

What Can Be Done to Address Housing and Homelessness of Undocumented Migrants?



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This article from PICUM explores how undocumented migrants across Europe are systematically excluded from housing. As homelessness rises, so too does the criminalisation of those simply trying to survive. From legal barriers and administrative exclusion, to landlord discrimination and exploitative conditions, Garyfallia Mylona, with contributions from Laetitia Van der Vennet and Michele Levoy, calls for an urgent shift toward a rights-based housing approach: one that protects undocumented people from both destitution and state violence, and ensures no one is left without shelter due to their residence status.

“Housing is not a privilege tied to a person’s migration status.”

In recent years, housing issues have gained increasing attention at the EU level, with 2025 marking a pivotal year for housing policy. A major milestone will be the adoption of the first ever EU Affordable Housing Plan.¹ Preparations are underway for the first-ever EU Anti-Poverty Strategy,² alongside the renewal of the European Pillar of Social Rights Action Plan.³ Further, discussions on the Multiannual Financial Framework (MFF) post-2027⁴ have begun. These initiatives present an opportunity to reshape the housing landscape in Europe.

While housing policy reforms are being planned, homelessness has been on the rise.⁵ This is particularly true for the most marginalised, including undocumented migrants, who are becoming a larger part of the homeless population. For example, countries like France⁶ and cities such as Brussels⁷ and Lisbon⁸ are seeing growing numbers of undocumented people experiencing homelessness.⁹ Still, much of the data on homelessness in the EU remains fragmented. Most national statistics¹⁰ and strategies¹¹ to combat homelessness focus solely on regularly residing populations, perpetuating a policy blind spot which leaves undocumented people invisible in relevant discussions.

Although housing is a basic right,¹² it would be wrong to assume that everyone has equal access. Precarious residence status correlates with social and economic instability, making undocumented migrants highly susceptible to homelessness and housing exclusion. Such challenges are often exacerbated by structural discrimination and policies that systematically exclude undocumented individuals from basic housing protections, or link housing to migration management. Any policy efforts will fall short unless the needs and realities of marginalised groups such as undocumented migrants are explicitly addressed.

Barriers to adequate housing for undocumented migrants

Undocumented people across Europe face a unique combination of barriers that affect their access to adequate housing.¹³

These can be legal, administrative, social, and economic, and often result in their exclusion from both formal housing markets and public housing systems. As a result, many are left with little to no viable options for safe, stable, and secure accommodation.

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Legal and administrative barriers

People with temporary, precarious, or irregular residence status encounter various legal or administrative obstacles in accessing housing, including private rental accommodation, social housing, and public shelters.

Landlords typically require documentation that they cannot provide, such as proof of income, credit scores, and national identification. In many EU countries, undocumented migrants are excluded from public or social housing programs.¹⁴ Access to public shelters or assistance with housing may also be hindered by requirements to show a residence permit or other documentation that irregular migrants cannot produce, such as a social security number.

Exclusion from state-subsidised housing or any other state support means that the only option is the private housing market, where undocumented people face another multitude of barriers. As a result, they are often pushed to the margins of the private housing sector.

Discrimination, exploitation, and other barriers

Discrimination plays a major role in excluding undocumented migrants from the formal rental market. Landlords often impose discriminatory practices, rejecting potential tenants based on their residence status, nationality, or ethnicity.¹⁵ Even in countries where there are no legal barriers to renting to undocumented individuals, landlords may still refuse to rent due to biases, prejudice or (founded or unfounded) fear of legal repercussions. Discrimination can manifest as unreasonable, difficult to fulfil requirements, such as demands for excessive documentation and guarantees, including exorbitant deposits, abusive clauses and inflated prices. Racialised communities and persons with disabilities face compounded challenges, as being undocumented exacerbates barriers to accessing basic rights and services, including disability support.¹⁶

Many undocumented individuals live in severe poverty, working in low-

paid, informal sectors with unstable incomes and no formal employment documentation, and are excluded from basic mechanisms of social protection that could provide a minimum social safety net. Undocumented workers are systematically underpaid and exploited, which impacts all aspects of their lives.¹⁷ As rent costs rise, undocumented migrants are often priced out of the market or forced to accept substandard housing that may be unsafe or overcrowded. The fear of detection prevents many from entering formal rental agreements even if they legally could, pushing them into informal arrangements with no legal protections and a high risk of exploitation. These often involve exploitation by “slum landlords”¹⁸ or informal brokers who rent substandard housing at inflated prices.

Language barriers and a lack of familiarity with the local housing market further amplify inequalities and bureaucratic barriers, particularly in countries where the process of renting a home can involve complex paperwork and bureaucratic procedures.

Exclusion from public shelters

Access to public shelters is often restricted due to national registration requirements, documentation checks, or municipality-specific policies. Those with irregular residence status are typically deprioritised, face long waiting times, or simply denied access.¹⁹ Even when access to shelters is possible, stays are typically short-term and non-renewable, unstable, and sometimes deemed unsafe or inadequate – especially for families.²⁰ In that regard, families with children continue to face many challenges, despite the EU’s commitment to ensuring access to adequate housing for all children in need, regardless of their migration status, as part of the European Child Guarantee.²¹ Overall, shelter access for undocumented migrants remains largely dependent on non-state actors (e.g. churches) or local discretion.

