



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

REPORT ON THE HOUSING SITUATION OF UNDOCUMENTED MIGRANTS IN SIX EUROPEAN COUNTRIES:

Austria, Belgium, Germany, Italy, the Netherlands and Spain

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1. INTRODUCTION

“Housing is “a social good, which also favors integration. It’s the unique, it’s what allows you to establish yourself and respond to other needs. A basic good.”

Elena Lopez (*Provivienda*, Madrid)

PICUM, the Platform for International Cooperation on Undocumented Migrants, is a European network of organizations providing assistance to undocumented migrants. PICUM’s main aim is to promote access to basic social rights for these migrants.

Our members indicated that access to housing is one of the main problems for undocumented migrants. Therefore it was included on PICUM’s agenda to start with a project on shelter. This report is the result of the first phase of the Shelter-project, which was an explorative phase. **The main aim of this report is to clearly define the problem in the sense that it will reveal the various causes and components of the problem, and it will have to provide a basis for PICUM to develop a plan for further action.**

This report provides information of the right to housing in general, and gives an overview of the situation in six selected countries as regards the housing situation of undocumented migrants. The information resulted from desk research and from interviews with staff of both homeless organizations and NGOs dealing with undocumented migrants. The contacts with the homeless organizations came about through FEANTSA, the European Federation of Organisations working with the Homeless. FEANTSA has had the issue of ‘migrants’ on its agenda the last years, since their members are more and more confronted with migrants and undocumented migrants doing an appeal on them. The interest of FEANTSA in cooperating with PICUM on this issue emanates from this observation and the need to find an answer to this problem. This does not mean that FEANTSA and its members are unanimously in favor of opening up their homeless shelters for undocumented migrants, the argumentation for this is explained in the chapter on homeless shelters.

This report has an explorative character, and is therefore focusing on a limited amount of countries: the Netherlands, Belgium, Italy, Austria, Germany and Spain. The list of interviewees can be found in the annex at the end of this report, as well as the questionnaire for the interviews. Because of its explorative character, this report does not aspire to be complete. The information on the different countries serves to give a broad overview and to detect the main problems, but needs to be completed in a possible later stage.

Following a description of the right to housing and the way it has been taken up by some international organizations and by the European Union, the lion's share of this report evaluate the accessibility for undocumented migrants to the different identified housing sectors. This part of the report is classified as follows: community network, private housing, social housing, homeless shelters, NGOs, and 'other possibilities'. Following the concluding remarks on the different sectors, some recommendations will be put forward.

2. THE RIGHT TO HOUSING IN INTERNATIONAL CONVENTIONS

2.1. Introduction

UN-HABITAT has estimated that 1.1 billion people are living in inadequate housing conditions in urban areas alone. Among all the components of basic human rights outlined in major international human rights instruments such as ICESCR, UN-HABITAT considers the human right to adequate housing as among the most frequently violated.¹

In this chapter is firstly described in which international conventions the right to housing is mentioned, and attention is paid to the exact contents of this right. Following this, an overview is presented of specific programs on the right to housing in the framework of the United Nations and the Council of Europe. A last sub-chapter focuses on the right to housing in the European Union.

2.2. The Right to Housing in International Conventions

The right to housing is explicitly recognized as a basic human right among a wide range of international instruments. As one of the facets of an "adequate standard of living", it is stipulated in the Universal Declaration of Human Rights (UDHR) and the International Covenant of Economic, Social and Cultural Rights (ICESCR). This right is applicable to all persons regardless of nationality or legal status.²

The most complete provision for the right to adequate housing is mentioned in article 11, paragraph 1 of the ICESCR, which states:

¹ Position paper on Housing Rights, UN HABITAT, <http://www.unhabitat.org/programmes/housingpolicy/hpu/housing.PDF>

² UDHR, Article 25(1) and ICESCR, Article 11(1).

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions. The State Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent”.

The right to adequate housing is also recognized in several other international instruments that have focused on the need to protect the rights of particular groups. Article 43.1 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) states that:

“Migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to...(d) Access to housing, including social housing schemes, and protection against exploitation in respect of rents”.

Article 14.2 (h) of the Convention on the Elimination of All Forms of Discrimination against Women (1979) states that:

“States Parties shall undertake all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right...(h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications”.

Article 16.1 of the Convention on the Rights of the Child (1989) states that: *“No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation”.* Article 27.3 further states that: *“States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in the case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing”.*

Article 5 (e) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination (1965) obliges States:

“to prohibit and eliminate racial discrimination in all of its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of...(e)...(iii) the right to housing”.

The Council of Europe's **European Social Charter** (Art. 31) clearly states that with a view to “*ensuring the effective exercise of the right to housing, member states undertake to take measures designed:*

- 1. To promote access to housing to an adequate standard;*
- 2. To prevent and reduce homelessness with a view to its gradual elimination;*
- 3. To make the price of housing accessible to those without adequate resources”.*

The position at the Council of Europe level is more limited than in the other international conventions mentioned because the revised European Social Charter only protects the right to housing of nationals of other Contracting State Parties. However, the right to be free from degrading treatment in Article 3 of the European Convention on Human Rights (ECHR) and the right to private and family life, home and correspondence in Article 8 of the ECHR might also be invoked to protect undocumented migrants from intolerable housing conditions.³

3. ENFORCEMENT AND MONITORING OF THE RIGHT TO HOUSING

3.1. Elements of enforcement

In its Position paper on Housing Rights, the United Nations Settlements Programme (HABITAT) highlights a few aspects that are important in the realization of housing rights. It is e.g. noted that **equality of treatment and non-discrimination** for all is a fundamental element of the realization of housing rights. Indeed very often the access to housing is not blocked because of a shortage of housing, but rather because of discriminatory attitudes of those in charge of allocating houses. At the World Conference against Racism, Racial Discrimination, Xenophobia and Other Related Intolerances held in Durban, South Africa in September 2001, issues of discrimination in access to housing and related services came to the fore. The Declaration recognized the existence of discrimination in access to housing, along with other economic, social and cultural rights (para. 33) and recommended special measures for victims, including appropriate representation in housing (para.108).

Another important aspect of the realization of housing rights is the **existence of legal and other appropriate remedies** in cases of violations and/or non-fulfilment of housing rights.⁴ One of the most common myths propagated about the right to housing and

³ Cholewinsky, R., Report of the meeting of the Ad Hoc working Group on Irregular Migrants, December 2003

⁴Position paper on Housing Rights, UN HABITAT
<http://www.unhabitat.org/programmes/housingpolicy/hpu/housing.PDF>

other economic and social rights, is indeed that courts cannot protect these rights. This idea is usually based on a comparison with civil and political rights. Proponents of this myth believe that unlike civil and political rights, economic, social and cultural rights are too vague and too cost-intensive to be litigated, and can not be implemented on the basis of policy, but not on law and justice.

But the reality is different. Not only is the right to housing one of the most developed economic, social and cultural rights in terms of content, but a number of the constituent elements of the right to housing are adjudicated in courts of law, tribunals and other legal and quasi-legal forums on a daily basis. For example, in many countries Landlord-Tenant relations are regulated by legislation and enforced in courts or tribunals; discrimination with respect to accommodation is prohibited in national human rights legislation in countries across the world and land claims are commonly brought before adjudicators. Moreover, almost all countries have passed legislation on various aspects of housing, much of which can be brought before the courts.⁵ (The Centre on Housing Rights and Evictions)

3.2. UN Monitoring of the Right to Housing⁶

In June 1996 in Istanbul (Turkey), the UN organised the second major conference on human settlements, commonly called Habitat II. The heads of state and government and the official delegations of countries, representing 175 States, endorsed the universal goals of ensuring adequate shelter for all and making human settlements safer, healthier and more liveable, equitable, sustainable and productive. The conference focused on two major themes: adequate shelter for all and sustainable human settlement development in an urbanising world. The conference adopted the Habitat Agenda, which is a comprehensive policy document with principles and recommendations on the above two themes.

The Human Settlements Programme, commonly known as UN-Habitat, is the UN body responsible for monitoring and promoting the implementation of the Habitat Agenda.

In order to facilitate implementation, UN-Habitat co-ordinates two global campaigns: the global campaign for secure tenure and the global campaign on urban governance. The global campaign for secure tenure is designed to take forward the commitment of governments to providing adequate shelter for all, one of the two main themes of the Habitat Agenda. The campaign identifies the provision of secure tenure as essential for a sustainable shelter strategy, and as a vital element in the promotion of housing rights.

⁵ <http://www.cohre.org/hrbody6.htm>

⁶ http://www.feantsa.org/keydocs/overview_eu1.htm

3.3. Council of Europe Monitoring⁷

For an international organization like the Council of Europe, strongly committed to the protection of human rights, the right to housing is of fundamental importance. The Council of Europe's European Social Charter (Art. 31) is mentioned above. The Charter's supervisory machinery plays a decisive role in the implementation of the rights. It occurs through two different types of procedures. The first is the examination of national reports, which allows a regular and systematic legal appraisal of the observance of States' undertakings. Every year the states parties submit a report indicating how they implement the Charter in law and in practice. The European Committee of Social Rights examines the reports and decides whether or not the situations in the countries concerned are in conformity with the Charter. Its decisions, known as "conclusions", are published every year. The second mechanism is a collective complaints procedure.

The Conclusions of 2003 examined the specific right to housing and interpreted Article 31 defining fundamental notions, such as adequate housing, homeless persons, forced eviction and housing affordability. It has also set what action States are required to carry out to ensure the effectiveness of the right to housing: these include among others the control of adequacy, construction policy, social housing, housing benefits, judicial remedies, and urgency housing for homeless.

"If a state takes no action on a Committee decision to the effect that it does not comply with the Charter, the Committee of Ministers addresses a recommendation to that state, asking it to change the situation in law or in practice. The Committee of Ministers' work is prepared by a Governmental Committee comprising representatives of the governments of the States Parties to the Charter, assisted by observers representing European employers' organisations and trade unions".

The Report on Access to Social Rights in Europe, officially launched at the Malta Conference on Access to Social Rights in November 2002, analyses the obstacles impeding access to different social rights, including the access to housing. The Report gives examples of how obstacles are being overcome, examines integrated measures implemented in the member states of the Council of Europe and identifies the principles on which measures to improve access to social rights should be based. Finally, the report develops cross-sectoral policy guidelines aimed at facilitating access to social rights.

The Group of Specialists on Access to Housing (CS-LO) of the Council of Europe adopted in 2001 Policy Guidelines on Access to Housing for Vulnerable Categories of People (CS-

⁷ BATTAINI-DRAGONI, G. and DOMINIONI, S., The right to housing: A cornerstone of the Council of Europe's social cohesion strategy, 10.09.2003

LO (2001) 25). These recommendations include advice on how to develop a comprehensive legal framework on access to housing for vulnerable categories of persons, taking account of market constraints and opportunities, and respecting international standards, to support national housing policies.

