe I*, where the children attend a *secondary school* according to their individual abilities:

- ▶ *Hauptschule* (grades 5 to 10), for a basic general education with a strong practical orientation in preparation for vocational training.
- ▶ *Realschule* (grades 5 to 10), for extended general education either as a basis for further vocational or school education.

143 Table available at: [How To Germany - German School System](http://www.hotogermany.com) [last accessed on 07.06.2021].

- ▶ *Gymnasium* (grades 5 to 9 in *Sekundarstufe I* and 10 to 13 in the *gymnasiale Oberstufe* branch of *Sekundarstufe II*), for *in-depth general education as preparation for higher education or demanding vocational training*.
- ▶ *Gesamtschule* (“comprehensive school”) (grades 5 to 10 and 10 to 13 in the *gymnasiale Oberstufe* branch of *Sekundarstufe II*), in which *pupils with different abilities learn together*, unlike in the three previously mentioned types of school, and are *prepared both for vocational training and for university studies*.
- ▶ *Sekundarschule* (grades 5 to 10), for a *similar learning offer to comprehensive school in preparation for the gymnasiale Oberstufe* branch of the *Sekundarstufe II*
- ▶ *Förderschule*, for children who need *special educational support* due to physical or learning disabilities.

The *Sekundarstufe II* continues the lower *Sekundarstufe I* and extends the knowledge acquired there,

- ▶ in a “general education branch” (*gymnasiale Oberstufe*): at a *Gymnasium*, at a *Gesamtschule* or at a *Berufliches Gymnasium* (vocational *Gymnasium*) to acquire the *Abitur* (school-leaving certificate) for the *Allgemeine Hochschulreife* (further education entrance qualification) as entrance requirements for studies at “Universities of Applied Sciences” and “Universities”.
- ▶ or in a vocational branch (*Berufskolleg*): in *Berufskollege*, pupils can attend *vocational training or courses* which offer *vocational orientation as preparation for vocational training*. In addition, a *general school-leaving certificate* up to the *Abitur* can be obtained.¹⁴⁴

In principle, parents are responsible for ensuring that their children attend school. If there are violations of compulsory school attendance, various sanctions can be imposed by the authorities: from fines for parents up to juvenile detention for children who do not attend school.

For newly arrived school age immigrant children or their parents, the school authority in Münster offers a “Central Contact, Advice and Clearing Point”, which assists families in accessing the corresponding schools within the framework of an individual procedure, if necessary, also with the help of interpreters. If it becomes apparent during the advice sessions that the families need further support in accessing the respective school, *Fallscouts*,¹⁴⁵ special “case managers” can be called in. The *Fallscouts* are social workers who support children and parents with their arrival and orientation, but also teachers with intercultural education work.

Older children who do not yet have sufficient German language skills to attend a school in *Sekundarstufe I* or *II* also have special *international remedial classes*¹⁴⁶ that prepare children and young people for attending a regular secondary school. There are also special holiday language courses for newly arrived children and young people and many other educational offers for children, young people and young adults.

The findings of the survey concerning the access to school of the children in compulsory school age (n=69) showed that:

- ▶ 86% of the children of school age went to school regularly; and

144 The information compiled here is taken from a brochure by the Ministry for Schools and Further Education of the State of North Rhine-Westphalia *Das Schulsystem in Nordrhein-Westfalen Einfach und Schnell erklärt* (The school system in North Rhine-Westphalia explained simply and quickly) from 2015. It is available at: http://www.berufsorientierung-nrw.de/cms/upload/pdf/Flyer_Schulsystem_deutsch.pdf [last accessed on 19.05.2021].

145 Information on *Fallscouts*: <https://www.stadt-muenster.de/schulam/zuwanderung-und-schule/fallscouts> [last accessed on 31.03.2021].

146 A good practical example is the *Angeworben in deiner Stadt Münster* project: <https://www.stadt-muenster.de/schulam/zuwanderung-und-schule/angeworben-in-deiner-stadt-muenster> [last accessed on 31.03.2021].

- ▶ 12% (8) children were not attending school at the time of the survey
 - ▶ three of the eight had not yet found a school place due to homelessness.

The children who could not attend school spent their time with their parents.¹⁴⁷

Comment

The majority of the children of compulsory school age have managed to access the German school system and can rely on different support services. The following section contains some experiences from the work of BHST concerning the main obstacles children and parents have to deal with.

No substitute teaching despite compulsory schooling

Children who do not yet have a school place sometimes do not receive lessons for several weeks. Despite existing compulsory education, there is no form of “substitute teaching” for children without a school place.

Negative effects of the pandemic

Another important issue is the negative impact of the COVID-19 pandemic on school attendance, which has been particularly evident among children of EU citizens in vulnerable situations.

- ▶ *Home schooling* is made difficult or even impossible by parents’ limited knowledge of German: parents could not explain to the children how to use learning materials and could not support the children in their learning.
- ▶ There was a lack of digital terminals, or the handling of the devices caused problems.
- ▶ Communication between school, pupils and parents was difficult due to limited language skills.

- ▶ Children in shelters for homeless families especially could not find a quiet place for learning, as they may sometimes have had to share two rooms with six persons or more.

Problems in the transition from school to working life

Experiences with *secondary schools* attended by the children of mobile EU citizens showed that these young people have a high need for support in the transition from school to work. They often leave school after *Sekundarstufe I*, which means a lower secondary level, without a *general school-leaving certificate* and do not attend a school in *Sekundarstufe II*, which means *upper-level school*, afterwards. For these children, there are often no suitable services to help them access vocational training or a *Berufsschule* (*vocational school*) at all and they cannot access them without help. It seems to be true that the earlier children started school in Germany, the better their chances of finding *vocational training* or achieving a higher school certificate were.

Adolescents and young adults among mobile EU citizens who do not have access to the above-mentioned educational opportunities and are unable to complete their *school-leaving certificates* only have access to precarious employment as a result and no longer receive any help in progressing their career in the long term.

Adults

VOCATIONAL TRAINING

According to their statements, 32% of the 100 persons interviewed have completed vocational training or studies in their country of origin.

Table 21 shows which professions the respondents had learned or which degrees they had acquired in their country of origin.

147 Four children went to school in the country of origin.

TABLE 21: Professional qualifications of the respondents (n=31) in absolute numbers

PROFESSION/ COURSE OF STUDY	NUMBER OF PERSONS
Elderly/nursing care	4
Electronic Data Processing	1
Electrician	1
Studies in European Business Studies	1
Butcher	1
Hairdresser	1
Gastronomy	1
Craftsman	2
Study (no further details)	1
Automotive Mechatronics Technician	2
Cook	1
Barmaid	1
Bricklayer, Painter, Drywall Builder	1
Metal Worker	1
Economics (Diploma)	1
Pianist	1
Tailor	3
Welder	1
Studies in Sociology and Political Science	1
Studied Translation	1
Saleswoman/Cashier	1
Wine Producer	1
Domestic Helper	1
Not specified	2
Total	32

Most of the respondents were skilled craftsmen or – women; four persons were trained nurses. Four people had a university degree. 68% stated that they had no professional qualifications. It was not possible to find out more detailed information about the duration and proof of vocational training. Therefore, it was not possible to collect more precise information on the recognition of vocational training in Germany. Only one person had completed vocational training in Germany. At the time of the interview, however, this person was not employed.

