



European Pillar of Social Rights Action Plan 2026 – 2030

PICUM input to the call for evidence



PICUM

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PICUM, the [Platform for International Cooperation on Undocumented Migrants](#), welcomes the opportunity to provide input to the European Commission's call for evidence on the new action plan on the implementation of the European Pillar of Social Rights¹, as the Pillar is a key tool for achieving equality in the EU.

PICUM was founded in 2001 as an initiative of grassroots organisations. Now representing a network of 155 organisations working with and for undocumented migrants in more than 30 countries, PICUM has built a comprehensive evidence base regarding the gap between international human rights law and the policies and practices existing at national and EU levels. With more than twenty years of evidence, experience and expertise on issues affecting undocumented migrants, PICUM promotes recognition of their fundamental rights, providing an essential link between local realities and the debates at the policy level.

PICUM is a member of [Social Platform](#), the [EU Alliance for Investing in Children](#), the [European Anti-Poverty Network](#), the *European Care Alliance*, the *Ad hoc advocacy coalition on the EU Anti-Poverty Strategy* and the *Ad hoc Stakeholder Group on Migrant Domestic and Care Work*. PICUM supports and contributed to these different networks' recommendations on the broader social inclusion policies.

This submission can be read alongside PICUM's submissions to related public consultations of the European Commission, notably on the:

- Next EU long-term budget, available [here](#)
- EU Anti-Poverty Strategy 2026-2030, available [here](#)
- Quality Jobs Roadmap, available [here](#)
- EU Gender Equality Strategy 2026-2030 available [here](#)
- EU Anti-Racism Strategy 2026-2030, available [here](#)

¹ Find the call for evidence [here](#).

Background: the need for inclusive, needs- and human rights-based policies

'Undocumented migrants' or 'undocumented people' live in a country where their residence is not officially recognized. Many have had residence permissions linked to employment, study, family, or international protection, but those permits were either temporary or very precarious and their validity expired. Children who are born to undocumented parents inherit this precarious residence status. While there is no way to know how many people find themselves in this situation, we know the group is sizeable. The most robust recent study estimates that between 2.6 and 3.2 million irregular (undocumented) migrants lived in 12 European countries between 2016 and 2023.² This study was based on methodology conducted in a previous DG Research project³, which indicated similar estimates of the undocumented population. The findings of the two studies taken together demonstrate that the population has been stable for the past 15 years.

human dignity.⁶

Yet, some fundamental rights of migrants with irregular status do seem to be better protected than others in the EU: recent research mapping out and comparing the national legal frameworks of 28 European countries⁷ shows that the most consistently protected rights of undocumented migrants are emergency healthcare, compulsory education for children and the recovery of unpaid wages. In contrast, undocumented migrants have the least access to housing support, minimum income assistance and to further education or training.⁸

However, these legal protections often fail to translate into effective access in practice. The quality of social protection, like emergency healthcare, is often subject to discretionary decision-making⁹, and the ability of undocumented migrants to invoke these rights is limited by the lack of legal aid and the absence of firewalls, amongst other things.¹⁰

Human rights are inherent to all human beings, regardless of their residence status.⁴ The protection of basic social rights is not only a legal obligation under international and European law, including in the EU Charter for Fundamental Rights,⁵ but also a fundamental requirement for safeguarding

In other words, **there is a significant gap between the legal protections and the lived realities of undocumented migrants.** Undocumented migrants face poor health across a range of health issues, are systematically underpaid and exploited, and forced to live in insecure and inadequate housing

2 Kierans, D., & Vargas-Silva, C., 2024, [The Irregular Migrant Population of Europe](#). In MirreM Working Paper No. 11 (Version 1). Krems: University for Continuing Education Krems (Danube University Krems).

3 See Clandestino Project, 2009, [Final report](#)

4 See for example PICUM, 2007, [Undocumented Migrants Have Rights! An Overview of the International Human Rights Framework](#); FRA, 2011, [Fundamental rights of migrants in an irregular situation in the European Union](#)

5 Ibid.; Centre for European Policy Study, n.d., [Fundamental and Human Rights Framework: Protecting Irregular Migrants in the EU](#).

6 Council of Europe, 20 August 2015, [Without papers but not without rights: the basic social rights of irregular migrants](#)

7 PRIME, 2025, [Measuring and Analysing the Social and Labour Rights of Irregular Migrants: New Indicators for Twenty-Eight European Countries](#). The research covered EU 27 + UK.