The right to housing versus migration control measures

In some EU member states, landlords can face legal repercussions when renting to migrants with irregular residence status. Renting to undocumented migrants can either be explicitly punishable by law or fall under the application of laws related to the facilitation of irregular stay.²² It can also be deterred through legislation that mandates landlords to verify tenants’ residence status before renting, and penalises them if they fail to report undocumented migrants to the authorities.²³

The criminalisation of solidarity actions across Europe is escalating, posing significant barriers to accessing housing and shelter for undocumented migrants.²⁴ The EU Facilitation Directive (2002/90/EC)²⁵

criminalises the act of facilitating the residence of irregular migrants, and the broad definition of “facilitation” means that renting accommodation to undocumented migrants can be considered a criminal offence in several Member States.²⁶

“The criminalisation of solidarity actions across Europe is escalating, posing significant barriers to accessing housing and shelter for undocumented migrants”

In November 2023, the European Commission proposed a recast of the 2002 Facilitation Directive, according to which, requesting or obtaining a “financial or material benefit” for assisting a third-country national to reside within the territory of a member state constitutes a criminal offence.²⁷ The currently negotiated text still fails to clearly protect individuals who obtain a lawful financial compensation when helping someone in an irregular situation or providing a service. This means that landlords and others providing services traditionally offered in exchange for money and without undue financial profit could still risk criminalisation. Unless activities such as providing shelter are exempt from criminalisation, the widespread criminalisation of solidarity that has occurred throughout the EU since the 2002 Facilitation Directive was adopted will most likely increase dramatically.²⁸

Further, the Return Regulation proposed by the European Commission in March 2025²⁹ includes provisions that could criminalise undocumented migrants experiencing homelessness. The draft regulation permits immigration detention of up to 24 months for individuals deemed likely to try to avoid deportation or comply with deportation orders, including those without a fixed address. Mandatory reporting obligations are introduced, potentially requiring public sector workers to detect and report undocumented migrants. Additionally, the regulation mandates that returnees provide a current residence address and accept official communications, conditions that are often unattainable for undocumented migrants lacking stable housing. These provisions may further deter undocumented migrants from seeking essential services like housing due to fear of detection and deportation.³⁰

Toward a rights-based approach to housing for all

To address homelessness and housing exclusion among undocumented migrants, it is essential to adopt a rights-based approach ensuring access

to safe, adequate housing for everyone, regardless of migration status, involving the following elements:

Invest in inclusive social policies: Develop and implement EU and national social, anti-poverty and housing policies that truly reach people in poverty and/or at risk of homelessness, regardless of their residence status.

- Recognise housing as a fundamental right: Ensure that legal safeguards against eviction, housing exclusion and inadequate housing conditions extend to all and are accessible to all, regardless of their residence status.
- Adopt a Housing First approach: Provide undocumented individuals with immediate and unconditional access to stable housing (e.g. emergency shelters, transitional housing or more permanent housing), along with psychosocial and legal assistance, to help resolve their irregular residence status.
- Enforce anti-discrimination measures: Implement and enforce anti-discrimination policies in both public and private housing markets to ensure equal access for undocumented migrants.

Ensure unhindered access to emergency shelters, regardless of residence status.

- Remove legal and practical barriers: ensure that undocumented individuals can sign a lease, deposit rent guarantees, and open bank accounts.
- Establish firewalls between housing services and migration enforcement, ensuring that access to housing does not depend on a person's migration status.
- Decriminalise renting to undocumented people: remove legal penalties for renting to undocumented individuals, shifting the focus to protecting people from exploitation.

Housing is not a privilege tied to a person's migration status. Despite housing being recognised as a fundamental human right, undocumented migrants continue to have this right systematically denied. As homelessness rates rise across Europe and EU institutions, along with member states, try to respond, it is essential to ensure that undocumented people are not left behind. Failing to do so is both a failure of policy and a breach of human rights obligations.

A joint PICUM-FEANTSA report, on the issue of homelessness and access to housing for undocumented migrants, focusing on undocumented children, families, and young people, is scheduled for publication in late 2025. The report will analyse relevant frameworks and practices in several EU member states.

ENDNOTES - What Can Be Done to Address Housing and Homelessness of Undocumented Migrants?

1 European Commission, [European Affordable Housing Plan](#).

2 Social Platform, 2025, [Position Paper Anti-Poverty Strategy](#).

3 Social Platform, 2025, [The Next European Pillar of Social Rights Action Plan](#).

4 PICUM, 2025, [PICUM's priorities for the next EU long-term budget: contribution to the European Commission consultation](#).

5 According to FEANTSA's [2024 Annual Overview](#), homelessness increased by 28% between 2020 and 2024, with over 1.28 million people affected, including 400,000 children.