Comment

If we look at the data on the qualifications of the persons and compare them with their current occupation in Germany, we find that none of the persons is working in the profession they studied for. This may indicate that access to jobs in their field is difficult for mobile EU citizens. In addition, it takes a considerable amount of time and may also be very expensive to have foreign qualifications recognised, if it is possible at all.

In order to better understand the level of professional qualifications, a more in-depth survey would be appropriate, in which, among other things, questions would also be asked about the activity in the respective profession in the country of origin and in Germany and also about the aforementioned recognition in Germany.

Taking up vocational training in Germany is a very big hurdle for EU citizens in precarious situations. This is mainly due to non-existent or non-recognised school-leaving certificates, but also to the mostly insufficient language skills of a large proportion of the target group.

Language skills

The following section provides information on the language skills of the respondents. Table 22 shows the most frequently named first languages.

TABLE 22: First language skills (n=100) in %

FIRST LANGUAGE	PROPORTION OF PERSONS
Bulgarian	53
Romanian	10
Hungarian	9

For three of the persons coming from Bulgaria, the first language was Turkish and for three it was Romani. Of 15 Romanian nationals, five had Hungarian as their first language. Of the nine persons with Slovakian citizenship, six had Slovak as their first language and three had Hungarian.

In order to gain an impression of German language skills and to keep the answer to the question as simple as possible, three gradations were suggested to the people to describe their subjectively perceived knowledge of German. Table 23 gives an impression of how the respondents assessed their German language skills.

TABLE 23: Self-assessment of German language skills (n=100) in %

SELF-ASSESSMENT OF GERMAN LANGUAGE SKILLS	PROPORTION OF PERSONS
“Good”	38
“Fair”	29
“Poor”	32
Total	100

70% had knowledge of at least one other language in addition to their first language and knowledge of German. The most frequently mentioned languages are shown in Table 24:

TABLE 24: Other language skills (n=100) in %

OTHER LANGUAGE SKILLS	PROPORTION OF PERSONS
English	20
Turkish	18
Russian	32
Romanian	12
Romani	9

Comment

The results show that a high proportion of the respondents had limited skills in the German language, which leads to several difficulties in everyday life.

Importance of German language skills

Knowledge of the German language is one of the central prerequisites that enables people to live an independent life in Germany. It makes it easier to deal with authorities, employers and landlords, access healthcare and much more. The answers to the question regarding German language show that 61% do not have sufficient knowledge of German. This provides important conclusions about the support needs of mobile EU citizens in Münster:

- ▶ they prove the high need for support of the persons in coping with every day and bureaucratic requirements due to language barriers;
- ▶ they point out the need for individually tailored language courses to empower people so that they can become more independent and autonomous in their daily lives; and
- ▶ *they prove the necessity of advice in the first language.*

Other helpful language skills

The mobile EU citizens that were interviewed have a variety of other language skills, most of which are self-taught. Knowledge of English, Russian and Turkish in particular helps people with limited German skills to cope with everyday life and can, for example, facilitate visits to the doctor. However, the need for translation and interpreting in advice provision and dealing with personal matters indicates that a deepening of German language skills is indispensable for people to achieve a higher level of independence.

Reading, writing and illiteracy

Just as important as speaking a language is the ability to read and write in that language. No data on this was collected in the survey. As a rule, advice centres take over the filling out of forms or the writing of written statements for mobile EU citizens seeking advice. There are different reasons for this:

- ▶ there are people who cannot read or write the Latin alphabet;
- ▶ people are illiterate and cannot read or write in either the Cyrillic or Latin alphabets;
- ▶ people do not have the possibility to use word processors and/or print documents;
- ▶ it would take too much time for those seeking advice to fill in the forms; and
- ▶ even if they have a good knowledge of German, people sometimes do not understand complex official forms or are afraid of making incorrect entries.

In this context, it is important to support them in accessing language and literacy courses.

HELP THROUGH TRANSLATORS/INTERPRETERS IN PRIVATE AND PROFESSIONAL MATTERS

Especially people who do not have good knowledge of the German language need people who can translate for them in order to help them manage their affairs, so that they can, for example,

deal with various private or professional matters. First of all, the mobile EU citizens interviewed were asked about the possibilities of being able to fall back on translators or interpreters among their family, friends or acquaintances.

With regard to the availability of a translator in the private sphere, the following results could be determined among the respondents (n=98):

- ▶ 42% knew a person in their personal environment who supported them with their German language skills.
- ▶ 30% stated that they did not need any help.
- ▶ 29% did not have a person with the relevant knowledge in their personal environment.

On closer examination, it turns out that 21 persons with an intermediate to barely existing knowledge of German did not know anyone in their personal environment who could help with translations. If people do not know anyone in their personal environment who can help them with translations, the possibility of *advice in the respective first language* is an important resource. The results showed that 39% (n=99) had the opportunity to access advice in their first language. Ten people did not have access to a person who could translate for them, nor did they have the opportunity to receive advice in their first language.

Comment

The presence of a person who can translate in a private environment is technically a resource. In individual cases, however, the use of translators from the private sphere must be critically examined by service providers (e.g. authorities, doctors or advice centres), for example, if there is reason to believe that the translator does not translate word for word for various reasons, but omits, glosses over or, in the worst case, even translates incorrectly.¹⁴⁸ Reasons for this can be insufficient language skills on the part of the translator, but also personal relationships between the person being advised and the translator.

¹⁴⁸ In 2020, the German Caritas Association published a guide on the topic of “Language mediation in advice provision”. It is available at: [How can language mediation succeed in advice provision? \(caritas.de\)](https://www.caritas.de/How-can-language-mediation-succeed-in-advice-provision?) [last accessed on 10.05.2021].

EBM+ and the *Brückenschlag*¹⁴⁹ project regularly offer advice in English, for example, and can also call on language mediators for Bulgarian. Furthermore, the advisors have basic knowledge of Spanish, French, Arabic and Hungarian. In cases where translation or staff language skills are not available, mobile EU citizens face major challenges.

Access to professional interpreters and language mediators

Hiring sworn interpreters usually involves high costs that mobile EU citizens experiencing precarious living conditions cannot afford. When dealing with authorities such as job centres or social services departments or in court proceedings, it is therefore recommended that people always make use of the legal obligation for the authorities to provide an interpreter. In cases where there is no legal entitlement to interpreting services, the only option is often to commission professional translation services through advice centres or homelessness services, which can cover the costs incurred in individual cases with the help of donations. However, this option is very limited due to financial resources and cannot replace the need for regular access to free language mediator pools.

For several years now, the *Kommunales Integrationszentrum (KI)* (could be translated as *Municipal Integration Centre*) in Münster has been offering public and non-profit institutions the opportunity to make use of a “language mediation pool” in certain situations. The language mediation pool is intended to improve and facilitate access to public services, advice centres, authorities and institutions of the social, educational and health-care system for people with limited knowledge of German. The persons working as language mediators in the language mediation pool receive special training from the KI to prepare them for their work.