Recently the DG Social Cohesion commissioned a report on obstacles to effective access to minimum rights for undocumented migrants. Due attention will be paid to the right to housing. The report is due for the end of 2004.⁸

4. THE RIGHT TO HOUSING IN THE EUROPEAN UNION

4.1. The Lisbon Strategy⁹

Many countries in the EU are currently undertaking legislative reforms to strengthen their approaches towards prevention of homelessness and discrimination in the housing sector. These reforms have a particular focus on addressing issues and problems related to immigration.¹⁰

All member states of the EU have adopted the Habitat Agenda of the UN, that states that “within the overall context of an enabling approach, governments should take appropriate action in order to promote, protect and ensure the full and progressive realization of the right to adequate housing.”

With the signing of the Treaty of Amsterdam on 2 October 1997, the heads of state and government took an important step towards a more genuine social policy for the EU. They agreed to strengthen the Treaty in several areas of social policy, including employment, equal opportunities, health and social inclusion. All these areas are important for the fight against homelessness and severe housing exclusion.

The heads of state and government agreed in Amsterdam to include two new articles related to social exclusion under the Title ‘Social policy, Education, Vocational training and Youth’. These articles provide the legal basis for the EU to take initiatives in the fight against social exclusion and poverty.

⁸ PICUM is member of the Ad Hoc working Group on Irregular Migrants that has been advising the consultant.

⁹ http://www.feantsa.org/keydocs/overview_eu1.htm

¹⁰ Position paper on Housing Rights, UN HABITAT
<http://www.unhabitat.org/programmes/housingpolicy/hpu/housing.PDF>

Article 136 reads as follows: The Community and the Member States...shall have as their objectives the promotion of employment, improved living and working conditions...proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion.

Article 137 lists the areas in which the EU should develop policy initiatives to achieve the above aim. It lists as one of the areas *the integration of persons excluded from the labour market.*

The article continues to explain what measures the EU is allowed to take. It specifically refers to policy initiatives to combat social exclusion: *The Council... may adopt measures designed to encourage cooperation between Member States through initiatives aimed at improving knowledge, developing exchanges of information and best practices, promoting innovative approaches and evaluating experiences in order to combat social exclusion.*

It is in general not clear whether undocumented migrants also fall in the scope, but it is clear that nowhere explicit mention is made.

It was only during the Portuguese Presidency that the EU made serious progress with the development of a strategy against poverty and social exclusion. Following the Informal Council of Ministers of Social Affairs in February 2000, the Commission published the Communication 'Building an inclusive Europe' in which it developed a proposal for a strategy against social exclusion. The European Commission stressed the multidimensional nature of social exclusion, which goes beyond issues of employment and access to the labour market. The importance of access to education, to health care, to the judicial systems, to rights and to decision-making was highlighted. The importance of housing for a European social inclusion strategy was not mentioned. The Commission called for the development of common objectives and a common approach to fighting social exclusion at EU level.

The Communication 'Building an inclusive Europe' was one of the supporting documents for the meeting of the European Council of Lisbon in March 2000. It was at this meeting that the heads of state and government decided to put the fight against social exclusion and poverty high on the EU agenda.

The European Council of Lisbon decided to set itself a new strategic goal for the next decade '*to become the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion*'. It is obvious that in order to achieve this goal both economic and

social action is required. The whole of initiatives of the EU in the economic and social fields in order to reach the above goal is commonly known as the '**Lisbon strategy**'.

In this framework, The European Council decided on a strategy to combat social exclusion and poverty. This strategy is based on the open method of co-ordination. This means that the strategy combines activities at both the level of the EU and the national level and respects the competencies of the Member States. The role of the EU is to co-ordinate the strategy and to promote and facilitate exchanges of information and experiences.

As part of the strategy the Member States should develop a National Action Plan (NAP), which is based on general EU guidelines and objectives. Each round of NAP's covers a period of two years and after each round the EU refines its objectives and guidelines.

4.2. The 2003–2005 National Action Plans on Social Inclusion¹¹

The 2003–2005 National Action Plans on Social Inclusion all agree that decent housing, at an affordable price for households and in a safe, dynamic environment offering appropriate social support and an environment where children can grow up in good conditions, is a central plank in the fight against poverty and social exclusion. Again, no explicit mention is made of undocumented migrants.

The social and economic cost of the absence of decent housing appears to seriously compromise the dynamism of a country or region.

The Joint Report on Social Inclusion, adopted in December 2001 and presented at the Laeken–Brussels European Council, had stressed that for all Member States the need to guarantee everyone access to decent housing was one of the eight core challenges of their policies against poverty and social exclusion. It stated that: "Access to good quality and affordable accommodation is a fundamental need and right. Ensuring that this need is met is still a significant challenge in a number of Member States. In addition, developing appropriate integrated responses both to prevent and address homelessness is another essential challenge for some countries."

While most Member States (Belgium, Denmark, Finland, France, Greece, Ireland, Luxembourg, Portugal, United Kingdom) emphasise the acuteness of their unmet housing needs, they fail to set any objectives for eradicating their existing housing problems by 2005, or even 2010, or even further down the line. The sole exception is the United Kingdom, which guarantees that by 2010 all social housing will be decent.

¹¹ JOINT REPORT ON SOCIAL INCLUSION, summarising the results of the examination of the National Action Plans for Social Inclusion for the period 2003-2005.

While measures for combating the situations of penury or degradation or insalubrity reported are mentioned, it is therefore difficult in most cases to assess them against the Nice objective of access for all to decent and sanitary housing.

For certain Member States, such as Belgium, France, Ireland and Luxembourg, which are experiencing a steep increase in unmet demand for affordable housing for persons on low incomes, it is a particularly important challenge.

For others, such as Greece, Portugal and the United Kingdom, the paramount challenge between now and 2010 is to combat the dilapidation and insalubrity which affects a large part of the housing stock for people on low incomes and promote the social integration of the families concerned, notably by rehousing them. France also plans to make this a big priority for the next five years.

Finally, for countries such as Denmark, Finland, the Netherlands, Spain and Sweden, the main challenge is still to help target groups such as young persons, single persons, the elderly, disabled people, immigrants, Roma, travellers and the homeless to obtain accommodation appropriate to their specific needs. These Member States also give priority to improving the neighbourhood and the surrounding areas.

5. THE ACCESSIBILITY OF THE DIFFERENT HOUSING SECTORS

In this part of the report, an overview will be presented of the accessibility of the different housing sectors for undocumented migrants.

In general, undocumented migrants' situation is characterized by their residential mobility. Many are forced to live as nomads because of the uncertainty of their income and the illegality of their presence.¹² Undocumented migrants indeed develop strategies to avoid controls on the housing market. They live in the homes of their legal relatives, share rooms with other migrants, pay provisions to legal residents who act as the formal tenant or they rent on the unofficial housing market. Subsequently, housing can be very expensive and, quite frequently, apartments are overcrowded. Homelessness is common among undocumented migrants, since many lose their accommodation if they cannot pay the rent.¹³

¹² Adam, I., "The Social and Economic Situation of Undocumented Migrants in Belgium" in PICUM. Book of Solidarity (Volume I): Providing Assistance to Undocumented Migrants in Belgium, Germany, the Netherlands and the UK. Brussels: PICUM, 2002.

¹³ Stobbe, H., "The Social and Economic Situation of Undocumented Migrants in Germany", in PICUM. Book of Solidarity (Volume I): Providing Assistance to Undocumented Migrants in Belgium, Germany, the Netherlands and the UK. Brussels: PICUM, 2002.

In the following a description will be presented of the specific problems per housing solution for undocumented migrants. The information in this part is mostly coming from interviews with staff of homeless organizations and migration NGOs. Additional information was found in reports of research previously conducted in the framework of PICUM's Book of Solidarity project.

5.1. Own networks

Two types of networks

A person's first migration country in Europe is often where he or she has a type of 'network'. This can either be a network of relatives, or a network of community members. According to a study carried out in France on approximately 200 foreigners who were regularized following the 1997 *circulaire*, more than 50% were sheltered by their relatives or friends at the time of the regularisation.¹⁴ An undocumented migrant may stay with such relatives or community members during the immediate period after arrival or for longer if space permits. They may also be helped for finding work and accommodation through the family's acquaintances or be put in touch with known NGOs that could help them.

In literature about the Belgium situation, it is mentioned that networks of family or friends who reside in Belgium are especially prevalent amongst undocumented migrants coming from countries from where guest workers were formerly recruited (Morocco, Turkey) and from former Belgian colonies (e.g. Congo).¹⁵ The second type of network, made up of compatriots and/or people of the same cultural or religious background, exists in Belgium especially amongst sub-Saharan Africans. A large number of Africans seem to be able to count on the solidarity of their ethnic community when they don't have a place to stay.¹⁶

Lies Deckers from Antwerp Minority Centre believes that an increasing number of people are relying on their community network for shelter in Belgium. Ketty Van Bussel from Vluchteling Als Naaste in The Netherlands has heard of especially Iraki, Africans, Eastern Europeans and Vietnamese making use of this network. In Italy it would seem, according to an investigation conducted by the FIO.PSD, that those who have the possibility to stay with co-nationals in Italy are mostly people from North and Sub-Tropical Africa, while for Eastern Europeans the situation is different because they generally don't already

¹⁴ Brun, F., "Social and Economic Aspects of Living Conditions of Undocumented Migrants in France" in PICUM. *Book of Solidarity (Volume II): Providing Assistance to Undocumented Migrants in France, Spain and Italy*. Brussels: PICUM, 2003.

¹⁵ Adam, I., "The Social and Economic Situation of Undocumented Migrants in Belgium" in PICUM. *Book of Solidarity (Volume I): Providing Assistance to Undocumented Migrants in Belgium, Germany, the Netherlands and the UK*. Brussels: PICUM, 2002.

¹⁶ Idem

have relatives in Italy who can house them. In Austria on the contrary, there are existing networks of Eastern European legal residents who will help undocumented co-nationals with regards to housing. Michael Bubik from Diakonie in Vienna explains that undocumented migrants sometimes come into contact with a network of people from their country thanks to one of the organization's employees who is also from that country. However, migrants' countries of origin have changed considerably in the last years and thus the employees' communities aren't always related to the recently arrived immigrants.

Problems

It is important to note that the host persons or families are often faced with psychosocial and financial problems when providing shelter to undocumented relatives or friends, become more vulnerable as a consequence and don't know where to direct themselves about their situation. The *Netwerk Religieuzen voor Vluchtelingen* in The Netherlands is concerned about this issue and tries to provide support and advice to these hosts.