8 Ibid., p. 38

9 Ibid. p. 35; see also PICUM, 2022, [A snapshot of social protection measures for undocumented migrants by national and local governments](#)

10 Ibid., pp. 38-39

conditions.¹¹ Moreover, some undocumented migrants face intersectional discrimination, which further exacerbates the barriers to accessing basic rights and services.¹² For instance, undocumented women are overrepresented in sectors such as

cleaning, care and domestic work, where they face greater risks of sexual harassment and violence. In particular, women who engage in sex work are further exposed to criminalisation, discrimination, and violence.

The state of play of the 2021 Action Plan

The systematic exclusion of undocumented migrants from basic services and rights – including healthcare, childcare, disability rights, racial equality, social protection and labour rights – has been extensively documented by PICUM and others, demonstrating the urgent need for inclusive policies that ensure undocumented people's access to fundamental rights.¹³ **We therefore welcomed the 2021 Action Plan's strong commitment to social targets and particularly appreciated initiatives such as the European Child Guarantee**, which explicitly includes migrant children regardless of their status.¹⁴

The targets set for 2030 were to reduce poverty by 15 million people, including 5 million children; to ensure at least 78 % of people aged 20 to 64 are employed; and to have more than 60% of adults participating in training annually. While the second objective on employment is close to being achieved, the first and third require much more, and much

more focussed attention and investments.

As stated in the 2025 call for evidence on the EPSR Action Plan, a fundamental challenge to implementing the Pillar and its twenty principles is implementation itself. While the EU has achieved significant progress in employment and some progress in training, **the goal of reducing poverty remains unmet¹⁵ and is likely not to be met without further, tailored action.** In 2024, 93.3 million people in the EU were still at risk of poverty or social exclusion; this was equivalent to 21 % of the EU population. For children this figure was at 24.2 %.¹⁶ Moreover, **migrants – and undocumented people in particular – experience poverty and social exclusion at a higher level than citizens.**¹⁷ Eurostat data shows that in 2024, 37.8 % of adult third country nationals risked poverty, compared to 18.6 % of EU citizens living in their own member state.¹⁸ Similarly, 22.3% of adult third country nationals experienced material or social

11 See PICUM, 2023, [Migration status: A key structural social determinant of health inequalities for undocumented migrants](#); Mixed Migration Centre, 2025, "I knew nothing would be easy without papers" [A glance at undocumented migrants' access to housing, employment and healthcare in Brussels and Paris](#);

12 See PICUM, 2024, [Exclusion by design: Unveiling unequal treatment and racial inequalities in migration policies](#); PICUM, 2024, [Navigating disability and irregular status in Europe](#), PICUM, 2020, [An inclusive gender-responsive approach to migration](#)

13 See for example PICUM, 2024, [Exclusion by design: Unveiling unequal treatment and racial inequalities in migration policies](#); PICUM, 2024, [Navigating disability and irregular status in Europe](#), PICUM, 2020, [An inclusive gender-responsive approach to migration](#); PICUM, 2023, [Migration status: a key structural social determinant of health inequalities for undocumented migrants](#); PICUM, 2023, [Access to Early Childhood Education and Care for Undocumented Children and Families](#); PICUM, 2022, [A snapshot of social protection measures for undocumented migrants by national and local governments](#); PICUM, 2021, [Navigating Irregularity: The impact of growing up undocumented in Europe](#); PICUM, 2020, [A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice](#).

14 PICUM, 2 July 2021, [EU Council adopts Child Guarantee that benefits undocumented children](#).

15 Social Platform, 2025, [The next European Pillar of Social Rights Action Plan: Contribution to the call for evidence](#), p. 5

16 Eurostat, April 2025, [Living condition in Europe – poverty and social exclusion](#)

17 See for example PICUM, 2025, [Why inclusive, needs-based social policies matter](#)

18 Eurostat, July 2025, [Persons at risk of poverty or social exclusion by group of citizenship \(population aged 18 and over\)](#)

deprivation, compared to 10.6% of nationals.¹⁹ **This shows that policy design alone is not sufficient.** For instance, although the European Child Guarantee holds strong potential to improve the situation of undocumented children, they remain underrepresented in national plans and biennial reports. This risks being a missed opportunity to address the needs of those most at risk of poverty and social exclusion.