PARTICIPATION IN INTEGRATION LANGUAGE COURSES

The Federal Office for Migration and Refugees (BAMF) writes on its website about integration courses:

*If you want to live in Germany, you should learn German. This is important if you are looking for work, have to fill out applications or just want to meet new people. You should also know a few things about the country you are living in. History, culture and the legal system are part of it. You learn all that on the integration course.*¹⁵⁰

Attending an integration language course is an opportunity for many people seeking advice to acquire or improve their language skills. EU citizens have no legal entitlement to an integration language course, but they can get access to an integration course “if [they] do not yet speak German sufficiently, are in particular need of integration and there are free course places”.¹⁵¹ People can either apply for admission directly to the BAMF or first contact a course provider who will help them apply for admission. In addition to the certified integration language courses, there are also a large number of easy-access language courses offered by a wide range of providers, which are usually also free of charge.

The social services department of the City of Münster, together with an educational institution, offers a central advice service for language courses.¹⁵² Here, people seeking advice can receive individual advice and support in accessing the courses. Due to lockdown, advice is only possible by email or telephone. The survey was explicitly about the integration language course described above.

149 See footnote 38.

150 BAMF, 2021 available at: [BAMF - Bundesamt für Migration und Flüchtlinge - Integrationskurse](#) [last accessed on 25.05.2021] (Author's translation).

151 Individual standards are available at: https://www.gesetze-im-internet.de/sgb_12/_70.html [last accessed on 18.05.2021].

152 Link to the language course advice service: <https://www.geba-muenster.de/post/rechtskreis%C3%BCbergreifende-sprachkursberatung> [last accessed on 10.05.2021].

The results in Table 25 show that 25% of the 100 respondents stated that they were attending or had attended an integration language course:

TABLE 25: Information about language course certificates (n=25) in %

LANGUAGE COURSE CERTIFICATE	PROPORTION OF PERSONS
A1-A2 level	28
B1-B2 level	28
C1	-
Dropped out without certificate	44
Total	100

The respondents' answers concerning the reasons for the termination of the course are shown in Table 26 below:

TABLE 26: Reasons for termination of the language course (n=11) in absolute numbers

REASON FOR TERMINATION OF LANGUAGE COURSE	NUMBER OF PEOPLE
Conflict with job	4
Health reasons	2
Course too difficult	3
Lack of childcare	1
COVID-19 pandemic	1
Total	11

Four of the people who dropped out of the course were unable to continue attending the course because of their jobs, as attending the course conflicted with their working hours and they needed employment to maintain their right of residence as a worker and to meet their living costs. Three had to drop out of the course for health reasons. Two people said they could not cope with the course because they could not follow the lessons and

found the learning too difficult. Lack of childcare and the impact of the COVID-19 pandemic were mentioned by one person each.

Of the 75 people who were not attending an integration language course, the main reason given for non-participation was lack of time, at 32%. 14% were waiting for a course to start, 11% answered that they would need support to access a course.

Comment

The 14% who were still waiting for a course will also have to wait some time to participate, as no integration courses are currently taking place due to the pandemic. For the 10% who could not find a course, advice or support to register from an advice centre may be helpful. For the 32% who do not have time to attend a course, more information should be collected on what the reasons are for the lack of time. If it is a question of maintaining worker status, it could be useful to offer courses that are outside of regular working hours or that take place in shorter units. It would also be helpful to offer courses that are aimed at single parents with small children and where it is possible to take their children with them. The main reason preventing participation in an integration course is lack of time due to a lack of childcare and/or employment.

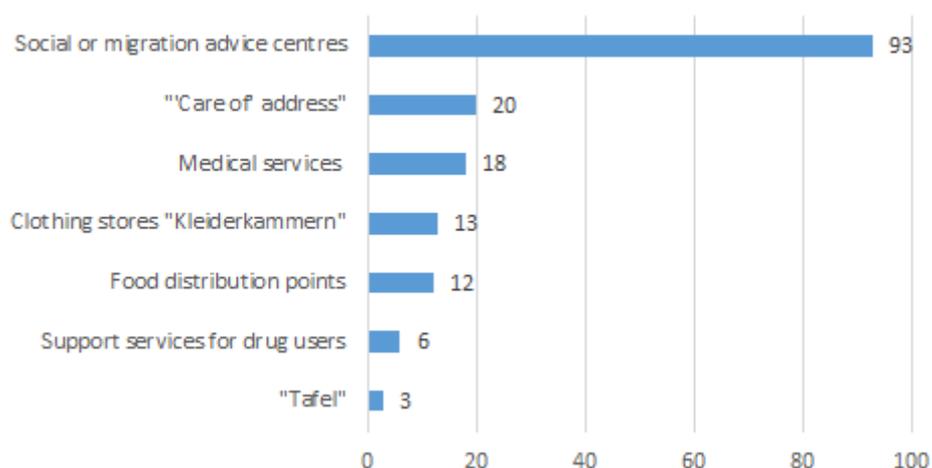
UTILISATION OF SUPPORT SERVICES

Münster has numerous, easily accessible advice and support services around rights and welfare for homeless people, people threatened by homelessness or people living in precarious living situations. The 100 mobile EU citizens who participated in the survey were asked which of these services they used. The following section gives an overview of the services and the number of users among the 100 respondents. Where appropriate, brief background information on each service is provided.

Figure 10 gives an overview of the most frequently used support services and the number of users among the 100 mobile EU citizens surveyed.

FIGURE 10: Utilisation of support services [n=100] in %

USE OF SUPPORT SERVICES (N=100)



Postal accessibility

Homeless people who do not have a registered address or cannot register anywhere due to their homelessness can set up a "care of address" (see also chapter "Registration in Münster"). To do this, they have to go to a centrally located advice centre of the *Diakonie Münster* for homeless people. There, they are registered as users and receive an official letter confirming their contact address, which they can present to banks, authorities, and health insurance companies, for example. For their part, they must sign an agreement where they state that they will collect their post every seven days, otherwise the letters will be returned, and the person will no longer be able to use the service for a certain period.

Of the 100 people interviewed, 20% said they used the "care of" address service.

Comment

A "care of" address does not replace registration at the registration office, but it can be used to prove *habitual residence*. It is possible for people staying in municipal emergency accommodation to register regularly in the respective emergency accommodation.

Food distribution points

Various homelessness services in Münster offer meals free of charge or at very low prices. These are basically open to all people who need support with food. Due to the restrictions in connection with the COVID-19 pandemic, many of the services are currently not accessible or only accessible to a significantly reduced number of people. The City of Münster has now set up a day centre with food services as a substitute.

In addition to the drop-in centres where people can receive meals, there is also the *Münster Tafel*, a *food bank* where people with low incomes can pick up food once a week. These are products that can no longer be sold for certain reasons such as being (almost) past their best-before date or faulty packaging.

Food distribution points were used by 12% of the mobile EU citizens surveyed, and the *Münster Tafel* by 3%.

Comment

The prerequisite for using the *Münster Tafel* is proof of registration with the Job Centre or social services department. People who are not entitled to bene-

fits issued by these offices are currently denied access to the *Münster Tafel*. However, mobile EU citizens without entitlement to benefits especially would benefit considerably from access. These people's need for help is usually even higher than the need for help of people who can prove this with a certificate. Attempts by BHST to provide access to the *Tafel* for homeless and destitute EU citizens with the help of an accompanying letter pointing out the special plight of the people have so far been unsuccessful. The same is true for telephone enquiries.