Dutch students have finalised a research and a manual regarding the assistance undocumented migrants receive from their families and friends.¹⁷ The research investigates both the problems that can rise for the migrant and for the family. The research is very timely, in the way that many organisations in Europe see indeed that most undocumented migrants get help from friends and family, but at the same time they see that for these families it is difficult.

The students concluded that the hosting family is often facing a dilemma. Their cultural habits tell them to be hospitable, on the other hand they do not want to be a burden to Dutch society by living with too many people on one space for example. Those who suffer most from the situation seem to be the children. They are limited in their privacy because often they have to share a room with the host, and apparently money that is normally spent on social activities with the children is now spent on the additional costs brought about by the presence of the host.

What is striking is that almost none of the families interviewed by the students were asking assistance from a professional organisation. They try to solve all the problems internally. As a reason for this, the respondents said that they were afraid to be 'caught' hosting an undocumented migrant. All the interviewees were indeed convinced that it is punishable by law to host an undocumented migrant, which is not true in the Netherlands.

¹⁷ Kátia Simone Fonseca, Gholambreza (Behnam) Hannani, Ayad Hammawandi and Youssef Glif, "Wanneer ga je naar huis?", 2003.

Also for the guest him- or herself it is not easy to be hosted. People living with their family or friends often feel uncomfortable and conscious of being a burden. So they mostly try not to stay too long at one place, even if they are staying with family members.¹⁸

Exploitation

It became clear in the above that hosting a friend or family-member is not necessarily unproblematic, but it should be noted that there is also evidence of straightforward exploitation by community members. A researcher who did research on undocumented workers in the United Kingdom reports how one of his interviewees told him that his landlady's mother slept in the bathroom because she could not afford to pay the rent.¹⁹

➔ Conclusion on the community network

The community network seems to be a solution many undocumented migrants rely on, but it is not a possibility for all. It depends on whether one has family or friends in the country on arrival or establishes contacts after a while in the country, whether these acquaintances have sufficient space to host (a single person or a family), the relationship they have, the number of immigrants of the same origin already established in the country. These contacts may be able to help find another housing solution.

Because of the fact that this housing solution seems to be the most popular, pressure is building up on hosting person or family. This is a potential area of problems, and not enough is known about this in the social sector.

5.2. Private housing

5.2.1. The Netherlands

All interviewees believe that the private market of large cities is undocumented migrants' most frequent housing solution after friends and family. Indeed anyone who doesn't qualify to be housed by the municipality must find its own way to a shelter and mostly refers to private housing, and large cities are the places where most undocumented migrants settle, because of the employment possibilities.

Besides asylum seekers, many migrants come to The Netherlands for economic reasons and are not primarily occupied with their status. The priority is to find work to earn money to survive and/or to send home, the expenses for accommodation are usually

¹⁸ Adam, I., "The Social and Economic Situation of Undocumented Migrants in Belgium" in PICUM. Book of Solidarity (Volume I): Providing Assistance to Undocumented Migrants in Belgium, Germany, the Netherlands and the UK. Brussels: PICUM, 2002.

¹⁹ Düvell, F.; End of Award Report to ESRC on Project R000236838, Undocumented Immigrant Workers in London

kept as low as possible. However the private accommodation rented to undocumented migrants is usually at an exploitative price, in a very poor condition and in an inconvenient location such as above a shop or restaurant. There is evidence of flats being shared with several other people who have different working timetables and use the same beds for eight or nine hours sleep (five to ten beds in a room). It would seem that a large quantity of these people are from Eastern Europe (Rumania and Bulgaria).

Johan Gortworst from *Federatie Opvang* believes that the police don't have the capacity to control this illegal housing. He considers the police's actions as a symbolic opportunity to show the government's awareness of the problem. For example the media was called to assist the police invasion of a house rented to undocumented Bulgarians and Hungarians. They were put on a plane back to their country, but were back in The Netherlands a few days later.

Rian Ederveen from *LOS* explains that the poor private housing conditions also attract the attention of the public and the media due to the fact that many undocumented tenants spend a lot of time in visible places such as cafés or cars and on the street because of the lack of space in their overcrowded flat.

5.2.2. Belgium

Private housing remains the housing sector most used by undocumented migrants. Whether undocumented migrants are able to access the private market is primarily a financial issue. Legally there is no obstacle, and housing space is not an issue in large cities in Belgium.

Big cities

Most undocumented migrants seem to live in districts of large cities where large numbers of foreigners live. This is due to both the cost of the accommodation and also to the fact that they are likely to stay unnoticed there. (Ilke)Two Liège neighborhoods are almost undocumented migrant ghettos (one is especially inhabited by gypsy families), where many are paying high prices for accommodation in very poor sanitary conditions. They pay around 400euros (charges not included) for a two-room flat with water on the landing.

No effective protection against bad conditions

Even though the law does not forbid people staying illegally in Belgium from signing a lease, the problems they face looking for accommodation are multiple, especially when they have little financial means. The relationship between landlords and tenants is biased by the absence of the legal status of the latter. Their undocumented position makes it almost impossible to reclaim their rights when the landlord asks for high rent, does not honour commitments or refuses to return the deposits when the tenants leave

the flat. We say “almost” impossible because no disposition in Belgian law prevents an undocumented migrant from starting a civil or penal procedure in court. The interviews revealed that several landlords take advantage of the legal inferiority of the undocumented, asking for high rents for precarious accommodation. (Ilke)

A modification of the Belgian aliens law⁸ has added these landlords to the list of people who can be persecuted for not providing humanitarian help to illegal migrants. The offence is then “having made abuse of the vulnerable position of an illegal foreigner in renting accommodation with the objective of realising an abnormal benefit.” If the employer of an undocumented person is also the landlord, this creates a double dependence of the migrant.(Ilke)

Eric Wynants from *Point D’Appui* in Liège has contacted owners to try and discuss the conditions of the lease, though this has usually lead to people being thrown out of the property by the owner who’s no longer free to do what he likes. It is actually common for an owner to throw a person out from one day to the next, hereby going totally against the current legislation. The Belgian legislation strongly protects tenants: even when there is no signed rental agreement, the tenant is still protected by the oral lease. Nevertheless, whether undocumented persons do or don’t know about their rights as tenants, they usually show reticence towards taking judicial actions towards owners by fear of revealing themselves.

Decay

Lies Deckers from *Antwerp Minority Centre* in Antwerp explains that the local authorities wish to fight against the decay of houses in Antwerp. Many of the victims of these unsanitary houses are undocumented migrants. For this reason the organization is trying to raise this issue with the local authorities to find a common solution.

Debts

Many individuals or families are indebted to the owners. This problem is resolved either by finding new illegal work that will pay the rent, by receiving money from one’s family or an organization, or by being thrown out.

5.2.3.Italy

Although not expressly forbidden, renting private accommodation to overseas citizens without a *permesso di soggiorno* falls into the area of the informal economy, due to the existence of certain regulations. In particular, whoever hosts a foreign citizen is required to notify the authorities of their presence; this means, obviously, that the making a formal contract between an overseas citizen and the owner of the property would make the owner liable to the sanctions for those who do not declare the presence of an

overseas person in their property, or alternatively, would certainly make the overseas person liable to expulsion. (Elisa)

As opposed to Belgium, it is generally a difficult business to find housing in Italy, let alone for foreigners, due to the very high prices. However the private market would still seem to be the most common housing solution for undocumented migrants, to whom slumlords commonly rent a bed in a room filled with other beds for 200 or 300 euros, often not including the cost to have a shower or recharge a mobile phone, for cooking or lighting. Edda Pando from *Todo Cambia* considers that these promiscuous slums (“the business of today”) destroy the identity and privacy of individuals. They work hard long hours and rest in slums. These owners aren’t necessarily Italians. They may also be foreigners with a residence permit who have come from the same geographical region as their tenants. By subletting bed-filled flats they are able to accumulate large amounts of money.

Edda Pando has thought of denouncing owners but found herself in a tied-hands situation: calling the police would lead to the closure of the flat as well as the arrest of its inhabitants. Also she feels that reactions from undocumented migrants on their housing situation are few due to a generalized attitude of resignation. Many would seem to think that as foreigners, they don’t have the right to ask things to the country they’re in and must consider themselves lucky to have found a shared space.

Another context in which undocumented migrants live in private housing is that of the numerous people (especially from Eastern Europe) who care for the elderly and live in their home. The (informal) performing of work can indeed also be a channel to acquire accommodation. This happens above all for domestic workers and those who look after children and old people in the house, where the employer’s home coincides with the place of work, often 24 hours a day. The practice of offering workers accommodation is also found in some smaller industrial environments, or else in agriculture. Such arrangements, even if on the one hand they offer a foreigner without a *permesso di soggiorno* the advantage of accommodation, can also leave the foreigner more open to “blackmail”, in that if they lose their job, they also lose their accommodation.²⁰

Italian law punishes anyone who facilitates the illegal staying of foreigners in order to make an unjust profit. This could also happen in the case of rental to irregular foreigners of rented accommodation at exorbitant prices, not declaring their presence to the authorities.²¹

²⁰ Favé, E., “Social and Economic Aspects of Living Conditions of Undocumented Migrants in Italy” in PICUM. *Book of Solidarity (Volume II): Providing Assistance to Undocumented Migrants in France, Spain and Italy*. Brussels: PICUM, 2003.

²¹ Idem

In some cities (e.g. Verona) the “solution” found by the authorities to the problem of overcrowding has been in the house-by-house checking of a specific communal regulation which for reasons of security prohibited the use of a property for accommodation if the number of square metres per person fell below a certain limit: this has led to forced closures.²²

5.2.4. Austria

If an undocumented migrant has money, he or she has access to private housing. A passport isn't usually necessary in order to rent a flat and there isn't any legal obstacle for an undocumented migrant to sign a rental contract. Nevertheless, problems may arise when signing up with the energy-supply companies (for gas and electricity) because these usually ask for proof that a person is registered with the local council at a particular address. Undocumented people obviously can't provide this proof. Nevertheless there are many cases of illicitly overcrowded apartments in Austrian cities.

5.2.5. Germany

Most undocumented migrants tend to rent or share flats. The availability of cheap housing varies from one region to the next, though has generally decreased in the last four or five years. The most significant shortage is in the big Southern towns (Karlsruhe, Hamburg, Stuttgart, Munich). In the Eastern counties (Berlin, Ruhrgebiet) cheap housing is more abundant but work is scarcer. There are thus fewer migrants in this region.

