

# Effectively Tackling Homelessness Amongst Mobile EU Citizens

The Role of Homelessness Services, Cities, Member States and the EU





In many European cities, mobile EU citizens account for a significant proportion of the homeless population and, where access to homeless services is limited to those who have a right to reside, they are highly represented among people sleeping rough. To find a durable solution, many levels of policy making should be involved as well as different sectors.

### Profiles of homeless mobile EU citizens

Individuals who, in the exercise of the right to free movement, become destitute in another EU Member State are often unaware of their rights and struggle to find adequate support. Their living conditions therefore risk progressively worsening. There is a lack of research concerning the factors that push destitute mobile EU citizens to exercise the right to free movement and the reasons behind their vulnerability to homelessness. However, most mobile EU citizens move to look for a job and a recent Eurostat report<sup>1</sup> shows that most of them succeed in finding employment. Indeed, the employment rate of mobile EU citizens stood at 76.1 % in 2017, compared to an EU average of 72.1 % overall, and in most countries, employment rates of mobile EU citizens were higher than the employment rates found in the corresponding country of citizenship. Between 2007 and 2017, there has also been a larger increase in the employment rate of mobile EU citizens (4.1%) compared to the total population (2.3%). Homelessness services have been reporting that this trend is also valid for homeless mobile EU citizens: most of them moved because they did not have enough opportunities in the countries of which they are nationals and wanted to look for a job in another EU country.

Although at this stage it is not possible, due to a lack of comparative research, to draw a reliable profile of destitute mobile EU citizens in several Member States, the information FEANTSA members have collected over the years suggests a majority of individuals are men - though homelessness among women is generally more likely to be hidden - and young,

namely between 18 and 45 years old. In terms of nationalities, destitute mobile EU citizens are predominantly nationals from Central and Eastern European countries though over the last years an increasing number of people coming from Southern Europe – Italians and Spaniards – have been observed. In terms of education, profiles vary according to nationalities and cities in which mobile EU citizens live. In Berlin, Frostschutzengel reported that 25% of their beneficiaries completed education, particularly among Polish nationals (50%) while in Münster, Europa Brücke mainly works with beneficiaries who have a low level of education. Services such as Crossroads in Gothenburg and Kompasset in Copenhagen reported that their beneficiaries generally have good professional experience but lack a formal education background. Contrary to what is generally thought, destitute mobile EU citizens are not necessarily low-educated and low-skilled.

The target group is particularly heterogeneous, and it ranges from those who have good opportunities to find a job and therefore mainly need to be guided into the labour market, to those who have a high level of mental health, alcohol and drug abuse problems and therefore urgently need access to services that can help them to recover or at least to stabilise. Provision of services is particularly complicated because there are many different profiles and vulnerability factors among destitute mobile EU citizens: people who are working poor or experience precarious working conditions, people who had a job without a contract and had an accident, elderly people, people with disabilities or chronic illnesses, single parents, pregnant

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<sup>1</sup> Eurostat, *EU citizens living in another Member State - statistical overview* <https://bit.ly/2RfCYF3>

women, children, victims of domestic violence – to mention just a few. What is important to bear in mind, is that the more people live in the streets and do not access adequate services, the more they become vulnerable and excluded and consequently need further support services.

### The role of homelessness services

Professionals working for homeless services are on the first line when it comes to providing support to homeless mobile EU citizens. The main problem is that homeless services do not often have the expertise to provide adequate solutions. EU free movement law is complicated and how Member States transpose it into national law requires in-depth analysis. Services do not always know to what extent their beneficiaries are entitled to social benefits and to services and which safeguards exist against expulsions.

Over the last years a few homeless services have taken the initiative and developed targeted services to reply to the needs of mobile

EU citizens. Some have decided to focus on advice and counselling services to foster social inclusion, others set up reconnection programmes. Counselling services particularly help those individuals who are more likely to find a job or who can at least rely on a right to reside and have therefore access to social benefits. Reconnection programmes are instead carried out to provide an option for the most entrenched, for those who otherwise are bound to sleep rough and unable to address high levels of mental health, alcohol and drug abuse problems.

In terms of human resources, what has been highlighted in several contexts, is the need for legal expertise that homeless services often lack. Homeless service providers need to be able to rely on legal experts who are familiar not only with EU law but also with homelessness issues. The problem is indeed twofold: on the one side we might have homelessness services lacking legal expertise or at least access to legal experts; on the other side, we might have legal experts who are



either not acquainted with EU free movement law or with homelessness issues.