Clothing stores

There are also several offers from different providers for the supply of clothing. Some of these providers give out clothes for a very small financial contribution, others for free. In cases of destitution, however, it is usually possible to obtain clothing free of charge even from the places that charge a small fee, after prior consultation with the provider. These are mainly donated second-hand clothes.

13% of people said they used these services.

Welfare or immigration advice centres

Various organisations offer welfare and immigration advice for different target groups, which are also or exclusively available to mobile EU citizens.

Of the 100 people interviewed, 93% said they used welfare and immigration advice centres, including those provided by BHST.

Comment

Due to the pandemic, the services of all advice centres were severely limited last year. In some cases, only telephone or online advice was or is possible. This is a big problem for many EU citizens due to the language barrier. The advice needs of mobile EU citizens can concern all areas of life.

The following compilation of frequently occurring topics of advice provision is based on BHST's experience with the target group:

- ▶ Health, e.g.:
 - ▶ clarification of health insurance cover;
 - ▶ access to healthcare for people without but also with health insurance;
 - ▶ help with applying for a severely disabled person's card.
- ▶ Work, e.g.:
 - ▶ looking for a job;
 - ▶ help with writing applications;
 - ▶ support with employment law issues.
- ▶ Education and social integration, e.g.:
 - ▶ access to early childhood education, school enrolment;
 - ▶ access to language courses for adults.
- ▶ Help with meeting living costs, e.g.:
 - ▶ advice on benefit entitlements, help with applying for benefits, e.g. ALG II, social assistance according to SGB XII, Child Benefit, etc.;
 - ▶ if necessary, referral to legal representation.
- ▶ Housing, e.g.:
 - ▶ placement in emergency accommodation;
 - ▶ help with looking for and finding a flat with a tenancy;
 - ▶ referral to help in case of imminent loss of housing.
- ▶ Registration and stay, e.g.:
 - ▶ help in dealing with examination procedures from the Foreigners' Authority;
 - ▶ help with the application for a Permanent EU Residence Card.
- ▶ Debt problems, e.g.:
 - ▶ helping people to get an overview of their financial situation;
 - ▶ if necessary, referral to debt advice centres.

The reasons for the need for help are mainly language barriers. In addition, there are fears and uncertainties, e.g. as a result of a lack of knowledge of legal rights or practice and experience in dealing with e.g.:

- ▶ authorities and offices;
- ▶ doctors' surgeries, hospitals or health insurance companies;
- ▶ *Kitas* and schools; or
- ▶ landlords.

Often, after trying to manage their affairs on their own one or more times, people find that some things cannot be done without outside help and that they cannot get anywhere on their own. This can be a very frustrating experience for the people concerned.

Therefore, many mobile EU citizens, when dealing with the above-mentioned authorities and institutions may need the following:

- ▶ help with phone calls that have to be made;
- ▶ support with applications that have to be completed;
- ▶ letter-writing assistance; or
- ▶ accompaniment and support by staff of advice centres or homelessness services.

The high number of mobile EU citizens who make use of welfare and immigration advice centres shows that advice is very important for people to cope with everyday life. Especially given the effects of the pandemic, it is important that the advice centres do not close, but remain present and easily accessible. Another important point is the possibility of making appointments at short notice for people in crisis such as destitution and homelessness.

Medical services for people without health insurance

In Münster, people who do not (yet) have regular access to medical care can, as mentioned before, turn to *Malteser Medizin* or the *Mobile Medical Service* in the *HDW*. Both offices employ (partly voluntary) doctors who can carry out simple examinations and prescribe medication if necessary.

For further treatment or diagnostics, the above-mentioned doctors can also refer the person to other services.

The costs for consultations, treatment and medication are covered by donations and, under certain conditions, by a *municipal emergency fund*. In addition, a psychiatric consultation (also) for people without health insurance is held once a week in one of the emergency shelters for homeless men. The data collected show that 18% were using one or more of the services mentioned in the section above at the time of the survey.

Comment

In order to enable people to access regular health insurance in the long term, the staff of *Klar für Gesundheit* also attend the services.¹⁵³

Support for people with addiction problems

For people seeking help with addiction problems, with or without health insurance and regardless of their nationality, there is a centrally located and comprehensive service in Münster: the *INDRO*. In addition to advice for people with addiction problems, the *INDRO* also offers a consumption room and access to medical care and hygienic injecting materials for safer use.¹⁵⁴

¹⁵³ For more information, see "Health insurance" in the chapter on "Health situation".

¹⁵⁴ *INDRO's* informative annual report for 2020 is available at: <http://indro-online.de/wp-content/uploads/2021/03/jbdkr2020.pdf> [last accessed on 10.05.2021].

One staff member at INDRO works specifically with migrants with addiction problems. In addition, the City of Münster also offers various addiction prevention and advice services for affected persons.

6% were using one or more services for people with addiction problems at the time of the interview.

Comment

As a rule, there is no possibility of cost absorption for drug-dependent mobile EU citizens without health insurance who need drug substitution treatment. In order to help the above-mentioned group of people gain access to harm-reducing substitution therapy, it is necessary for a wide variety of actors from clearing centres, healthcare facilities, drug help and advice centres to work together to find creative, personalised solutions.

Assistance for people in specific difficult circumstances according to § 67 ff SGB XII

A specialised form of support within the framework of social assistance, which is also accessible to mobile EU citizens under certain conditions, is assistance according to § 67 ff SGB XII.¹⁵⁵ This is assistance for people *in specific difficult circumstances*. The *Ordinance on the Implementation of Assistance to Overcome Specific Difficult Circumstances* (DVO § 69 SGB XII)¹⁵⁶ describes these special difficulties in more detail, as well as the structure of the assistance offered.

According to § 1 DVO § 69 SGB XII, these are persons whose special living conditions, such as homelessness or domestic abuse, coincide with difficult circumstances, such as social isolation on the part of the person seeking help. Social isolation is understood to mean, for example, problems in connection with “obtaining and maintaining a flat or obtaining and keeping a job”. The aim of assistance according to § 67 ff SGB XII is to help people to help themselves to overcome these difficult circumstances in the long term, e.g. with social work support within the framework of an individual support plan.

BHST’s pilot project *Brückenschlag*,¹⁵⁷ which is unique in Germany so far, is funded within the framework of the *Assistance in Housing Emergencies*¹⁵⁸ programme and offers assistance specifically for families in accordance with the legal regulations under § 67 ff SGB XII. As this is a pilot project; the financial support is currently provided by the federal state of NRW.¹⁵⁹

Benefits provided for in § 67 ff SGB XII have so far mainly been secured for single persons – although families are not explicitly excluded according to the legal provisions. With the pilot project, BHST is applying the recommendations of the BAGW’s expert committee on *social welfare law to the provision on support for families to overcome difficult circumstances according to §§ 67 ff SGB XII in housing emergencies*,¹⁶⁰ which was adopted on 10 November 2020. Its aim is to transform the project into a permanent facility financed by the

155 The legal regulations can be found here: https://www.gesetze-im-internet.de/sgb_12/_67.html [last accessed on 25.05.2021].

156 The Implementing Regulations and other documents are available at: https://beck-online.beck.de/?vpath=bibdata%2Fges%2FBSHG_DV_72%2Fcont%2FBSHG_DV_72.htm [last accessed on 19.05.2021].