To rent an apartment on the official housing market is nearly impossible for undocumented migrants. Property owners are required by law to make sure that their tenants enlist with the local registration office. Additionally, landlords frequently request proof of income, which is nearly impossible to provide for migrants who are officially not authorized to work. Since there is no anti-discrimination legislation for private contracts in Germany, discriminatory practices of landlords are common and migrants – regardless of their immigration status – are confined to less attractive housing areas.²³

Werena Rosenke from the *Bundes Arbeit Gemeinschaft Wohnungslose Hilfe* estimates that Germany's migrant population, both undocumented and documented, generally pays the highest rent, and this for accommodation that is generally in very bad condition.

²² Idem

²³ Stobbe, H., “The Social and Economic Situation of Undocumented Migrants in Germany”, in PICUM. Book of Solidarity (Volume I): Providing Assistance to Undocumented Migrants in Belgium, Germany, the Netherlands and the UK. Brussels: PICUM, 2002.

5.2.6. Spain

According to Blanca Ruiz from *Red Acoge*, the housing situation of migrants and nationals has worsened due to the problems in the Spanish housing market. Rent has significantly increased and access to private housing has thus become more difficult for all. The Spanish housing policies of the last fifty years have seriously encouraged property ownership and letting. Angela Sànchez from *Provivienda* explained that the Spanish fell in a trap by selling off their agricultural property and taking refuge in housing ownership. She claims that this is the way things were planned and the way they were accepted by the population. The public administrations don't take their responsibility with regards to housing seriously.

Around 2% of housing in Spain is State owned, the rest being private. 85% of the Spanish own housing and only around 13% of all the housing in the country is available on the market for rent²⁴. People looking for a new home can thus only turn to a limited number of private owners who rent. This situation creates a very competitive atmosphere (which is also due to the significant increase of European and extra-European immigration in recent years), especially in large cities like Madrid, which doesn't help for prices. A flat in Madrid that is several decades old, hasn't been renovated, isn't heated and has no elevator is frequently rented for around 800euros.

Angela Sànchez from *Provivienda* asserts: "Among all this demand (for housing), the immigrant is on the lowest stepping stone. And the undocumented immigrant is on the stepping-stone that is lower still. (...) In this competitive atmosphere where the owner can freely choose the tenant according to its appearance, profession, skin color, age, number of children, whether it has a dog or not (...), some groups of the population are never chosen". Indeed due to the housing shortage and the ludicrously high prices, undocumented migrants tend to take whatever accommodation they can find. They have access to accommodation that is generally in much worse condition than what the Spanish are able to find.

Esther Marcos from *Provivienda* explains that immigrants face an added exclusion for being immigrants due to the owner's lack of trust towards foreigners. Owners usually ask for a person's indefinite work contract, a banker's reference and to pay a guarantee, which for an immigrant are generally more difficult to obtain, but especially for an undocumented migrant, whose work is mostly unstable and badly paid.

²⁴ Spain is the EU country with the least rented housing. In Europe as a whole, 36% of the housing is rented. (Source: FEANTSA's 2002 migrations and homelessness report on Spain).

Renting many beds in a flat in inhuman conditions is an increasingly common practice in large cities, and the tendency for several people to use the same bed for different hours of the day or night has been named 'camas calientes' (warm beds).

→ Conclusion on private housing

In some countries undocumented migrants are not allowed to conclude a contract for renting a house. But mostly the accessibility to private housing mainly depends on a person's financial situation.

However the racist attitudes of many owners towards immigrants put an obstacle to a person renting private housing.

Whatever the origin of an owner (native or immigrant), even when (undocumented) migrants have work and money, the private market is accessible in generally very poor conditions and exploitative prices. This is especially the case in countries where there is a scarcity of rented housing such as Italy and Spain, which forces most people to share a flat with several other people. Many tenants end up with great debts to the owners due to their unstable financial situation.

Regardless of its many inconveniences, this sector remains the main housing solution after friends and family.

Undocumented migrants who work inside a home, caring for the elderly, cleaning and looking after children are able to stay in private housing more securely.

Although undocumented migrants could in some countries go to court to defend their rights as tenants, few do so fearing repercussions they may face due to their illegal status in Europe.

5.3. Social Housing

5.3.1. The Netherlands

Social housing accounts for 80% of rented housing in the Netherlands. However in large cities (such as Amsterdam or Rotterdam) the proportion of private housing tends to be greater. The waiting lists for social houses are long and one can wait several years to obtain one (four to five years in Amsterdam; two years in Eindhoven). The national government doesn't allow undocumented migrants to access social housing, though subletting of social housing is frequent.

In 1998, the ‘Koppelingswet’ (Linkage act) came into effect, linking one’s social rights and benefits to one’s legal status. It made it legally impossible for undocumented people to inhabit social houses, which are the most common rented housing in The Netherlands. People entering the first asylum procedure would have right to social accommodation, while people entering the second procedure would be denied all rights (social security, housing, higher education, health care, etc). “They are legally on the street” (Ketty Van Bussel, *Stichting Vluchteling Als Naaste*) with “only the right to wait for the decision” (Rian Ederveen, *LOS*).

Then in 2001, the ‘Aliens act’ was established. It decided that all rejected asylum seekers were to leave or be expelled from their social housing if still living there. These are people who came to the Netherlands and applied for asylum during the years when they could still get accommodation in social housing, before 1992–1993. It thus happens that people who have been in the Netherlands for ten years without proper papers or whose country doesn’t want them back but The Netherlands doesn’t want either (because not on list of countries with priority for migration) are now to be put on the streets.

It is the police that are expected to carry out the ‘Aliens Act’. However, opposition has arisen among local authorities, action groups, churches and inhabitants who describe this law as inhuman. 170 local authorities, including those of the 4 big cities (Rotterdam, Utrecht, Amsterdam and Den Haag), are participating in this protest, thus 1/3 of the 500 local authorities in the country. These have decided to keep many rejected asylum seekers in their houses, considering these long-established people as Dutch citizens whose children were often born and going to school in the country.

5.3.2. Belgium

There are 60 000 applications (who may stand for more than one person) on the waiting list for social housing in Flanders. This shortage of social housing certainly doesn’t facilitate undocumented people’s access to social housing. However the main reason for their exclusion from this housing sector is their illegal status that structurally prohibits them from receiving social benefit (like other people with a low income), essential for accessing social housing all over Belgium (Danny Lescauwaet in Flanders, Eric Wynants in Wallonia).

Sometimes undocumented migrants are exceptionally granted a social income support and a home for medical reasons or pregnancies. Others are still in social housing after having been refused asylum and continue paying rent as long as the social housing service is unaware of what happened. Nonetheless this may no longer be possible if the new law proposal that was put forward last year, suggesting an annual inspection on who is living in social housing in order to throw out any illegal inhabitant, is endorsed.

5.3.3. Italy

Like in most of the other interviewed countries, undocumented migrants are excluded from social housing due to their lack of legal status.

Only 30% of housing in Italy is available for rent, while owners occupy 70% of the housing. This housing crisis as well as racist attitudes have led to the government of Lombardia applying a law to prevent (documented) migrants to access social housing in that region. The regional governments don't tend to finance projects intending to improve the availability of social housing, and public subsidies for social integration projects have significantly decreased. Stefano Galliani from the FIO.PSD considers that neither the State nor the EU would prioritize the building of social housing because it isn't seen as a good investment (like office blocks). However, undocumented migrants wouldn't be able to access it anyway as long as there isn't a change on the national political level.

5.3.4. Austria

In Austria, there is no severe housing crisis and people don't tend to have to wait very long to access social housing. A migrant however must have been granted citizenship (after ten years in Austria with a legal status) before he or she can rent social housing. For refugees, the situation is somewhat different because they may get citizenship after four years in the country, and in this way no longer risk being thrown out of the country. As from this moment they are eligible for social benefit and housing.

Social housing is generally unavailable to undocumented migrants. The data of the inhabitants must be passed on to the public services of the municipality (which funds social housing). Asylum seekers sometimes benefit from publicly funded housing that undocumented migrants also occasionally access unofficially. However, like with private housing, a problem may arise when an undocumented person signs up with the gas and electricity companies.

5.3.5. Germany

People must be registered with the municipality and prove a source of income in order to apply for social housing (which is full up). It is thus impossible for undocumented migrants to access this housing sector, which is the most regulated.

5.3.6. Spain

The building of social housing has seriously decreased with the conservative government. Indeed Spain is among the countries indicated by the IMF as being in a preoccupying housing situation, although the Spanish constitution states that housing is a right. However this situation doesn't (directly) affect undocumented migrants because they don't have access to this housing.

→ Conclusion on social housing

Social housing is the housing sector where undocumented migrants' legal obstacle comes most into play. Subletting is an exception that takes place especially in countries where social housing constitutes the greatest part of rented housing, such as in The Netherlands, and usually occurs in similarly insecure circumstances as private lettings.

On some rare occasions, local authorities agree to house undocumented migrants in social housing while they work on regularizing their situation and due to very vulnerable personal situations. Sometimes asylum seekers are still living in social housing after being rejected from the asylum procedure (during which asylum seekers are sometimes housed in social housing).

When a country has very little social housing, even documented migrants may have difficulties accessing it. This shortage in social housing doesn't affect undocumented migrants directly, though creates a more competitive atmosphere where housing that is cheap and in good condition is difficult to find, for undocumented migrants especially.

5.4. Homeless shelters

5.4.1. The Netherlands

General

According to Fred Stangelaar from *Netwerk Religieuzen Voor Vluchtelingen*, most migrants don't end up in homeless shelters. Those who do tend to lack family or friends with a legal status they can stay with on their arrival in The Netherlands or could not find undeclared work which would enable them to rent private accommodation.

Shelters are usually full up and undocumented people don't tend to get priority. According to Rian Ederveen from LOS, the mix of national homeless and migrants is often difficult, with racist attitudes often coming from the nationals. Undocumented people frequently don't feel at home in shelters and go there as a last resort, having no other solution.

Night Shelters

Night shelters are generally more accessible to undocumented people than long-term shelters. In night-shelters, the only access condition is to pay between 2 and 5 euros for the bed and to stay no longer than a few nights. They may be helped for free for a night or two. Only single persons tend to be helped there (not families).

However, quite different opinions were brought forward by the different Dutch organizations that were interviewed for this report on the accessibility of night shelters to undocumented migrants. Some argued that no distinction was made in these shelters, that anyone could occupy the free space, while others said that some shelters would completely deny access to these migrants or give particular priority to the documented homeless. Ketty Van Bussel from *Stichting Vluchteling Als Naaste*, an organization that provides accommodation and medical and legal help to rejected asylum seekers and people who never entered the asylum procedure, says that she has minimal contact with night shelters, where she is only seldom ("certainly not weekly") able to place people she has no space to accommodate. All the organizations agree that night shelters are generally tight in space and that many homeless people end up sleeping on the streets. This variation in opinions from one organization to the next is most likely due to the experience and the location of the interviewed organizations.