Implementation challenges continue to pose a major barrier. Part of the challenge is caused by the lack of national laws enabling full access to social and labour rights. For example, although all EU Member States have laws enshrining the right to education for children – generally understood to include undocumented children – unclear legislation often creates administrative barriers, limits access to exams and certification and excludes them from non-compulsory education.²⁰

For this to be effective, **robust monitoring is essential.** Currently, the EPSR Action Plan's implementation is mainly being monitored through the **European Semester**. However, this process continues to prioritise economic and fiscal policies over social investments, which makes it more

challenging to have a concrete impact against poverty and social exclusion.²¹ Furthermore, the European Semester remains a highly complex and technical process. Public and media scrutiny are virtually non-existent, and although trade unions and civil society organisations are formally consulted, EAPN members, for instance, continue to report weak consultation processes.²²

Greater policy coherence is also needed across the board. Restrictive migration policies, such as the recently proposed EU Returns Regulation²³, increasingly contradict the core spirit of the Pillar. The EU's social objectives can only be achieved if other EU or national policies are properly aligned with them. For instance, national migration and return policies sometimes require service providers or schools to report undocumented people.²⁴ Another example is that the revised Facilitation Directive could criminalise landlords for renting to undocumented migrants, which would make it significantly more difficult for them to access adequate housing.²⁵ Such policies create a **chilling effect**, driving people away from the help they need and worsening poverty, health outcomes, and exclusion, by contradicting the EPSR objectives.

19 Eurostat, July 2025, [Material and social deprivation rate by age, sex and group of citizenship](#)

20 PICUM, 2015, [Undocumented Migrants and the Europe 2020 Strategy: Making Social Inclusion a Reality for all Migrants in Europe](#), p. 16

21 Social Platform, 2025, [The next European Pillar of Social Rights Action Plan: Contribution to the call for evidence](#), p. 30; EAPN, 2024, [EAPN Reaction to the 2025 European Semester Autumn Package](#)

22 EAPN, 2024, [EAPN Reaction to the 2025 European Semester Autumn Package](#), p. 14

23 PICUM, 11 March 2025, [New Returns Regulation ushers in dystopian detention and deportation regime](#)

24 See, PICUM, 17 May 2025, [Reporting obligations and 'firewalls'](#)

25 PICUM, 2024, [How the New EU Facilitation Directive Furthers the Criminalisation of Migrants and Human Rights Defenders](#); PICUM, 2025, [What Can Be Done to Address Housing and Homelessness of Undocumented Migrants](#), FEANTSA Homeless in Europe Magazine Summer 2025, Migration and Asylum.

Upcoming EPSR Action Plan

Cross-cutting recommendations

The need for policy coherence

The EU's social objectives can only be achieved if other EU or national policies are properly aligned with them. We therefore recommend the following:

- To ensure coherence with social, health, care and employment policies, the Action Plan must be closely aligned with the upcoming EU Anti-Poverty Strategy, Quality Jobs Roadmap, EU Anti-Racism Strategy, EU Gender Equality Strategy and the European Affordable Housing Plan, as well as existing social policies, like the European Child Guarantee.
- There is a need for more coordination with the Action Plan on Integration and Inclusion, including through a renewal of the plan.²⁶
- Upcoming initiatives across all areas, including in the area of migration and home affairs, should be assessed on the basis of their impacts on the social rights of people. The Commission should take the lead in pushing for non-discriminatory access to essential services and justice. Moreover, in line with Article 8 of the Charter of Fundamental Rights and the General Data Protection Regulation²⁷, the Commission should monitor Member States' respect for data and privacy standards, in particular by ensuring that personal data of undocumented people is not transferred by service providers and the justice system to immigration authorities. Upholding this fundamental right would enable undocumented people to access these services.²⁸

The need for inclusive funding

The 2028 - 2034 Multiannual Financial Framework (MFF) should provide support to those most in need and ensure a proper and inclusive implementation of the EPSR. To ensure the EU lives up to its commitments by 2030 and duly plan social interventions after this date, the next MFF must prioritise social inclusion, access to essential services and the eradication of poverty, including child poverty, through robust, sustainable, and well-funded social investments.

- Although the current ESF+ 2021 – 2027 does not explicitly exclude undocumented migrants, national-level reporting requirements often prevent access in practice, with very few examples of ESF+ projects supporting undocumented migrants. At the same time, the AMIF – the only EU fund specifically focused on migrant inclusion – typically conditions access on having a regular residence status, rather than individual needs. This excludes people with irregular and, sometimes, precarious status²⁹ from the support provided by AMIF-funded projects, even when they cannot be returned or are likely to regularise their status over time.
- In July 2025, the European Commission [presented](#) a new MFF structure that leaves a high degree of flexibility to the Member States in implementing EU programmes, including for social objectives and in terms of measures that can be funded. While the proposal does not explicitly condition access to support on residence or employment status (for both