157 See footnote 38.

158 Information on the “Assistance in cases of housing emergency. Measures to prevent and combat homelessness” programme is available at: https://www.mags.nrw/sites/default/files/asset/document/soziales_aktionsprogramm_wohnungslosigkeit.pdf [last accessed on 18.05.2021].

159 The project receives research input from the *Gesellschaft für Innovative Sozialforschung (GISS)*, see: <https://www.giss-ev.de/articles/1064/maerz-2020-zweijaehrige-evaluation-des-muensteraner-modellprojekts-brueckenschlag-hat-begonnen/> [last accessed on 19.05.2021].

160 Available at: https://www.bagw.de/fileadmin/bagw/media/Doc/POS/POS_20_Unterstuetzung_fuer_Familien.pdf [last accessed on 19.05.2021].

local social welfare agency within the framework of assistance according to § 67 ff SG XII.¹⁶¹

The project is aimed at all families in particularly difficult circumstances, regardless of their nationality, and is therefore also available to mobile EU citizens. The prerequisites for receiving support through the *Brückenschlag* for mobile EU citizens are also entitlement to benefits under SGB II or XII as well as a need for support due to particular difficult circumstances resulting from the aforementioned legal requirements.¹⁶²

At the time of the survey, the *Brückenschlag* project was used by 8%¹⁶³ of the 100 respondents. Among the single persons interviewed, none had access to an offer of assistance according to § 67 ff SGB XII for single persons.

Comment

The prerequisite for claiming the described assistance is entitlement to benefits under SGB II or XII. These requirements thus prevent access by mobile EU citizens without entitlement to benefits, even if they have a high need for support due to difficult circumstances.

Legal representation

Legal representation can be helpful or necessary for mobile EU citizens for various reasons when they are in another EU Member State. The survey investigated the extent to which the respondents from Münster had sought the help of a lawyer, and if so, for which area of law. It was also asked

whether the assistance provided by the lawyer was successful.

Advice and legal aid in civil law enables people with low incomes who do not have legal expenses insurance or other legal cover to access legal advice and representation.¹⁶⁴ In criminal law, there are *regulations on public defence*. Since the interviewees were mainly concerned with civil law disputes, the area of criminal or public defence will not be discussed further here.

If a person wishes to be represented by a lawyer, he or she must apply to the district court of the city in which he or she lives for what is called *Beratungshilfe* (could be translated as “help with legal advice”). The most important thing here is that the person’s income is known. The district court decides whether a person is entitled to *Beratungshilfe* or not. This is advice and, if necessary, representation by a lawyer and is possible as long as there are no court proceedings. If a person is entitled to *Beratungshilfe*, he or she must pay a maximum of €15 to the lawyer. The person concerned can choose the lawyer himself or herself.

Prozesskostenhilfe, which could be translated as “help to cover the costs of legal proceedings” must be applied if legal proceedings are to be held and the applicant is unable to pay the costs of legal representation and the proceedings. The costs therefore include the costs of the applicant’s own lawyer and the court costs on the side of the complainant and are only granted if the applicant has a chance of winning the case. The decision as to whether *Prozesskostenhilfe* is granted is made

161 BAGW has published a position paper on access to assistance according to § 67 ff SGB XII for persons without German citizenship, including mobile EU citizens, in 2013. It is available at: https://www.bagw.de/fileadmin/bagw/media/Doc/POS/POS_12_Wohnungslose_ohne_deutsche_Staatsangehoerigkeit.pdf [last accessed on 19.05.2021].

162 The staff at the *Brückenschlag* project are social workers who advise, accompany and support families in dealing with their concerns and individual needs for help. This may involve, for example, help in overcoming homelessness, obtaining family benefits, but also health issues. The staff place particular emphasis on networking with different actors in the support system and linking the families to further services. Advice sessions with the families take place on the project’s premises and in the families’ homes. Further information can be found at: <https://bischof-hermannstiftung.de/unsere-taetigkeitsfelder/projekte/brueckenschlag> [last accessed on 15.05.2021].

163 These eight people were living in family services at the time of the interview.

164 Legal expenses insurance is insurance for legal help in the event of a legal dispute. It is voluntary insurance that people can take out privately with an insurance agency. The EU *Gleichbehandlungsstelle* (Office for the Equal Treatment of EU Workers) has written a short overview of the main statutory and private insurance forms, it is available at: <https://www.eu-gleichbehandlungsstelle.de/eugs-de/eu-buerger/infotehk/neu-in-deutschland/versicherungen/versicherungen-367350#tar-2> [last accessed on 10.05.2021].

by the respective court before which the proceedings are conducted. It does not include the costs that may have to be reimbursed to the defendant if the complainant loses the case.

24% of the 100 respondents reported having been represented by a lawyer at least once. Table 27 gives an overview of the areas of law for which legal assistance was sought by the respondents.

TABLE 27: Use of lawyers (n=24) in absolute numbers

LEGAL FIELD	FREQUENCY OF LEGAL REPRESENTATION
Right of residence	1
Traffic law	1
Insolvency proceedings	2
Not specified	3
Tenancy law	3
Criminal law	3
Family law	3
Labour law	4
Welfare benefits law	7
Total	27¹⁶⁵

The most frequently mentioned area here was *welfare benefits law*, with seven mentions (26%). This term refers to court proceedings in which the granting of welfare benefit claims of mobile EU citizens, e.g. at the Job Centre (ALG II), the social services department (social assistance benefits) or Child Benefit from the *Familienkasse* (family benefits office), was at issue. Here the interviewees could not access the benefits to which they were entitled without legal proceedings.

- 50% of the of the respondents who had received legal representation were successful.

- In the field of welfare benefit law, three out of seven people (43%) reported a case in which they had obtained justice.

Comment

As the results show, EU citizens and their advisors have to navigate many different areas of law. Knowledge of rights and obligations in relation to restrictions on access to welfare benefits is of particular importance.

Difficult access to legal representation

The experience of BHST shows that access to a lawyer is usually difficult for the target group. Difficulties include language barriers or lack of knowledge of the legal fields and procedures, but also the (sometimes unfounded) fear of negative consequences of legal proceedings and the possible costs involved.

Considerable workload

The application for the above-mentioned benefits alone can be so challenging for people seeking advice that they decide against consulting a lawyer or going to court. Depending on the occasion and the area of law, there is an immense amount of correspondence, evidence must be submitted, declarations and affidavits must be made, etc. Especially for people with limited language skills, the multitude of requirements is difficult to understand. Advice centres can offer support in applying for *Beratungs- or Prozesskostenhilfe*, in finding a lawyer and in corresponding with lawyers and courts. All of these steps are usually very time-consuming and resource-intensive. Support workers, if they do not speak the language of the clients, are dependent on the involvement of language mediators. There is usually a lack of financial resources for this.

“Starvation”

It is not only language barriers that play a role. Reasons for using lawyers are often crises such as the refusal of benefits or accommodation. People

165 The total of 27 results from the fact that some persons have sought legal assistance several times.

are literally at the end of their tether and have to endure both their plight and lengthy procedures, which are sometimes perceived as frustrating and exhausting. For example, when appealing against the refusal of accommodation by regulatory authorities, people have to “hold out” in temporary accommodation for the entire duration of the proceedings. In cases where the right to welfare benefits has to be fought for, mobile EU citizens have to “live on nothing”. If they then lose the procedure despite all their efforts, they face additional costs that can amount to several thousand euros and lead to indebtedness.