Long term shelters: the homeless vs the houseless

All Dutch interviewees agreed on the fact that long-term shelters are generally inaccessible to undocumented people. A general condition for staying in long-term shelters is to have a residence permit and a source of income (usually social security).

There are also other reasons why many long term shelters and homeless organizations are reluctant to open up their services to undocumented migrants. Indeed these organizations don't only focus on providing shelter, but most of all aim to help the homeless people to integrate anew into their own accommodation and into a profession. A distinction should be made according to FEANTSA and its member organizations between 'homeless persons' and 'houseless persons', the latter are only in need of a roof, the former need intense professionalised assistance to re-integrate in society. Because most long term shelters have a specialized working focusing on the homeless, they do not see it as their task nor their competence to assist undocumented migrants.

Restricted by funders

Most homeless shelters in the Netherlands aren't State owned, but are financed by the municipalities which receive the money from the central government (the Welfare Ministry). Whether they help undocumented persons usually depends on the standpoint of their local authority with regards to helping undocumented people.

Several positive examples of local authorities providing financial support to shelters to specifically help undocumented migrants have arisen throughout the Netherlands. In Amsterdam, the local authority is giving money to undocumented migrants support groups who in turn pay night shelters to help undocumented rejected asylum seekers. In Eindhoven, the 5th largest city in the country, shelters house undocumented migrants when they receive financial support to provide them with appropriate counseling. In the smaller cities of Zwollen and Enschede, the local authority pays long and short-term shelters to help undocumented people. In the former, five families are presently being helped, while in the latter, four people are being helped.

Although these local practices exist, homeless shelters are legally not allowed by the national government to help 'illegal' people. An interviewee explained that if shelters were to ask for more financial support from the government to help the many undocumented people who come to them, the government would reply that they are helping the wrong people, should get rid of them and make space for the real homeless people. They thus risk destroying the image of the homeless sector. For this reason, one avoids speaking publicly on the help provided to undocumented people within shelters.

Women

A temporary stay in long-term shelters is occasionally granted to undocumented migrants whom are considered to be in a particularly vulnerable situation. These include people with severe medical conditions, people who can difficultly return to their country, victims of trafficking, women who divorce a national before three years in The Netherlands, and pregnant women. In general, single women tend to access long-term shelters more easily than single men do. This is because many of the women seeking shelter started off in The Netherlands with a vulnerable situation very different to that of men.

Pregnant women may stay in a shelter until the sixth week after giving birth. During this period they must either arrange a return to their country or find some another solution.

Some women come to The Netherlands to marry a national (often through arranged marriage). They usually come from poor villages in Morocco and Turkey and don't speak Dutch. These women must stay married for three years to get a residence permit. So if they ask for a divorce before those three years, they loose their legal status in the country. When they leave their husband and seek shelter, they tend to temporarily still

have a legal status in The Netherlands as well as a minimum income necessary to enter the women's shelter. Johan Gortworst explains that every women's shelter that is member of his homeless umbrella organization, *Federatie Opvang*, reserves three to four beds for these women. Nonetheless the demand is much greater.

Other undocumented women who receive a space in shelters are those who were victims of trafficking. If they agree to cooperate with an organization fighting against traffickers, such as The Dutch Foundation Against Trafficking in Women, they get the right to social security and are provided with accommodation in women's shelters until the end of the procedure to find traffickers. After this, their social help is stopped and they must return to their country of origin where they may also be in a vulnerable position. Some women victims have started their own organization because they felt used during the procedure.

5.4.2. Belgium

General

In Belgium, welfare is a regional responsibility, while justice is a federal responsibility. The federal government is responsible for the tracing and deportation of undocumented migrants, while the regional governments are responsible for housing. Although help to undocumented people isn't punishable by law (unlike in Germany and France) and local ministers and governments are often sensitive to their problems, the means to assist them are lacking due to the refusal of support from the national government.

It has been estimated that 16% of the homeless that stay in shelters in Flanders are migrants. Like in The Netherlands, as long as a person is legally in the country and without an income, the social welfare system will partially finance a person's stay in a shelter. People in the asylum procedure access shelters more easily than people with no legal status at all because they may be allowed to stay in Belgium. A shelter usually receives no subsidies for undocumented migrants and thus taking them in depends on their own will and financial situation. In 2000 the *Steunpunt Algemeenwelzijnswerk*, a support organization for welfare centers in Flanders, did an investigation among homeless organizations in the whole of Flanders. It calculated that if all the people who ask shelters for support were helped, 10% of the people in homeless shelters would be undocumented. Only about 1/6 of this 10% is helped, and usually very temporarily (for a night or two).

Homeless vs houseless

However, as Danny Lescrauwaet from the above-mentioned organization affirms, shelters are no long-term solution because they don't provide any parallel long-term help. Indeed this is an added reason why shelters have a tendency to refuse undocumented people and send them to other places. Eric Wynants from *Point d'Appui*, an organization in Liège (in the Walloon Region) dedicated to helping solely

undocumented people, says that social workers in homeless shelters are increasingly reticent to helping undocumented migrants due to shelters “not being a proper springboard for these migrants to a more certain future”. He explains that homeless shelters’ philosophy is not to “just provide a roof and nothing else”, but rather to propose ‘re-socialization projects’ to the homeless.

His organization is only able to place 1/50 of the people that ask for housing help, partly in emergency night shelters and partly in organizations. One of these places is *Accueil d’Urgence*, a night shelter where people can stay for a maximum of 30 days (18 beds for men; 5 beds for women) and to which they cannot return before three months. When this shelter is overloaded, priority is given to nationals.

Conditional entry

Since a few years, a relief project for undocumented migrants is in place in shelters within the regions of Brussels and East Flanders. It is funded by the regional governments, which pay for the shelter costs. The spaces are very limited and their number in no way comes close to the amount of undocumented people looking for a roof. This public funding provides space for 12 people in Brussels and 6 in East Flanders, divided between night and long-term shelters (though mostly in night shelters). As from this year, 6 more spaces are opening to undocumented migrants in the Antwerp region, again with many conditions.

The places in the shelters in this project are available on strict conditions. The few undocumented people whom have been granted a space must agree to either work on legalizing their situation in Belgium, or prepare an eventual return to their country. If they work on neither of the two projects during their stay, they will not be allowed to further remain in the shelter because they will be seen as having chosen to be illegal in the country.²⁵ In those shelters where the undocumented migrants relief project is going on, volunteers or employees are specially trained to give the appropriate counseling to the migrants.

5.4.3. Italy

State shelters and private shelters

According to an investigation conducted in 2002 by the *Federazione Italiana Organismi per le Persone Senza Dimora* among its member organizations on the theme of immigrants and homelessness, 80% of the shelters (all over Italy) that answered the questionnaires said they have immigrant guests. Between 90 and 95% of homeless shelters are private-owned, the rest being state-owned. In theory, State shelters won’t

²⁵ Legal homeless also enter long-term shelters on condition to work on a specific project, in their case that will help them find work, apply for social housing, etc.

help undocumented people and will send them to other places, while many private shelters welcome undocumented people when they have space. Whether they give priority to nationals depends on the specific shelter. Shelters owned by the Church don't tend to discriminate, though they remain cautious due to police controls.

Regarding the private shelters, there is no legal restriction to provide assistance. The law does not prohibit providing means of sustenance (food, shelter, clothing, etc.) to a foreigner present irregularly on Italian territory. What is prohibited is the exploitation of situations of clandestinity for one's own financial ends. The Northern League, part of the current government, has however recently accused certain organisations (e.g. Caritas) of offering help (also) to foreign citizens without a *permesso di soggiorno* to make their illegal stay easier, to further the ends of the organisation (!).²⁶

Problems

Stefano Galliani from FIO.PSD believes the Public Administrations would be facing a far greater problem with undocumented migrants if the private shelters weren't providing their assistance. However, many people end up on the streets because of the lack of space in these places. Edda Pando from *Todo Cambia*, a local organization in Milan that helps and fights for the rights of undocumented people, believes there is so little available space in shelters that there is little point sending people all over everywhere to try and find a solution. On the other hand, Stefano Galliani from the *Federazione Italiana Organismi per le Persone Senza Dimora* (FIO.PSD–Italian Federation of Organizations for the homeless) believes that it is difficult to establish contacts with organizations specializing in helping undocumented migrants because there are so few of these.

Olinto Tommasini from the *Unità Operativa Cittadini senza territorio* says that undocumented migrants aren't generally welcome in shelters because these places are often subjected to police controls. He claims that if a migrant has a (invalid) passport, it may be admitted to the shelter, and that even an Italian person without a passport can't usually be admitted. However, it is easier for women with children to find a place than it is for single men.

Homeless vs houseless

The FIO.PSD investigation showed that shelters tend to encounter two particular problems for assisting undocumented migrants: a legal and a practical one. First, there aren't supposed to be undocumented migrants in Italy and thus there shouldn't be any services for them. Many shelters still help them although they go against the Italian law. Second, homeless services were born and designed for national homeless who have individual difficulties (health and psychological problems, lack of work and housing), not

²⁶ Favé, E., "Social and Economic Aspects of Living Conditions of Undocumented Migrants in Italy" in PICUM. *Book of Solidarity (Volume II): Providing Assistance to Undocumented Migrants in France, Spain and Italy*. Brussels: PICUM, 2003.

for undocumented homeless who tend to be younger, stronger, and have more projects (but limited by their illegality).

Furthermore, undocumented migrants' greater willpower and sense of urgency enables them to put more pressure on those working in the shelters to help them respond to their needs and come out of their difficult situation. Indeed many seek work to pay for some sort of accommodation. However, due to their different needs and causes of homelessness and their illegal status, shelters cannot offer them the projects they offer to the 'legal' homeless. They thus place themselves in a difficult situation by taking care of people they don't have the proper means to assist. Another problem is that the national homeless sometimes feel threatened by the greater capacities of undocumented migrants, which may cause conflicts between these two groups staying in the shelters.

5.4.4. Austria

Stefan Ohnmacht from *BAWO (Bunderarbeitsgemeinschaft Wohnungslosenhilfe)*, a federal umbrella organization of homeless support groups, explains that the group of migrants who isn't entitled to social benefits is very broad and is not only limited to undocumented people. It also includes immigrants without work permits and/or legal residence, immigrants with work permit and legal residence who have not been/have not worked long enough periods, and asylum seekers who have not been acknowledged under the Geneva Convention. Even nationals from other Austrian states than the one they are in aren't officially allowed to benefit from the help of publicly funded shelters. All publicly funded shelter organizations are expected to report their clients' data to the social services. Although some do offer shelter to the above-mentioned excluded groups, it isn't in their interest to say they're doing so because it may endanger their subsidies.