²⁶ See, PICUM, 29 October 2020, [The future EU Action Plan on Integration and Inclusion: ensuring an approach inclusive of all](#); and PICUM/ECRE, 2020, [The Future EU Action Plan on Integration and Inclusion: Ensuring an Approach Inclusive of All](#)

²⁷ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance)

²⁸ For more on this, see PICUM, 17 January 2025, [Reporting obligations and firewalls](#), PICUM factsheet

²⁹ Precarious statuses refer to residence statuses wherein people do have the right to live in the country, but their residence is precarious (e.g., provisional statuses, dependent statuses, etc).

the new AMIF and ESF), PICUM recommends the future National Regional Partnership Plans adopt an inclusive approach in their implementation, and avoid any barriers related to residence or employment status. To ensure a proper implementation of the EPSR objectives, Member States actions should ensure that services are provided on the basis of needs and that all migrants have access to inclusion opportunities under the next ESF and AMIF.

- Earmarking for social inclusion within the ESF must be preserved - and expanded - beyond the current 25% for social inclusion and 3% for material deprivation. While the new MFF proposes a new earmarking of 14% for social objectives across all the National Regional and Partnership Plans, it is crucial that specific resources are also ringfenced for interventions in the area of poverty eradication and material deprivation, child poverty, and social inclusion.
- With regard to the European Semester, the Commission should incentivise Member States to increase public spending on education, healthcare, social protection and social inclusion in their national plans. The Commission should ensure that economic and fiscal policies are dedicated to eradicating poverty.

Monitoring and evaluation

The EPSR Action Plan's implementation has been and will continue to be monitored through the European Semester, the Open Method of Coordination for Social Protection and Social Inclusion and for Employment, and monitoring linked to specific initiatives undertaken as part of the Action Plan. While the European Semester is a long-standing monitoring mechanism and the European Commission has tried to make it accessible,³⁰ there are still some challenges that need to be overcome.

- We echo EAPN's call to put democracy, transparency and accountability at the centre of the European Semester.³¹ Civil society organisations and marginalised groups should be consulted and involved meaningfully at every stage of the process.
- The Commission should ensure that the general webpages³² on the European Semester as well as the pages with the country-specific documents³³ include links to the offices of the Commission representations in the different EU Member States (including, ideally, their 'Team' webpages). This small change will help make sure national civil society organisations and others find their way to the relevant staff and economic analysts.

Principle-specific recommendations

Chapter I: Equal opportunities and access to the labour market

We welcomed the opportunities to contribute to the different equality strategies³⁴ proposed by the Commission. However, in order to truly achieve a Union of Equality we recommend the following measures:

- The right to quality and inclusive education, training and life-long learning should be

implemented in a manner that promotes non-discriminatory access for all residents, regardless of status, to higher education, vocational education, training and internships.

- The Action Plan should be aligned with the different EU equality strategies. To effectively contribute to a Union of Equality, it should build on all existing efforts for non-discrimination and inclusion, regardless of residence status.

30 For instance, by creating a dedicated [webpage](#).

31 EAPN, 2024, [EAPN Reaction to the 2025 European Semester Autumn Package](#),

32 For instance, European Commission, [The European Semester](#) (last accessed on 25 August 2025)

33 European Commission, [The European Semester in your country](#) (last accessed on 25 August 2025)

34 PICUM, 2025, [Why inclusive, needs-based social policies matter](#); PICUM, 2025, [PICUM's submission to the EU 2026-2030 Gender Equality Strategy](#); PICUM, 2025, [PICUM's submission to the European Commission's call for evidence on the EU Anti-Racism Strategy 2026-2030](#).

- The Commission should encourage Member States to develop more inclusive work permit systems that actively promote decent work and social inclusion.³⁵
- In the framework of the transposition and implementation of the EU Violence Against Women Directive, the European Commission should commit to providing guidance to Member States on how to ensure access to justice, protection and support for undocumented migrant women and those with a precarious status. This should include, in particular, safe reporting mechanisms and access to residence permits for victims of crime. The Commission should also monitor the Directive's transposition to ensure compliance and launch infringement proceedings where Member States fail to guarantee rights without discrimination based on residence status, as required under Article 1 of the Victims' Rights Directive.

Chapter II: Fair working conditions

We welcomed the opportunity to contribute to the upcoming Quality Jobs Roadmap³⁶ and reiterate that, like any worker, undocumented workers have rights and are entitled to quality employment, in terms of equal treatment, entitlements and benefits linked to previous employment.³⁷ There is a need to recognise and protect the rights of undocumented workers, without exception; as this means strengthening labour standards for all workers and benefitting society as a whole. It would also contribute to reducing undeclared work, exploitation, forced labour, human trafficking and modern slavery, as well as support the advancement of employment and safety standards for all workers.