MOBILE PHONE, INTERNET, PUBLIC TRANSPORT

The availability of a telephone and the possibility to use public transport to get around are also fundamental prerequisites for equal participation in society.

Mobile phone and internet

Access to and knowledge on the use of mobile phones, smartphones, computers, tablets, notebooks, etc. are nowadays essential for social integration. This is especially true in times of the COVID-19 pandemic.

Table 28 shows the respondents' access to mobile phones and the internet.

TABLE 28: Access to mobile phones and internet (n=100) in %; multiple answers were possible

DEVICE	PROPORTION OF PERSONS
Smartphone	71
Normal mobile phone	24
Computer with internet access	15
Computer without internet access	10

24% had no possibility to access the internet. 70% said they used social media.

Comment

Especially in the context of local authority office closures caused by the COVID-19 pandemic, the ability to use telephone or online services has become considerably more important.

Need for improved digital access

Even though the majority of the persons interviewed have a smartphone with internet access, the experiences of BHST social workers in their everyday work show that they sometimes have considerable difficulties in using the devices. This is the case when the use goes beyond personal communication, e.g. to stay in contact with the authorities.

For example, many people do not have the means to communicate through an e-mail address, which is a basic prerequisite for contacting public offices and authorities online. There is a great need to learn how to use a PC, online banking, online appointments, etc. Supporting the target group in improving their skills in dealing with online offers that go beyond the personal sphere – such as the use of social media – is an important task with regard to empowerment and gaining independence, which should have a high priority in the context of advice for mobile EU citizens.

Public transport

Access to public transport is essential for the majority of mobile EU citizens who use BHST services, e.g.

- ▶ to get to work;
- ▶ taking children to *Kita* and school;
- ▶ to attend official appointments; or
- ▶ to make use of services.

Very few mobile EU citizens in precarious situations have their own car due to a lack of financial means and/or driving licence.

57% of the people interviewed had a valid bus season ticket (n=99). 43% did not have this.

Comment

The results show that a high percentage of the respondents seems to have no access to public transportation, which can restrict their access to participation in everyday life.

High costs for public transport and debts for travelling without a ticket

Bus tickets are relatively expensive in Münster for people on low incomes. Those who receive welfare benefits from the Job Centre or the social services department receive a *Münster Pass* and can take out reduced-price season tickets. For example, a season ticket for commuters (*Jobticket*) then costs only €25 per month. The *Jobticket* is primarily intended for journeys in connection with work, but can be used for all other journeys. The prerequisite is that the person has a valid *Münster Pass* and a bank account and is not in debt to the public transport provider. It is often the case that people do have debts with the transport provider if they have a history of travelling without a valid ticket due to lack of means and have been apprehended by inspectors. In this case, a fee ("increased transport fee") of €60 is imposed, which the persons cannot afford if they do not yet have a regular income. Fees of €120 to €180 are not uncommon either. Advice centres can try to reduce the costs by directly contacting the transport company and interceding for destitute mobile EU citizens with a debt problem. Whether and, if so, how, the company will accommodate the person financially is decided individually on a goodwill basis. In some cases, a one-time fine of €60 for travelling without a valid ticket can be reduced to a much lower processing fee. If a person has been found to be travelling without a valid ticket more than once, this is not possible. Sometimes the public transport company also reports the person to the police for "fraudulent use". Such investigations are usually discontinued due to nullity, but sometimes cause great fear for people. If debts to the public transport providers cannot be paid off, it is often not possible to take out new season tickets and the people concerned have to rely on expensive single tickets or day passes.

Bicycle as an option

Apart from those living in the single-person emergency shelters close to the centre, most people live in neighbourhoods outside the city centre. Most would have to walk for more than half an hour to reach public services or the city centre. Another option would be to use a bicycle, which some mobile EU citizens like to use. However, a bicycle also involves costs for purchase and maintenance. In addition, not all people have the ability to ride a bike or are afraid to do so.

IMPACT OF THE COVID-19 PANDEMIC

Infections, tests and quarantine

The survey was conducted in the middle of the COVID-19 pandemic. At the beginning of the health crisis, activities in the facilities mainly revolved around the following topics:

- ▶ informing people seeking advice and staff on how to avoid infection with COVID-19;
- ▶ the provision of protective masks, disinfectants and spittoons; and
- ▶ the reorganisation or restructuring of the services offered.

The questions that the 100 mobile EU citizens were asked about the impact of the pandemic on their lives covered the following topics:

- ▶ infections with COVID-19;
- ▶ access to tests; and
- ▶ experience with quarantine.

BAGW¹⁶⁶ for example conducted extensive surveys on the impact of the pandemic with German institutions providing assistance to the homeless in spring and autumn 2020.

166 An overview of the survey findings can be found here: https://www.bagw.de/de/themen/corona_wlh/corona_umfr.html [last accessed on 23.05.2021].

TABLE 29: Findings concerning COVID-19 in %

SUBJECT	YES	NO
Infections with COVID-19 (n=100)	-	99 ¹⁶⁷
Access to tests (n=23)	61	39
Having to quarantine (n=91)	13	87

Table 29 shows that in total 12 persons had had to quarantine:

- ▶ nine people had had to quarantine after entering Germany from a risk area;
- ▶ two as contact persons; and
- ▶ one because of a suspected infection.

Case study

Mr. P. is a Lithuanian citizen. He came to Germany in spring 2021 to look for work. He does not speak German. His wife and child live in Lithuania. As he was initially homeless and without means, he stayed in an emergency shelter from where he looked for a job. As a result of the lack of work, Mr. P. was not entitled to state benefits. In the emergency accommodation, he had prolonged contact with a person suffering from COVID-19. As a result, he had to quarantine for a fortnight in a separate municipal facility located on the outskirts of the city. Following the quarantine, he returned to the emergency shelter. His search for work was unsuccessful, mainly due to the pandemic. In his seemingly hopeless situation, he developed problematic consumption of alcohol and drugs. In view of his deteriorating situation, he expressed his wish to travel home. He still had no financial means. He was unable to pay for both the trip and the necessary PCR test. He also had no access to telephone and internet.

With the support of an advice centre, he applied to the social services department for Bridging Benefits according to SGB XII. As he expressed the wish to return and assured that he would not come back to Münster, he was granted a loan by the social services department to cover the costs for the return journey. Access to the PCR test was much more difficult. This was finally carried out at a test centre. The costs were covered on a donation basis. Finally, Mr. P. was able to board the bus to Vilnius with a negative PCR test "in his pocket".

During the journeys between the different facilities and the authorities, Mr. P. was accompanied by a man who was also homeless, who interpreted for him and supported him in all the necessary steps that ultimately made his return possible.