Homeless vs Houseless

Distinctions aren't generally made in night shelters that as an emergency service ask for a small contribution from the homeless persons (either from their social benefit or some other source). However homeless shelters are often not willing to welcome undocumented migrants due to the causes of their homelessness as well as several of their problems usually being completely different to those of other homeless people. Also difficulties arise in shelters due to foreigners often not being accepted by the other homeless, many of which are elder men with alcoholic problems who don't show much respect towards immigrants.

Church

Undocumented migrants certainly have easier access to Church organizations than publicly funded ones. Caritas Vienna has two separate housing projects (which in total

sum up to around 450 places in both shelters and supported housing), one for the national homeless and another for refugees (including undocumented). It officially shelters undocumented migrants.

Vulnerable groups

In women's shelters, racism towards immigrants tends to be less of a problem due to homeless women accepting the presence of migrants more easily than men. Another criteria facilitating women's access to shelters is that, like in The Netherlands, women's shelters are sometimes in contact with organizations fighting against women's trafficking and provide accommodation to women who have been victims of trafficking. Thus women generally have easier access to shelters, although these are fewer than men's shelters.

It would also seem that exceptions are made for undocumented minors in youth emergency shelters. The regional youth authority is responsible for taking care of all minors in Austria, including those with no legal status in the country. However, not all local authorities take their legal responsibilities seriously and don't house all undocumented minors in their region.

5.4.5. Germany

Pressure on shelters

In 2001/2002, the Bundesarbeitsgemeinschaft für Wohnungslosehilfe did a survey among its member organizations on their experience with undocumented migrants. It shows that the quota of migrants varies between organizations, towns and regions. In some organizations 20% are migrants, while in others only 3 to 5%. It also shows that the majority are people from Eastern Europe and the former USSR states, many of which come as migrant workers with the aim to find work, and don't have the intention to apply for asylum. They often come with a three-months permit to work in the fields, and then decide to stay without papers after those few months. An example that dates back to the 1990s in Berlin exemplifies this tendency. In that decade, a lot of building work was being done in the city, including the building of the Parliament, and many companies employed undocumented migrants (mostly from Russia, Poland, and hecoslovakia) to work on building sites. When building companies had no work for them, they were fired and many ended up on the streets with neither documents nor money and went to shelters in great numbers for help.

Werena Rosenke from the Bundesarbeitsgemeinschaft für Wohnungslosehilfe explains that the presence of undocumented people in Germany has become more significant since the last four or five years, and that the homeless sector is facing increased demand within its institutions. When they have no community network to stay with and no income to pay rent, they will stay in shelters if there is space.

Night shelters

To stay in night shelters, people don't usually have to show any documentation. They are accessible to all only very temporarily (for a night or two) and don't provide any social work. If there aren't many undocumented migrants in a shelter, others won't be turned away. It frequently happens, especially in winter, that homeless shelters are packed and there's no room for the homeless people for whom the centers were originally created. For this reason several shelters in big towns are limiting the space they provide to the many undocumented people whom ask for their help.

Homeless vs houseless

When it is obvious that someone needs more intensive support, long-term homeless shelters cannot provide the necessary attention due to a lack of money as well as language and cultural differences. Long-term shelters are generally inaccessible to undocumented migrants, while only a few migrants with a legal status in Germany (such as Eastern Europeans with a temporary work permit or people with a refugee status) can sometimes get a space there. The assistance provided aims at helping people get back into their own housing, providing them with a shared house or flat and help against alcoholism, drug addictions and debt. No subsidies to homeless shelters go to helping undocumented migrants, due to this help being illegal.²⁷

Contacts aren't generally very well established between homeless institutions and organizations specializing in help to (undocumented) migrants. These contacts usually depend on the social workers' (working within the homeless shelters) knowledge and interest on migration.

Women

Women sometimes do have access to long-term shelters while men generally don't. These aren't ordinary women's long-term homeless shelters, but centers for battered women and *Frauenhause*. An increasing amount of undocumented Turkish women seek help there, having left their traditionally orientated families or fearing arranged marriage in Germany or their country, or having divorced their husband of German nationality. These places receive money from the local authorities on a somewhat different basis than other publicly funded long-term shelters, because they have no obligation to reveal who is staying in their facilities.

5.4.6. Spain

One has noticed a rise of immigrants in recent years in most Spanish homeless shelters. While immigrant men are mostly in night hostels, immigrant women and children are

²⁷ In Germany, it is punishable by law to provide assistance to undocumented migrants, see art 90 Aliens Act.

mostly in housing provided by an organization. Different causes for this increase can be distinguished: the tightening of Spanish law with regards to work and residence permits (and thus the increase of undocumented migrants in the country) being the cause that affects specifically those migrants who are undocumented. The other reasons only refer to documented migrants²⁸.

However, the subsidies shelters receive aren't only insufficient for helping undocumented migrants. They're also insufficient for helping the other homeless.

Rafael Conde Salazar from RAIS explains that generally, the necessities of both groups are very different from each other: while undocumented migrants usually have social ties, no mental disorders nor addictions and are motivated to get out of their situation, other homeless receive help to regain a certain stability.

→ Conclusion on home-less shelters

Homeless shelters are faced with increased demand from undocumented migrants and the homeless sector has great difficulty adapting to it.

The main problem is that homeless organizations are mostly very specialized in problems of homeless people. The main aim of these organizations is to assist their clients with their re-integration in society. Therefore admission of undocumented migrants into facilities such as housing and social rehabilitation centres is usually jeopardized, because these migrants' integration possibilities are limited due to the lack of a legal status.

Also, the workers in shelters often lack the capacities to properly assist undocumented migrants, whose needs and causes for homelessness are usually quite different to those of the other homeless. Homeless shelters thus aren't generally a reliable and lasting source of help for undocumented migrants.

A residence permit and a minimal source of income are the usual conditions of entry, exceptions for undocumented migrants are sometimes made depending on the state of vulnerability of an undocumented migrant: unaccompanied minors, divorced women or victims of trafficking, sick persons. In these cases the additional entrance condition is often that these undocumented migrants are undertaking something to get out of their irregular situation.

²⁸ For instance: homeless organizations are receiving special subsidies for working with legal immigrant homeless; the food and work necessities of immigrants and other homeless are similar.

Access to night shelters is generally somewhat easier and is limited to single persons who are able to pay the couple of euros entry fee, though the availability of space (limited and often very tight), the ideology of the shelter, its source of funding and financial means, the standpoint of the local authority (which is sometimes different to that of the national government) and whether the shelter is subject to severe police controls greatly influence the willingness of a shelter to welcome undocumented migrants. Women's shelters are generally more accessible.

Homeless shelters were initially designed for national homeless, which means that any long-term help (except for the few places with projects specially for undocumented people) is designed to help those who are entitled to the benefits of the national social welfare system. These homeless are often unaccustomed to sharing space with foreigners and frequently make them feel unwelcome.

5.5. NGOs

5.5.1. The Netherlands

Own capacity

According to Fred Stangelaar from the *Netwerk Religieuzen Voor Vluchtelingen*, only 20% of undocumented migrants refer to NGOs for help, while 80% find their own way through their community network, working in black and renting private housing. This small proportion of people who refer to NGOs for housing and other necessities is due to the limited help these organizations can provide (usually between 20 and 40 spaces), which mainly aid the most vulnerable and sometimes don't provide accommodation but only legal advice, money and medical support. Those considered most vulnerable are people with small children and people who are seriously sick. Thus most undocumented migrants cannot depend on this help.

LOS, an umbrella organization for groups helping undocumented migrants, has encountered a lot of reluctance among homeless organizations and federations when trying to get them involved in its work. 2/3 of its 80 member organizations are either offered social housing or money to rent accommodation (like a guarantee system) by the local authorities. Rian Ederveen from LOS distinguishes among its member organizations the older larger ones, the small family ones that help a few people, and the more recent ones that find houses for undocumented migrants to squat before their demolition. When an organization finds a house to squat, it is usually thanks to the good relations it has established with a local government housing association. It may need to pay a low rent or receive the building for free, and this for a defined limited period. Christian and Muslim communities also sometimes pay the rent or offer accommodation to undocumented migrants who ask them for help.

Local authorities impose criteria

Often local municipalities finance the shelter projects of NGOs. In various municipalities, platforms of local NGOs have implemented shelters (which include food, legal and medical support) financed by the municipality. *INLIA*, a national protestant Church organization, links the NGOs and the local municipalities by checking whether organizations have people who are eligible for these shelters.

The access conditions specified by the municipalities tend to be so strict that some shelters end up with empty spaces. For example in Heerlen, the shelter is a former hotel that has a capacity to house thirty families or persons (units). However eighteen of the thirty rooms are presently empty due to the local platform not finding eligible people to place there, hence leaving more people on the streets. *Stichting Vluchteling Als Naaste* (in Helmond) also houses people (for free) within four houses of the municipality (total space for 34 people) on specific conditions: it must know what it will do with its clients; the clients must be undocumented people who wish to start their asylum procedure again, who wish to return to their country, who have a serious medical condition, or who have been homeless for a long time and need to regain a certain stability. Most organizations only work with people who have been rejected from the asylum procedure and not with people who have come to the country and never asked for asylum. This is not only due to many finding their own way by staying with their community network or renting a flat, but also because the municipalities don't usually finance organizations for helping other undocumented migrants. The local authority explains its help by saying that "in this way, people aren't on the street".

However Ketty Van Bussel said that last year, as many as 200 people asked her organization for help. She estimates that only half these people had serious enough problems enabling them to be granted accommodation. *Stichting Vluchteling Als Naaste* presently has no more than 20 people on its waiting list, in order not to raise unnecessary hopes. This organization is mainly financed by the municipality, though also receives money from the Church. It is often in touch with other organizations that provide undocumented migrants with accommodation, though they also tend to be full up.

How to find NGOs

People find out about the (housing) services provided to undocumented migrants through various ways. *Vluchtelingen Werk* (Refugee Work, a large organization in Amsterdam that helps people in their asylum procedure) provides rejected asylum seekers with a list of organizations that may help them further. Some employees of the *Immigratie en Naturalisatie Dienst* (the State Service for Immigration and Naturalization) may also inform them on NGOs when they receive their negative reply. People who haven't been through the asylum procedure may also hear about helping organizations

via other people on the street or their community network. If an organization is full, it may refer a person to other organizations.

