



# Housing and homelessness of undocumented migrants across Europe: patterns, barriers, and ways forward



PICUM



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## Acknowledgements

This is a joint publication by the Platform for International Cooperation on Undocumented Migrants (PICUM), and the European Federation of National Organisations Working with the Homeless (FEANTSA).

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We would like to thank Silvia Carta, Advocacy Officer at PICUM for her work in the initial stages of this project. We are also grateful to Laetitia Van der Vennet and Louise Bonneau, Senior Advocacy Officers at PICUM, for their contributions. We further thank Hasna Belachqr and Stefania Kulaj, former PICUM trainees, for their assistance during the preparatory and drafting phases of the report.

Finally, we deeply thank PICUM and FEANTSA members who contributed their time and expertise to this report.

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Cover image: Lia Bekyan

This publication was made possible with the kind support from:



Co-funded by the  
European Union



Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or European Union Programme for Employment and Social Innovation "EaSI" (2021-2027). Neither the European Union nor the granting authority can be held responsible for them.

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# Executive Summary

Access to appropriate, secure, and sustainable accommodation is a fundamental human right, recognised in international and regional human rights frameworks and applicable to all persons regardless of residence status. Yet across Europe, undocumented migrants are systematically denied access to housing and shelter due to legal, economic, and administrative barriers, often linked to migration control.

The absence of residence permits, work authorisation, and access to social protection creates a vicious cycle that severely limits income opportunities and excludes undocumented migrants from formal housing markets and public services. At the same time, housing provision is increasingly entangled with immigration control mechanisms, deterring access and reinforcing discrimination.

As a result, undocumented migrants are often forced into unsafe, informal, or exploitative housing

arrangements, with little access to legal remedies, tenant protections, or emergency accommodation, bearing the burden of exclusionary policies and frameworks. Poor living conditions can have profound effects on health, mental well-being and social inclusion, increasing the risk of marginalisation.

To better understand the situation of undocumented migrants in Europe, PICUM and FEANTSA conducted a collaborative study examining the housing barriers faced by undocumented people across Europe, with particular attention to children, families, and young people. Our report - Housing and homelessness of undocumented migrants across Europe: patterns, barriers, and ways forward - analyses the legal frameworks, structural barriers, and self-organised solutions shaping housing access for undocumented migrants. The report seeks to support rights-based reforms to uphold the right to housing in practice and for all, regardless of residence or migration status.

## Barriers to Housing Access

### Private Housing

Undocumented migrants and their families are largely excluded from public housing systems and relegated to the margins of the private rental market. Legal and administrative requirements, such as personal identification numbers, social security registrations, and income verification, block access to regulated private rentals in most EU member states.

Primary barriers to private housing include high rental costs (including) in relation to precarious household incomes, lack of documentation, landlord discrimination and exploitation, and legal restrictions

tied to residence status. Confined to informal labour markets and earning far less than other workers, undocumented migrants are often charged inflated rents for substandard accommodation.

Even when private housing is secured, conditions are often poor, with inadequate maintenance, lack of basic amenities, and short-term or informal arrangements that leave tenants without bargaining power or access to complaint mechanisms and legal redress. Fear of detection by immigration authorities or losing their accommodation discourages undocumented tenants from reporting abuse or seeking remedies, even where legal avenues exist.



## Public Shelters

Access to public shelters and homelessness services is often conditioned on possession of a residence permit, a social security number or municipal registration, denying many undocumented people access. In some cases, national laws explicitly prohibit public organisations from providing services to undocumented people. Registration requirements that undocumented people cannot meet further restrict access. Even where access is formally allowed, shelters often present safety concerns, are overcrowded, have limited capacity, or provide only short-term stays.

Legal barriers are the most commonly cited obstacle, followed by lack of space and inadequate facilities. Family shelters are often insufficient, sometimes forcing parents to be separated from their children, while support typically ends when children reach adulthood. Shelter provision is rarely adapted to the needs of children, families, people with disabilities, LGBTQ+ individuals, or survivors of domestic violence.

Due to these gaps, undocumented migrants rely heavily on NGOs and voluntary organisations to meet their housing needs. NGOs are sought not only because public services are restricted by residence status, but also because they are perceived as safer, more confidential, and more flexible.

## Criminalisation and Lack of Safeguards

Restrictive migration control laws and the criminalisation of assistance for undocumented migrants exacerbate housing exclusion. In some countries, landlords risk fines or imprisonment for renting to tenants without regular residence. Anti-smuggling laws aiming at “facilitating” irregular migration and the criminalisation of irregular stay can create legal uncertainty deterring both landlords and support networks from providing accommodation. Even where formal obligations to verify residence status do not exist, landlords and agencies may conduct status checks without the

legal obligation to do so.