Negative effects on individuals' living situation

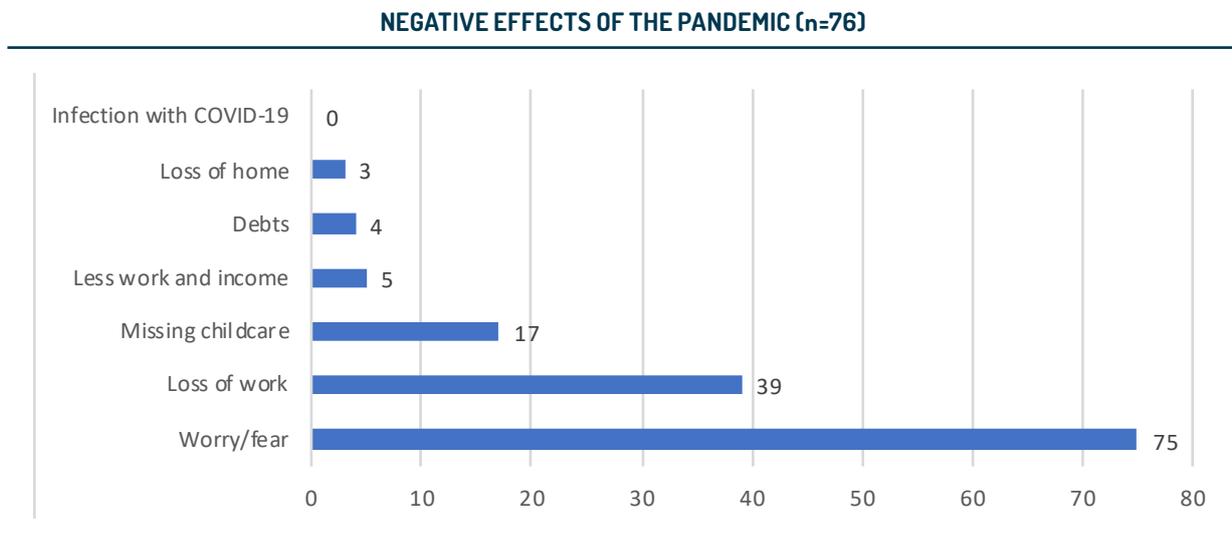
The answers to the questions concerning the negative impacts of COVID-19 of the 100 respondents are as follows:

- ▶ 76 % expressed that they felt negative impacts
- ▶ 24 % did not perceive any negative effects.

75% of the people who felt that their lives were negatively affected by COVID-19 said that they suffered from anxiety and worry. This refers to the subjective feelings of the persons. They did not have medical diagnoses, such as the presence of an anxiety disorder, but subjectively felt fears were described. Figure 11 shows the frequency of the different negative experiences.

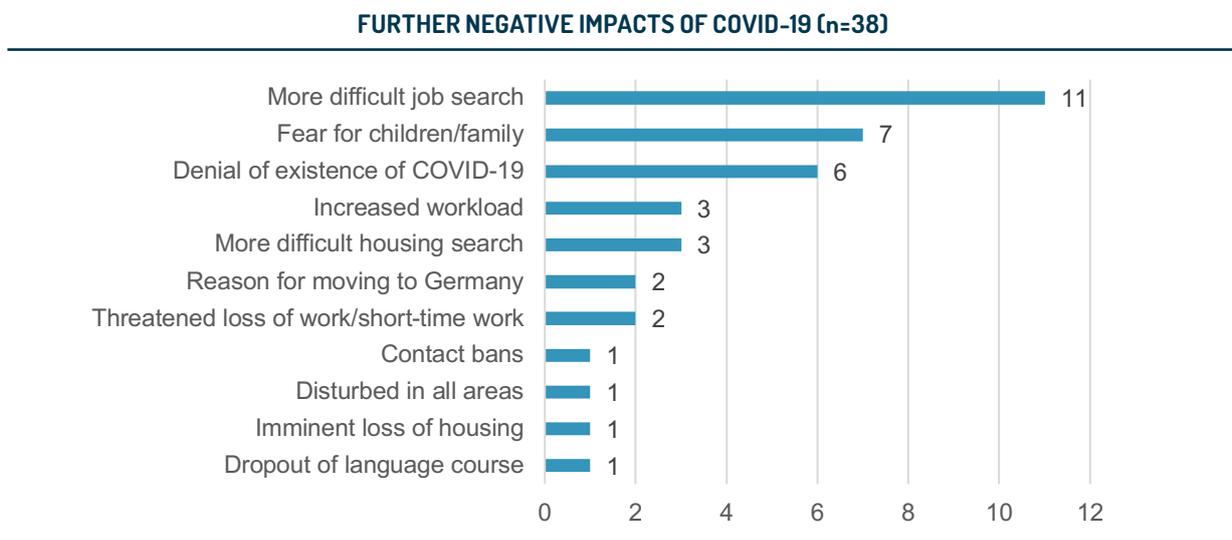
¹⁶⁷ One person was not sure whether she had had COVID-19 or not.

FIGURE 11: Negative effects of the pandemic (n=76) in %, multiple answers were possible



Under “Other”, further statements by the interviewees could be recorded. An overview is provided in Figure 12. Most frequent were difficulties in finding a job and fears for children and family.

FIGURE 12: Other negative impacts (n=38) in absolute numbers



Comment

The findings regarding COVID-19 are illustrative for the period before data collection. Therefore, they do not reflect the current situation, as the pandemic has evolved in many ways. The following section provides information on recent developments regarding the COVID-19 pandemic in relation to the target group of EU citizens in vulnerable situations.

Free rapid tests – compulsory testing

Since April 2021, every person in Germany has unlimited access to free rapid tests. Since the beginning of April, access to the two BHST advice centres has only been possible with a negative rapid test result that is not older than 24 hours. The target group is usually able to access testing without any problems.

Testing plans

In many shelters, there are testing plans that determine when and how often staff and residents have to be tested. At the time of designing the question-

naire for the current survey, rapid tests were not yet available. The first rapid tests were used by Münster authorities in November 2020.

Case study

Some of the first rapid tests were carried out on the V. family. The family, consisting of Mr. and Mrs. V. and their three children (aged 6, 12 and 17 years old) came to Münster in November 2020. They had become homeless in Bulgaria and could not get any support there. Mrs. V. was looking for work. Both adults have a disability that affects their walking; Mr. V. is permanently unable to work. The youngest daughter has severe asthma.

An acquaintance living in Münster had offered the family temporary help and helped them to come to Münster in a private van. It turned out that this acquaintance was able to help them find work, but was homeless himself and could not take the family in, leaving the family roofless and without financial means.

In their distress, the family turned to EBM+. Their arrival in Münster coincided with the second lockdown, when Bulgaria was considered a risk area and either proof of a negative PCR test or a ten-day quarantine was obligatory for people entering from Bulgaria. The family, who were not aware of these regulations, could not provide a negative test result and quarantine was not possible either due to a lack of accommodation.

After contacting the social services department responsible for accommodation and the public health office, it was decided that a rapid test should be carried out on the family by a mobile test team. Fortunately, the test yielded a negative result for all persons. Since quarantine was not necessary, it was possible to take the family into emergency accommodation. This was initially rejected on the grounds of the regulations on the accommodation of EU citizens who were not entitled to benefits. At the request of EBM+, the family was finally accommodated in emergency accommodation for homeless families on the same day, due to the particular difficulty of their circumstances. The presence of children, the health situation, the weather conditions and the pandemic conditions were taken into account as constituting particular hardship. Furthermore, there was no absolute lack of means, as the acquaintance assured that he would be able to provide food for the family for a few days. In addition, Ms. V. was able to credibly show that she could take up a job, which she also managed to do a few days after the events described.