While employment law largely includes workers in a factual employment relationship without discrimination on the basis of residence status, for these rights to be accessible in practice and to implement the EPSR principles in practice, **several measures are needed to make labour monitoring, complaints and redress mechanisms more effective and accessible for all workers, without**

any risk of immigration enforcement as a result.

- Enhance coherence with and full implementation of undocumented workers' rights under the Employers Sanctions Directive, Single Permit Directive, Anti-Trafficking Directive, Victims' Directive and Victims' Strategy.
- Ensure precarious and undocumented migrant workers have access to effective complaints mechanisms that do not threaten their residence status, including specific protections that would not allow for personal data of undocumented migrant workers to be shared by labor inspectors with immigration enforcement authorities.
- Reestablish the primary purpose of labour inspectorates as the enforcement of decent working conditions and receipt of wages rather than immigration enforcement, following ILO guidance.
- Ensure that occupational safety and health standards are met and workers have recourse to complaints without fear of job loss or immigration enforcement.
- Strengthen the safeguards in data collection as labour inspectors increasingly collect, process, share, store personal data digitally, and explore other technological tools in their efforts to tackle undeclared work and exploitation.
- Implementation of the EPSR should seek to facilitate and strengthen the role of social and civil dialogue – including civil society organisations and unions representing and led by migrant workers - in the design and implementation of economic, employment and social policies, and in migration policies which directly regulate the employment of migrant work.

Chapter III: Social protection and inclusion

In order to improve the access to essential services and rights of undocumented migrants, we recommend the following actions:

35 PICUM, 2022, [Designing labour migration policies to promote decent work: Policy recommendations](#)

36 PICUM, 2025, [PICUM's submission to the European Commission's call for evidence on the Quality Jobs Roadmap](#)

37 PICUM, 2022, [Guide to Undocumented Workers' Rights at Work under International and EU Law](#)

- The Action Plan should recommend Member States to adopt or adapt national laws that enable full access to the social or labour right(s) in question. We recommend, amongst others, that Member States extend an explicit legal entitlement to early childhood education and care to all children, regardless of residence status.³⁸
- The Commission should encourage Member States to ensure access to healthcare, housing, social protection, education, justice, and other essential services and benefits, irrespective of residence status. This should include disability benefits and support (e.g. personal assistance, accessibility measures, employment measures, etc).³⁹
- With regard to the European Child Guarantee, the Commission should require Member States to prioritize specific target groups (including migrant children, regardless of their status) in their National Action Plans and biennial reports, in order to address their underrepresentation, and require Member States to argue why they do not.
- The Commission should commit to implement the European Care Strategy and European Council Recommendation on Long-term Care through financial investment and concrete measures, which fully include migrant workers, informal carers and people in need of care.⁴⁰ For example, adequate EU funding should be dedicated to active labour market policies promoting access to decent working conditions for all workers, as well as to prevent and provide remedy for exploitation. The next EU funding programmes should support measures countering labour exploitation regardless of the residence status of workers in parallel to measures supporting their access to rights.
- The Commission should call on Member States to enable migrants with irregular status to safely access public service provision and systems, such as healthcare, education, social welfare, labour inspection, or justice, by not requiring any of these services to report their personal data to immigration enforcement authorities. Such guarantees of no transfer of personal data would ensure that individuals can access these services and interact with competent authorities without fear of migration-related repercussions, such as arrest, detention, or deportation.
- Decriminalise renting to undocumented people: remove legal penalties for renting to undocumented individuals, shifting the focus to protecting people from exploitation.
- Banking should be considered an essential service and regulated as such, so that no one is excluded on the basis of residence status. Considering the global shift to electronic payments, EU institutions should explore solutions to allow undocumented people to access banking services and could draw on existing experiences from foreign countries which could be replicated at the EU level.⁴¹

38 PICUM, 2023, [Access to Early Childhood Education and Care for Undocumented Children and Families. Obstacles and Promising Practices](#)

39 PICUM, 2024, [Navigating disability and irregular status in Europe](#),

40 See, PICUM, 2022, [Joint recommendations for the European Care Strategy regarding migrant care providers and service users](#)

41 See, PICUM, 26 February 2020, [Money-laundering measures leave undocumented migrants behind](#). Our member, Stichting Here to Support, has a project on this, the [Trust-based Banking project](#).

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PICUM

For undocumented migrants,
for social justice.

Rue du Congres 37,
1000 Brussels, Belgium
+32 2 883 68 12
info@picum.org
www.picum.org