5.5.2. Belgium

Recent research revealed that only a small group of undocumented migrants depend on NGOs for accommodation or rent deposit. It are mostly rejected asylum seekers who find their way to NGOs since it is very likely that during the asylum procedure they already were in contact with NGOs. Most undocumented migrants who have never been in a procedure will rely on their own networks.²⁹

Short term solutions

Eric Wynants from *Point d'Appui* (in Liège), the only organization in Wallonia that publicly displays itself as helping solely undocumented people, feels powerless with regards to helping people in their search for accommodation (*Point d'Appui* has no accommodation of its own). He estimates to have satisfied around 1/50 of the requests he's received for housing help, and usually only for a very short period in night shelters. Only very seldom is *Point d'Appui* able to place a person or family in accommodation provided by another organization or a religious community. However, Eric Wynants admits that these are no long-term structural solutions but rather a way to save time and postpone the problems until later: if a person is housed for a year, after that year it is likely to still be undocumented.

The main reason *Point d'Appui* is unable to combine its legal and material help with providing accommodation is financial, but also due to the fact that it verges on illegality. It receives funds from private donations (especially the Church), the municipality of Liège, and the Walloon Regional Government. Nonetheless, Wynants is afraid that for example with a shift in politics, his organization will stop receiving public funding (for the moment, there is a green Regional Minister for Social Affairs and Health, who is sensitive on the issue). He is the only paid person within the organization, while eight administrative as well as other volunteers are working there as well.

Cooperation with private social housing service

The refugee service *Antwerp Minority Centre* and the social rental agency in Antwerp (*Kosova*), a private social housing service present throughout the country, have a joint project which enables them to place undocumented migrants in eight houses rented by the rental agency. Lies Deckers from *Antwerp Minority Centre* knows of no other private

²⁹ Adam, I., "The Social and Economic Situation of Undocumented Migrants in Belgium" in PICUM. Book of Solidarity (Volume I): Providing Assistance to Undocumented Migrants in Belgium, Germany, the Netherlands and the UK. Brussels: PICUM, 2002.

social housing service³⁰ in Belgium that sublets to undocumented migrants. The public subsidies received by *Kosova* don't finance the project with *Antwerp Minority Centre*.

The agency rents flats or houses from private owners, then rents them at low prices to poorer people. The undocumented migrants who access this rented housing must pay a minimum rent of 25euros a month, which includes gas and electricity bills. The rent increases in relation to a person's income. A person may apply for accommodation on condition that he or she is being accompanied by a refugee help service since at least three months or is considered by the service to have some prospect of obtaining a legal stay permit.

Antwerp Minority Centre doesn't sign everyone up on its waiting list in order not to unnecessarily raise people's expectations. Twenty persons or units are on the waiting list, though there would be around ninety families if the names of all the people who were sent to them by the refugee service between January and June 2003 had been put down on the list. After a year in one of the houses, an inhabitant's refugee service looks over its client's case again and its likelihood of acquiring asylum. If it is very unlikely, a person will have to leave the house and will be helped by its refugee service to find some other housing solution. In 2003, there was a public proposal (which has so far been refused) that all undocumented migrants should leave social housing as well as houses of the social housing agencies. This would threaten the work of *Antwerp Minority Centre* and *Kosova*.

Some organizations (such as *Steunfonds Mensen Zonder Papier* in Antwerp) gather donations through concerts, festivals, schools, or the Church to pay accommodation for undocumented people.

5.5.3. Italy

Minors

The *Unità Cittadini Senza Territorio*, an organization dealing with immigration and homelessness and managed by the municipality of Genova, only provides accommodation to undocumented persons if they are unaccompanied minors. The *Unità Cittadini Senza Territorio* acts as a mediator between the police forces (which usually bring a minor to the Unità) and the organizations managed by the Unità (where minors are placed), though some may end up there by word of mouth. All minors staying in an institution are signaled to the Committee for Minors that will examine the possibility of an accompanied repatriation and in the meantime are placed in a temporary shelter

³⁰ *Habitat-Service* is a private social housing service in the Walloon region (Liège) that also sublets flats to people with low incomes. These are slightly cheaper than private housing but more expensive than State social housing. Although it doesn't participate in an undocumented migrants housing project like *Kosova* in Antwerp, it doesn't close its doors to undocumented migrants but hasn't had any coming to the service so far.

(space for 2 to 4 people) where there is a regular turnover of people. If the parents cannot be traced (in Italy or abroad) or have died, they may stay in the country and are placed in a long-term institution (space for 20 to 30 people) where they will be provided with schooling and possibly a professional training. They may leave of their own accord as they aren't closed services. Most of the minors in the institutions are from Albania, Rumania or Morocco, though origins vary according to the period.

Adults who come there for help are directed towards non-governmental organizations that can provide them with answers.

Answers?

Edda Pando from *Todo Cambia* in Milan, an organization (without accommodation) for undocumented migrants, feels that one is in a "tied-hands situation" for helping undocumented migrants to find accommodation. Like Eric Wynants (Belgium), she comments that it is almost impossible to do so due to space being so incredibly limited in the different shelters and organizations that provide accommodation, such as at Caritas or in convents.

5.5.4. Austria

Similar to asylum seekers

There are presently around 38 000 applications for asylum in the country. Only 9000 people are provided with State accommodation. Around 2000 people have a place in accommodation of NGOs. The rest rely mostly on unstable accommodation. *BAWO* (Bundesarbeitgemeinschaft Wohnungslosehilfe) estimates that only 1/3 of asylum seekers is given a place to stay by the Government. In different regions of the country, organizations receive public funding to provide emergency accommodation to this small proportion of asylum seekers. For this reason, Marion Kremla from *Asyl Koordination*, a platform for refugee assisting organizations throughout the country, believes the housing situation of many asylum seekers isn't so different from that of undocumented migrants although there aren't any organizations specializing in help for undocumented people in Austria. She believes that almost all the member organizations are working with undocumented people, mostly providing legal counseling.

Solutions

Several organizations may rent apartments and then sublet them at a reasonable price. Although rejected asylum seekers are expected to leave the accommodation provided by an organization, some rejected asylum seekers stay on after having received the negative reply, sometimes because they were permitted to stay (usually in emergency cases or after a long-lasting relationship with a client), other times because they did not agree to leave. When organizations have no more space, they tend to first contact organizations that have a lot of space, such as *Caritas* and some Church organizations,

and only afterwards they find out about possible space in night shelters. *Caritas* has around 450 spaces in shelters and supported housing in Vienna and its surrounding regions (as well as other spaces in other regions). In the *Evangelische Diakonie*, one may generally stay for up to 91 days, though longer term accommodation is provided in special cases. Michael Bubik from the *Evangelische Diakonie* explains that when a person finds work and is able to pay for accommodation (when it is possible to assess a person's income), it will be asked to leave. *Caritas* and the *Evangelische Diakonie* are the organizations that are able to provide help to the largest number of asylum seekers in Austria. However, the capacities of all NGOs are stretched to the limit and insufficient to provide to all.

Squat

As an example of a more alternative initiative to house undocumented migrants, a small NGO in Vienna is in touch with a squat inhabited by mostly Austrians which provides space for about ten refugees, some of whom are undocumented. Unfortunately this isn't an ideal place for them to stay as the house is often subject to raids.

5.5.5. Germany

Churches and NGOs tend to provide support to families, for whom it is more difficult to stay in night shelters, cheap hotels, shared flats, or with relatives. Some churches have opened or have thought of opening their doors to shelter people for some time. Some networks specialize in help to women and children. In Berlin, a few organizations give support to undocumented migrants workers, especially single mothers who work in households in Berlin. In addition to providing accommodation to them, organizations tend to investigate on the possibility of returning to the country and otherwise try to obtain their legal status. Sometimes individuals, whether attached to an organization or not, help people to get shelter by providing a space in their own home or by paying rent for them.

The fact that their work is illegal does not pose such a problem to church organizations, which are unlikely to get into serious trouble due to the Church's support. Uli Sextro from *Projekt Illegalität*, an organization that helps Church organizations that provide assistance to undocumented migrants, claims: "Churches have to help these people, legal or illegal. We don't give any information to anybody. That is our profession".

5.5.6. Spain

Some organizations that offer or rent accommodation at low prices to the socially excluded don't distinguish between those who are documented and those undocumented. Two of these organizations are *Red Acoge* and *Provivienda*.

Red Acoge

Red Acoge (a federation of 25 organizations helping immigrants throughout Spain) takes on a person in one of its flats after a social worker has evaluated that it is in a particularly vulnerable situation. Undocumented migrants fit into this ‘very vulnerable’ category. For this reason they occupy a great part of the accommodation of *Red Acoge*, which has a capacity to house between 250 and 300 persons. Although 73% of its subsidies come from public funding³¹, it doesn’t discriminate undocumented migrants. In fact Blanca Ruiz explains that the more undocumented migrants there are in Spain, more it will work with them. The aim is not to house people for a night or two nor give them permanent housing, but rather to provide a temporary free space to live and the resources to find work and pay their own accommodation so they can vacate the flat. *Red Acoge* proposes different programs according to its clients: a single person in a grave situation may stay for one to three months, while women who are pregnant or with young children may stay for longer.

Provivienda

Provivienda also mainly functions thanks to public funding (from the regional government) and doesn’t distinguish between nationals, documented and undocumented migrants. The people to whom it offers housing must satisfy some criteria before signing the rental contract. First of all, they must prove their identity with a passport, a residence permit or whatever document they presently have in order. Secondly they must prove that they will be able to pay the monthly rent, with a work contract, a written or verbal testimony from their boss certifying their (more or less) stable and sufficient income, or some other evidence that they hold enough money. The tenant signs the rental contract, but *Provivienda* acts as a guarantor to the owner: if the tenant doesn’t pay, the organization will. It also checks that the apartments meet basic sanitary criteria. One of *Provivienda*’s main aims is to help establish a trust relationship between the owner and the tenants during the first year of lease in order for it to continue without *Provivienda*’s mediation and support to both sides. For this reason it also tries to sensitize owners on the fact that renting their property not only provides money but also constitutes a business which must be taken care of. The most families that the organization ever housed in a year were 235. It estimates that more than half of the immigrants with whom it works are undocumented and are especially people who haven’t been in Spain for long. Its services to the owners and tenants are free, while all employee and maintenance costs are taken care of by the annual budget. When Madrid’s regional government asked *Provivienda* to design a program that would encourage the access to housing for immigrants, one of *Provivienda*’s conditions was that it would not get involved in putting into practice the aliens law and create a double exclusion (of

³¹ The rest of *Red Acoge*’s subsidies come from private sources (8%) and their own funds (19%).

undocumented migrants instead of immigrants in general). Esther Marcos explains: “We make no distinction between regularized and not regularized persons. For us they are here, they have a need, and we are able to meet it”. *Provivienda* supports change in Spain’s housing culture and with this aim organizes conferences, meetings and publications to sensitize the public on housing, on what it represents in a person’s life, and on what the role of the public administration is in satisfying this basic need.