6 Fondation pour le logement, 2021, [Fabrique des personnes «sans-papiers», fabrique des mal-logés](#).

7 In Brussels, [7 in 10 people](#) living in Samu Social's emergency shelters were undocumented in 2023.

8 Portugal Resident, 2024, [Immigrants in majority among Lisbon's homeless](#).

9 Homelessness extends beyond the mere absence of a physical dwelling, encompassing various forms of housing exclusion. See e.g. [ETHOS - European Typology of Homelessness and housing exclusion](#).

10 OECD research reveals that the majority of national statistics exclude undocumented migrants. OECD, 2024, [Challenges to measuring homelessness among migrants in OECD and EU countries](#).

11 In June 2021, the European Platform on Combatting Homelessness (EPOCH) was launched, reaffirming a joint commitment of Member States and EU institutions to work towards ending homelessness by 2030. [National strategies](#) vary, with some integrating homelessness into broader housing or anti-poverty policies, while others have dedicated homelessness strategies. Only

a few mention migration. Some measures may exist at federal, regional, or local levels, but comprehensive data on these initiatives can often be limited or inaccessible.

12 OHCHR, Special Rapporteur on the Right to Housing, [The human right to adequate housing](#). The [European Social Charter](#), in Article 31, requires state parties to promote access to housing of an adequate standard, prevent and reduce homelessness with a view to its gradual elimination, and make the price of housing accessible to those without adequate resources (Council of Europe, 1996).

13 For a better overview of these issues, read PICUM, 2013, [Housing and homelessness of Undocumented Migrants in Europe: Developing Strategies and Good Practices to Ensure Access to Housing and Shelter](#).

14 For example, in Frankfurt, Germany, eligibility for social housing is restricted to individuals who can demonstrate permanent residence or hold a valid residence permit for at least one year, meaning that migrants with precarious status are generally excluded from both social housing and homelessness assistance. City Initiative on Migrants with Irregular Status in Europe (C-MISE), [Migrants with Irregular Status in Europe: Guidance for Municipalities](#).

15 The European Agency for Fundamental Rights (FRA), recorded that between 2016 to 2022 31% of people of African descent faced racial discrimination when trying to rent or buy an apartment or a house in Europe, while in the case of Muslims, 26% perceived discrimination in accessing housing. FRA, 2023, [Being Black in the EU. Experiences of people of African descent – EU Survey on immigrants and descendants of immigrants](#), p.42.

16 For more, read PICUM, 2024, [Navigating disability and irregular status in Europe](#).

17 PICUM, 2020, [A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access](#)

[Justice](#).

18 Housing Rights Watch, 2021, [Unfit Housing and Slum Landlords in Europe: Learning from Different Legislation to Protect Vulnerable Tenants](#), p.2.

19 Exceptions exist, such as the LVV (Landelijke Vreemdelingen Voorziening) program in the Netherlands that provided basic shelter and support services to undocumented migrants, often through temporary accommodations and essential services such as healthcare and legal advice. Unlike state-run shelters, LVV did not require migrants to provide proof of regular residence. However, the program had strict criteria and was limited in scope and duration. For more, read PICUM, 2023, [A snapshot of social protection measures for undocumented migrants by national and local governments](#) pp. 16-19.

20 For a better overview of the impact of homelessness on undocumented children and families, read PICUM, 2021, [Navigating Irregularity: the impact of growing undocumented in Europe](#).

21 For more, read PICUM, 2021, [EU Council adopts Child Guarantee that benefits undocumented children](#).

22 FRA found in 2011 that five EU member states (Cyprus, Greece, Denmark, Estonia, and Lithuania) explicitly punish landlords for renting accommodation to migrants in an irregular situation. [Criminalisation of migrants in an irregular situation and of persons engaging with them](#) p. 13. In eleven EU member states, landlords renting accommodation to migrants in an irregular situation may risk a fine and/or imprisonment based on rules on facilitation of stay; a further seven EU member states punish landlords with a fine. Ibid, p.13.

23 For example, in the UK, landlords and letting agents are required to perform “[right to rent](#)” checks under the Immigration Act 2014 (Chapter 1, Part 3). Specifically, they must ensure that an adult tenant is not disqualified

from renting due to their migration status. If a tenant is found to be disqualified after passing the initial check, landlords must notify the Home Office “as soon as reasonably practicable” to avoid liability.

24 In 2024 alone, 142 human rights defenders in the EU faced judicial proceedings for supporting migrants, including providing shelter. For more, read PICUM, 2025, [Criminalisation of migration and solidarity in the EU 2024 report](#).

25 [Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence](#).

26 See also Carrera et al., 2018, [Fit for purpose? The Facilitation Directive and the criminalisation of humanitarian assistance to irregular migrants: 2018 update](#).

27 [Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL](#) laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union, and replacing Council Directive 2002/90/EC and Council Framework Decision 2002/946 JHA, Article 3, par. 1a.

28 For further analysis of the new Facilitation Directive, read PICUM, 2024, [How the New EU Facilitation Directive Furthers the Criminalisation of Migrants and Human Rights Defenders](#).

29 [Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL](#) establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC

30 For further commentary read PICUM, 2025, [New Returns Regulation ushers in dystopian detention and deportation regime](#).