Since there was no access to an indoor waiting facility for people with possible COVID-19 infection, the family had to spend the entire time (from 8 a.m. to 4 p.m.) that it took to clarify the situation outside in the open air. This was even more of an unpleasant experience as the tests had to be carried out in public by the health department staff.

Incidents of infection

Apart from isolated cases of COVID-19 infections in the various facilities, no major incidents of infection occurred in Münster's homelessness services until April 2021. In April 2021, a BHST emergency shelter for homeless men was affected by a major outbreak. There were about 40 infections among the residents and some staff. Except for one resident who died during this time, but not from COVID-19, all have since recovered and the shelter is no longer under quarantine. During the two-week quarantine period, the staff members who were not ill worked 12 hours a day, sometimes more, in full protective clothing. They provided the residents with medical help, nursing, social work and housekeeping – but above all psychological support – to help them survive the infection as best they could. In doing so, they also accepted great health risks for themselves.

Vaccination prioritisation

At the beginning of April 2021, homeless people who are particularly at risk of contracting COVID-19 and developing severe consequences due to their living conditions were included in priority group 2 of the vaccination campaign in Germany and were given immediate access to vaccinations. Currently (May 2021), vaccinations have been carried out in the emergency shelters for single persons and families after appropriate preparation.

Information concerning vaccination

Many people in Münster, including mobile EU citizens who live, for example, in municipal emergency shelters, are still uncertain about vaccinations. The main concern is the possible side effects of the vaccines. In order to meet the information needs of this group of people, the social services department, the *House of the Family*, the *Health Office* and the *Municipal Integration Centre* in Münster have developed a three-pronged vaccination campaign:¹⁶⁸

This consists of the following building blocks:

1. Production of *multilingual flyers* on the topic of vaccination, which can be displayed in day-care centres and schools, advice centres, the *Ausländerbehörde* (Foreigners' Authority), the Job Centre, etc.
2. Establishment of an easy access *telephone consultation under the motto "Cultural mediators strengthen vaccination readiness"*, with the help of specially trained language mediators.
3. Establishment of *mobile education teams* that go to places where migrants are particularly present, e.g. markets, cafés, family centres, mosques, etc., and provide information on the prevention of COVID-19, citizen testing and vaccination.

¹⁶⁸ Information on the vaccination campaign can be found here: <https://www.stadt-muenster.de/impfkampagne> [last accessed on 20.05.2021].

3

Summary and looking to the future

The results of the survey allow a nuanced view of the *living situation of mobile EU citizens experiencing precarious living situations and/or homelessness in Münster*.

They show that the mobile EU citizens interviewed used their right to free movement within the EU in the hope of creating better future prospects for themselves and their families. The most frequently cited *reasons for migration* were the search for a job and finding adequate housing. Most of the people expressed the wish to stay permanently in Münster or Germany, and thus to participate in society.

The survey revealed various interrelated *disadvantages* and, in some cases, *multiple discriminations* that *impair equal participation* in society and restrict the people concerned from realising their potential. These factors led to the necessity for a part of the group of people to make use of support from homelessness services and other services to meet their living costs.

The effects of disadvantages were particularly evident in the findings on the areas of *work, livelihood, housing, health and education*. However, it was also possible to show how many people – despite all the initial difficulties – had already been able to achieve a considerable improvement in their living conditions and which support services were particularly helpful in this.

In the area of *work*, the greatest challenges are the difficult access to the labour market or working in precarious jobs, which often do not allow people to earn a living on their own. The fact that 60 people had a job at the time of the survey, despite the

COVID-19 pandemic, and almost half of them were in employment subject to social security contributions, is nevertheless positive in this context. However, it is clear that with regard to *improving the access of mobile EU citizens to the labour market*, there is still a great deal of potential to be tapped and challenges to be overcome. Here, for example, the expansion of advice services is recommended to ensure sustainable access to the labour market, so that people can find long-term employment that goes beyond precarious employment in mini jobs or with temporary employment agencies and makes people independent of subsistence support services and state welfare payments. In addition, the expansion of advice centres on labour law issues would be welcome.

In the area of *meeting living costs*, the main problem is the negative effects of access to welfare benefits being prevented by legal provisions, but also by structural discrimination. These exclusions from benefits entail the danger of destitution and homelessness and have a particularly negative impact on the situation of families with children, as well as on long-term and sustainable participation in social life. There is sometimes reason to believe that forms of systematic unequal treatment and discrimination are intended to make it more difficult for mobile EU citizens to apply for welfare benefits. In order to ensure claims are awarded, support and advice services are necessary that work inter-sectionally, among other things, in order to grasp the complex legal situation in a differentiated and cross-sectoral manner, to develop solutions and to draw attention to possible violations of the law.

As far as *housing* is concerned, the biggest obstacles are the sometimes *difficult or impossible*

access to emergency accommodation for families and, on the other hand, the fact that they have to rely on these very accommodation services for roofless or homeless people due to the lack of affordable housing. Particularly noteworthy is the high number of homeless children, which was made visible through surveying parents. Although they are not recognised as roofless in the public sphere in Münster, they are confronted with great burdens due to the *homelessness or rooflessness of their parents*, which can have a lasting negative impact on their development. The fact that *almost half of the interviewed persons (with their children) have managed to rent housing with their own tenancy agreement* can be considered a success. However, there is still a *need for action with regard to the creation of more affordable housing or innovative housing concepts as well as institutional support for disadvantaged groups of people in accessing regular housing*. These measures can lead to accommodation in emergency shelters being limited to a few weeks at best. The sooner people achieve mainstream housing conditions, the better their chances of equal participation in society and stabilisation of other areas of their lives.

The negative effects in the area of *health* are mainly related to the living situation of rooflessness and homelessness, a lack of health insurance cover or limited access to medical care. Even so, the vast *majority of people were members of a German health insurance scheme*. In this context, however, it is important to note that a membership application can sometimes take several weeks, during which access to medical care is only guaranteed in an emergency. Here, access to donation-funded services for people without health insurance and the sustainable access to regular health insurance, if necessary, with the help of clearing houses, are important pillars.

The findings on the impact of the *COVID-19 pandemic* provide a deeper insight into the developments in dealing with the pandemic over the past year. These provide an overview of the negative effects on the living situations of individuals. The measures taken by the city of Münster in relation to access to testing and vaccination in spring 2021 give reason to hope for further positive developments.



In the area of *education*, especially for younger children of day-care age as well as adolescents and young adults, there are sometimes *major hurdles* in accessing the services that could sustainably improve their participation. On the other hand, all children of school age either already attended school or were waiting for a school place, which indicates that the *education of children is a major concern for parents* and that the support of agencies such as the *education advice in the school office is a very effective form of help*.

Finally, a few personal words: working on the survey and this report gave us a lot of pleasure, but sometimes it also touched us individually. People often shared their fates with us with great openness. Some of the circumstances we heard about left us speechless and deeply moved. At the same time, we were very impressed by the strong will of many people to actively shape their lives and to steer them in a better direction, as well as by the enormous personal strengths of many interviewees. We would like to take this opportunity to thank the interviewees once again for the trust they have placed in us and for their openness. We hope that our findings will contribute to a better understanding of the situation of mobile EU citizens experiencing precarious living situations and/or homelessness.



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