Restricted by funders

Due to the public funding they receive, organizations cannot go as far as they would like in their campaign work and worries are that in the near future, the public administrations will become very serious towards them to prevent the help to undocumented people. 90% of immigrant organizations are receiving public funding. The public administrations haven’t told organizations directly that it is illegal to help undocumented migrants so the organizations continue struggling with this contradiction.

When these places no longer have space, they may redirect people towards other organizations that provide accommodation. Esther Marcos explains that there are so few resources with regards to housing that although one can direct people towards municipal or community services, it often unlikely they will be helped. Angela Sánchez expresses this concern for *Provivienda*’s work: “the amount of cases or families that we are able to work with is small in comparison with the number of cases that need our work”. The chances for finding a place to stay are greater in emergency situations, such as those of ill-treated women or families that are on the street.

→ Conclusion on NGOs

Those organizations that receive public funding to house undocumented migrants are usually only allowed to use the money for helping rejected asylum seekers, thus excluding people who came to a country on their own account and never asked for asylum. It sometimes happens that access conditions specified by the funding municipalities are so strict that all the spaces available cannot be filled.

However most NGOs that provide accommodation are unable to cope with the great quantity of demands they receive. Indeed a lot of discouragement was felt among the interviewed organizations that continue doing what their finances enable them to do as well as campaign work with the hope that the political climate will change and more just social and immigration policies will be passed. They also work on establishing relations with homeless shelters in order to widen undocumented migrants’ housing possibilities, and try to improve existing relationships between private owners and tenants.

Some refugee organizations that help people in their asylum procedure also sometimes end up helping rejected asylum seekers who don't leave their accommodation after having been rejected. Organizations helping undocumented migrants often face threats from the authorities due to their 'illegal' help.

5.6. Other possibilities

Due to the lack of housing resources available to undocumented migrants, the way people find a roof (to avoid sleeping on the street or in a train station) is up to their own imagination when they don't have family or friends to stay with, are unable to find a space in a charity organization or lack an income to pay rent.

Paying for a room in a **cheap hotel** is a common practice. They may find the money to pay by working in black or begging and then sharing a room with one or more persons. In Brescia (Italy), the police recently did an eruption in a hotel that was full of undocumented persons.

In different European countries, both north and south, Eastern Europeans have found shelter in **caravans**. In Italy, many gypsies (mostly undocumented) live in caravans on the fields of local councils. Many of these people were living in houses in their country of origin. In some European countries (e.g. Austria), living in a caravan on city outskirts is almost impossible due to the police not allowing it.

In Italy and Spain, many **shanty-towns** lie on the outskirts of large cities. The 'popularity' of slums is likely to be due to the warmer climate of these Southern European countries. In the past only gypsies used to live in slums around big Italian cities (such as Milan and Rome), though recently an increasing number of Eastern European migrants (Polish, Ukrainian and Rumanians) are doing the same. In The Netherlands some people find shelter from the rain by building some shanty type residence with scraps or by living in car boots or tents, though these practices aren't common at all and aren't proliferating there.

In all six interviewed countries, **squatting** is a tendency in large cities, though people living in squats often run the risk of being denounced to the police by their 'neighbors'. According to Edda Pando from *Todo Cambia*, around 15% of undocumented migrants in Italy squat abandoned houses, buildings and cars (which aren't difficult to find in or on the edge of large cities) for shelter. She considers squats, together with flats rented from slumlords, as the types of shelter most used by undocumented migrants. Here are several examples of squatting in Italy. A house in Milan (*Casa di Via Adda*) is presently being squatted by gypsies as a place to live as well as a sign of protest. Some of the inhabitants came from land that was invaded by the police. After the invasion, some

were thrown out of Italy, while others escaped and went to this house.³² Also in Milan, one year ago three hundred Moldavians were discovered living in a factory. Presently, several refugees seeking political asylum are squatting an old factory in Rome³³ that has become a self-governed space that includes homes, a library, a shop, a canteen and a bar.

These solutions for shelter are the least official. They are among the most used, but are the most insecure due to their particularly poor sanitary conditions and uncertain duration (caravans and squats may sometimes not be so insecure in one way or the other).

6. CONCLUSIONS AND OUTLINE FOR FURTHER ACTION PLAN

6.1. Procedure

PICUM's General Assembly, that gathers on 16 and 17 April in Antwerp (Belgium), will have to decide on the contents of the further work on the Right to Housing. Aim is to elaborate some recommendations, upon which actions or further research will be based. Below are presented indications of such recommendations. These indications have mainly been given by the respondents.

6.2. Indications for recommendations

- 1) Undocumented migrants should be informed on their rights as tenants.
- 2) In those countries where a high proportion of housing is social, undocumented migrants should be allowed to sign on for and rent social housing, thus housing at reasonable prices. A housing cooperative in the Netherlands proposed this as a solution to the problem of undocumented migrants on the streets (esp. Eastern Europeans) or in narrow housing and as a way to avoid extra problems that the homelessness of undocumented people causes.
- 3) In the Netherlands, many people with a relatively high income are living in social housing, while this space could be vacated for the many people in a more desperate financial situation who aren't living in social housing, both native and

³² The information on the squat in Milan was collected on January 8th 2004 (Edda Pando from *Todo Cambia*).

³³ The information on the squat in Rome was collected on January 8th 2004 (Edda Pando from *Todo Cambia*). A big building project is actually planned on the land where the factory is planted.

- migrant people. However this isn't a solution for undocumented migrants as long as the legislation bans their access to this housing.
- 4) All asylum seekers aren't provided with accommodation (dependant on the stage of their asylum procedure). If the government gave shelter to all the people waiting for a response to their asylum request, there would be more accommodation available to undocumented migrants in the NGOs that are housing numerous people in the asylum procedure.
 - 5) NGOs and undocumented migrants should get together with politicians to conduct campaigns (letters, demonstrations, forums) and sensitize the government and the population on the situation and essential rights of undocumented migrants, among others on the alarming housing conditions (also on health, education and work issues, etc). This already exists and organizations admit to the change being exceedingly slow.
 - 6) Governments must enable homeless institutions to help undocumented people by funding their accommodation expenses. They shouldn't depend on what the government wants to contribute to. They must be able to help whoever is in need, regardless of whether a person is documented or undocumented, and have the proper means to assist their specific needs.
 - 7) Migrants face prejudice from the social work sector and from national homeless people and sensitization and training work should be done with the workers. Workshops must be organized by homeless federations to discuss the question of discrimination among their member institutions, for the workers to properly understand the reasons why people migrate to a country and how to assist this group of people. It is also essential to give people working for shelters the opportunity to express the problems they face when dealing with undocumented migrants.
 - 8) The communication between NGOs and homeless shelters and federations must improve to increase the accessibility of undocumented migrants to night and long-term shelters. NGOs and homeless shelters should inform each other on the services that are able to give the best support to undocumented migrants, for example by exchanging lists of homeless shelters and NGOs in specific regions.
 - 9) Shelters could be created specifically for undocumented migrants, catering for their specific needs.

- 10) A change in the government's attitude is needed. Its actions must neither be aimed solely at gathering votes by fighting against criminality and integration problems, nor at reinforcing security and the control of migration flow. National governments and the EU must stop neglecting that they're migration regions and must care for undocumented migrants while fighting the root causes of migration. As long as there is severe economic inequality in the world, the influx of people hoping for a better future in Europe will continue. (Even homeless health assistance is often better in Europe than back in a migrant's country of origin.)
- 11) A lasting, structural solution to the housing problem of undocumented migrants doesn't exist as long as they aren't granted a legal status. As long as this doesn't happen, most can't achieve a stable living space.

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<http://www.cohre.org/hrbody6.htm>

FEANTSA

http://www.feantsa.org/keydocs/overview_eu1.htm

ANNEX

1: LIST OF INTERVIEWEES

The Netherlands

Ketty Van Bussel

Stichting Vluchteling Als Naaste

Helmond

Fred Stangelaar

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Angela Sanchez, Esther Marcos and Elena Lopez
Provivienda
Madrid
(interview made by Michele Levoy from PICUM in 2003 for the Book of Solidarity)

2 : QUESTIONNAIRE

General:

- Where can undocumented migrants go for housing help in your country?
- Where do you think they go most? Do many go to night shelters, or do they mostly seek other housing arrangements?
- How do you explain the fact that people direct themselves more towards one housing sector than another? (shelter, social housing, private market, community network)
- Are there any other housing possibilities you can think of?
- Do you know who could inform me on the use undocumented migrants make of these other types of housing?

Homeless organizations:

- Being an organization working with homeless people, do undocumented migrants come to you for help? How many are on your waiting list for shelter?
- Do you welcome them and provide them with your assistance?
- Do you welcome all undocumented migrants? Why not? Do you give priority access to certain people (e.g. based on their sex, origin)?
- Do you send them somewhere else when you can't provide them with accommodation? Where to?
- Are you in touch with shelter organizations working only with undocumented migrants? Are they State or non-State organizations? Could you give me some contact names and addresses?

- Do these organisations send you people they have no room to accommodate?
- Is your organisation allowed to welcome undocumented migrants by law?
- To what extent does your organization abide to State or regional law? (does the law vary from one region to the next?) Are you expected to report all undocumented migrants that come to you? Do you do so?
- Are your (State, Church, private) funding bodies an obstacle to assisting them?
- What do you believe could be a solution to the situation of homeless undocumented migrants? (e.g. separate services for documented and undocumented homeless).
- Are you working towards this solution? How?

Humanitarian organisations:

- Does your organisation provide (short/long term) accommodation to (only) undocumented migrants? If it does, how many people do you have on your waiting list for accommodation?
- If not, do you assist them in their search for accommodation? What do you do with regards to housing? (refer people to public shelters or of other organisations, are guarantors for renting, exposing unsanitary housing or indecent prices)
 - How are undocumented migrants informed on your services?
 - Do you have regular contact with night shelters, private landlords, social housing organisations, or members of the migrant's same community?
- How willing are these housing sectors to cooperate with your organisation and others helping undocumented migrants?
- What housing sector are they most excluded from? Why?
- Does one housing sector have a greater tendency to report people? Why?
- Is it necessary for people to have a legal status in your country to sign a rent contract for social or private housing?
- What are undocumented migrant's other obstacles to housing?
- What do you know on the housing of undocumented migrants issue/what housing help is available in your country/region as a whole? Do you have any useful contacts (housing sectors, orgs)?
- What is the attitude of your government on this issue? What's its opinion on the interaction between the housing sectors and undocumented migrants?
- What do you believe could be a solution to the housing problems of undocumented migrants?
- Are you working towards this solution? How?