Homelessness services cannot solve the issue alone. To effectively address the issue, they need other services – particularly employment, health and housing services – and public administrations properly functioning and willing to be engaged in a partnership. Moreover, from a policy-making point of view, there are different levels to be taken into account: the local authorities, the national level and the European arena.

### The role of cities

Cities are directly affected by issues related to homelessness among mobile EU citizens. Firstly, because their financial resources are made available to homelessness services, including emergency accommodation, especially during winter programmes. Secondly, because of public policy and security reasons that are often raised when there is a significant number of people sleeping rough. The policies carried out so far are basically of three types: financing services that provide targeted support to homeless mobile EU citizens; investing in reconnection programmes; adopting measures that criminalise homelessness. The third kind of initiative is particularly worrisome since it is not rare that cities implement policies to target begging and rough sleeping with anti-social behaviour measures.

### The role of Member States

Member States have the duty to properly implement EU free movement rules. However, over the last years, there has been a tendency to restrict the exercise of the right to free movement. In 2017, the UK has for instance introduced the concept of rough sleeping as constituting an abuse of rights, which allowed the Home Office to arrest and deport mobile EU citizens merely for sleeping rough. Luckily, this policy was deemed unlawful by the UK

High Court and put to an end. Other countries adopt restricting interpretation of EU law that directly or indirectly jeopardise free movement rights of those mobile EU citizens who struggle to make ends meet: the notion of worker is interpreted narrowly so that people with low-hours contracts and working poor do not have the right to reside and therefore have no access to social benefits; strict criteria are applied to prevent people who have lost their job and first-time job-seekers from accessing social welfare; begging and rough-sleeping are considered as threats to public policy to easily expel people who struggle to survive. These are just a few examples of strict – arguably unlawful – interpretation of EU law by national authorities. To these breaches of EU law on paper, we should also add all the practices carried out by officials working for public administrations, such as wrongful information about documents to provide and processing delays.

### The role of the EU

The European Union – and more specifically, the European Commission – should play a more proactive role. It should firstly acknowledge that there is an issue, which is serious but still manageable, and that the EU has the competence to address it. It cannot only claim that free movement is a fundamental principle of the EU and that it is successful for many, which is however undeniably true. There are notions stemming from EU law, and particularly from the Citizens' Rights Directive, that are still unclear and consequently not properly implemented at national level. The Commission should therefore set precise criteria to clarify notions such as genuine chance to find a job, unreasonable burden to the social assistance system, marginal and ancillary activity.

Uncertainty in the interpretation of EU law leaves room for local policies that are influenced by the current political climate rather than built on common values and shared understanding.

A new Communication on the transposition and application of the Citizens' Rights Directive is needed since the last was published in 2009.

Besides clarifying the existing notions, the Commission should also make sure that Member States do not infringe EU law. Until now, the Commission has been very reluctant when it has come to effectively protecting the rights of mobile EU citizens by reprimanding – and, if needed, sanctioning – Member States that have clearly breached EU free movement rules. For instance, no answer has been given to a complaint filed by FEANTSA against the UK, which, for a significant number of months, considered rough sleeping as a sufficient reason to expel mobile EU citizens, regardless of whether they had the right to reside or not. In 2017, in an answer to a parliamentary question asked by a Danish MEP, Ole Christensen, Commissioner Jourovà pointed out that EU law “precludes a Member State from making the right of residence of an EU citizen in another Member State subject to a condition of having a permanent or temporary address” and that “EU citizens who meet the

conditions set out in Directive 2004/38/EC have a right of residence, irrespective of whether they are homeless or not”.

Moreover, the Commission should be taking on a coordination role and making sure that Member States work together to find long-term solutions. Dialogue between ‘sending’ and ‘host’ countries would certainly help to provide people with solutions out of destitution and maybe even to prevent mobile EU citizens from becoming homeless. Within this framework, the EU should also monitor the way voluntary returns – or reconnections – programmes are carried out. This would help to avoid abuses and to make sure there is a proper follow-up once people are back to the country of which they are nationals.

The Commission can also make use of two other prerogatives: deciding the priorities for EU financial instruments and, very importantly, proposing new legislation. For instance, in Germany, the Fund for European Aid to the most Deprived (FEAD) has been used to finance projects providing counselling to homeless





mobile EU citizens but the criteria adopted by German authorities preclude homeless services from using the allocated budget to support individuals in entering the labour market. The Commission could play a role in convincing national authorities that homeless mobile EU citizens do need employment services since getting a job is much more likely to help people out of destitution than simply being referred to basic services. A better coordination of existing EU financial instruments is needed and a new fund, or a compensation mechanism between Member States, could be put forward to counter the unintended consequences of EU free movement. In terms of new legislation, an EU framework which would guarantee access to basic services, including accommodation, might be the solution to protect mobile EU citizens' fundamental rights. This EU legal framework could be similar to the reception conditions' directive that guarantees access to basic services for asylum seekers.

## Recommendations

To effectively tackle homelessness among mobile EU citizens, a long-term strategy is necessary and needs to be framed in a European context. FEANTSA therefore asks of the European Union:

### A better EU legal framework

- By making sure that EU free movement law is properly implemented at national level and to counter restrictive interpretation of free movement rights. Mobile EU citizens who struggle to make ends meet, who are looking for a job, working poor, experiencing precarious working conditions and are not able to afford to pay rent must be supported through protection of their EU free movement rights, particularly in terms of access to social benefits and services.
- By making sure that fundamental rights of the most vulnerable – those with high support needs who are at the



margins of society – are properly respected. Leaving people in the street and targeting them with anti-social behaviour measures is an attack on human dignity and should be considered as degrading treatment.

- Through the publication of a new Communication on the transposition of Directive 2004/38 introducing detailed criteria to clarify notions such as genuine chance to find a job, unreasonable burden to the social assistance system and the definition of worker. Further guidance would be needed also to better define the boundaries of the use of public policy and public order to criminalise behaviours that are often linked to homelessness.
- By adopting an EU directive that guarantees access to basic services, including accommodation, and makes sure that mobile EU citizens' fundamental rights are respected. This piece of legislation could be similar to the reception conditions' directive that guarantees access to basic services for asylum seekers.

#### Better knowledge of the issue

- By collecting reliable and comparable quantitative data about destitution among mobile EU citizens and to carry out comparative research, in several Member States, about profiles of mobile EU citizens who are homeless in order to identify the factors of vulnerability to homelessness and the reasons behind the unintended consequences of EU free movement. This comparative study should collect demographic information of the individuals concerned, their social status before departure, their level of education, the reasons why they left their country of origin, their level of preparation before departure and the level of needs they currently have.

#### Better coordination

- By facilitating the development of collaboration at local level between organisations providing services to destitute mobile EU citizens and legal experts specialised in EU free movement law. This mutual exchange would help, on the one side, professionals working with destitute mobile EU citizens to acquire knowledge regarding the EU legal framework and propose adequate solutions to their beneficiaries, and on the other side, legal experts to be acquainted with obstacles faced by destitute mobile EU citizens in exercising the right to free movement.
- By facilitating the setting-up of a cross-sectoral partnership between housing, employment, health and education services so as to develop a holistic and solution-orientated approach towards homelessness among mobile EU citizens. Such a partnership would help cities to develop integration strategies and properly address public policy issues without making recourse to measures that criminalise homelessness.
- By creating a framework in which dialogue between 'sending' and 'host' countries would be enhanced. A transnational partnership could help preparing mobile EU citizens before they leave and decrease their vulnerability to destitution as well as to find adequate solutions once they have become destitute in another Member State. Within this framework, the EU should also monitor the way voluntary returns and reconnections programmes are carried out, to avoid abuses and to make sure there is a proper follow-up once people are back to the country of which they are nationals.

## Better services

- By encouraging Member States and supporting them in setting-up counselling services that provide timely support to homeless mobile EU citizens. These services would prevent people from becoming long-term homeless and, consequently, developing high level of support needs.
- By acknowledging that the respect of fundamental rights and the defence of EU citizenship can be guaranteed only through the provision of adequate services to all mobile EU citizens who have high support needs. People physically or mentally ill, people with alcohol or drug abuse problems, elderly people, people with disabilities, single parents, pregnant women, children, victims of domestic violence, urgently need help.
- By making sure that existing EU funding can be used to provide destitute mobile EU citizens with social inclusion services, such as administrative support and guidance into the labour market, rather than being used solely to refer people to low threshold services. A better coordination of existing EU financial instruments is needed and a new fund, or a compensation mechanism between Member States, could be put forward to counter the unintended consequences of EU free movement.

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For more information about PRODEC (Protecting the Rights of Destitute Mobile EU citizens): <https://www.feantsa.org/en/project/2017/05/02/prodec-protecting-the-rights-of-destitute-eu-mobile-citizens>

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