Similar dynamics shape access to public shelters and homelessness services. Fear of detection, reporting obligations, or deportation discourages people from seeking assistance. The lack of safeguards preventing immigration enforcement authorities from accessing information obtained through essential services (e.g. “firewalls”) means that accessing housing or shelter may expose individuals to the risk of deportation, discouraging undocumented migrants from seeking help, even in emergency situations.

## Self-Made Solutions

Blocked from formal housing and shelters, undocumented migrants resort to a range of self-organised strategies. These include reliance on friends, family, and diaspora networks ("couch surfing") which may provide temporary shelter but can result in overcrowding and precarious living conditions. Others are forced into rough sleeping in public spaces, parks, and transit stations, with significant safety risks. Informal settlements and encampments emerge in peri-urban or rural areas where access to formal housing is denied. In some

cities, undocumented people, often with solidarity support, have used squatting and the occupation of vacant buildings as a means of securing shelter.

These solutions can be marked by insecurity, lack of privacy, and frequent exposure to exploitation and often violent evictions. Increasingly hostile policies criminalise homelessness, exacerbating vulnerabilities and leaving people with no options while deepening the cycle of exclusion.

## Policy Gaps and Enforcement Frameworks

Despite growing recognition in international, EU, and national norms of the right to adequate housing, a persistent gap remains between legal entitlements and everyday realities. EU policy instruments, including integration plans, social inclusion and anti-poverty strategies, often fail to explicitly address

all those experiencing homelessness, leaving undocumented migrants outside protective and support frameworks. At the same time, immigration control frameworks further criminalise homelessness by linking the absence of a fixed address to migration enforcement outcomes.

## The Need for Inclusive Policies and Practices

At EU level, housing must be recognised and operationalised as a fundamental right accessible to all, regardless of residence status, with cohesive policy frameworks aligned with the European Pillar of Social Rights. EU funding streams should be explicitly inclusive of undocumented people, and "facilitation" laws on anti-smuggling and preventing irregular migration must be amended to protect humanitarian support and housing-related transactions from criminalisation.

At national level, legislation should decriminalise providing accommodation to undocumented people,

introduce accessible regularisation schemes that do not depend on formal housing, and mandate firewalls between service access and immigration enforcement. A Housing First approach, combined with holistic support addressing regularisation, labour market inclusion, health, and social protection, should be prioritised.

Housing and social service providers should separate residence-status checks from access to services, work in partnership with legal organisations and migrant-led groups to identify structural barriers, and expand outreach and access to rights information.

## Conclusion

A decent and safe home should not be conditional on residence status. Homelessness among undocumented migrants is the foreseeable outcome of exclusionary housing, social, and migration policies. Families, children, and young people are particularly affected, as unstable housing undermines access to education, healthcare, work, and social inclusion.

Comprehensive, rights-based reforms at all levels of policy and practice are required to ensure that access to housing and shelter is secured for everyone in Europe. Only then can the EU's commitments to ending homelessness be realised in practice, and human dignity upheld for all residents, regardless of status.

# Introduction

Access to safe and stable housing is a fundamental human right, intrinsically linked to human dignity. Yet across Europe, undocumented migrants are systematically denied this right. Living with an irregular status often means key procedural protections and substantive rights are out of reach, increasing risks of legal invisibility, marginalisation, and homelessness.

Restrictive policies and widespread discrimination frequently result in substandard living conditions, leading many undocumented people and their families to endure substandard living conditions. This reality has been consistently highlighted by PICUM and FEANTSA members over the years, showcasing how access to housing remains a persistent challenge for undocumented people and their families.

In 2024, FEANTSA and PICUM launched a collaborative study to investigate the specific housing challenges faced by undocumented people across Europe, with a particular focus on children, families, and young people. This report presents the findings of that initiative. We focused on undocumented migrants exclusively to analyse how residence affects people's access to housing.

To produce this report, we used a mixed-methods approach: a survey of PICUM and FEANTSA member organisations eliciting responses from 45 organisations across Europe,<sup>1</sup> desk research of literature, policy, and statistical data, and a consultation with member organisations to facilitate peer exchange and refine the analysis.

In the following chapters, we examine the legal and policy frameworks that shape access to housing for undocumented migrants, identify the key barriers they encounter when trying to secure public, private, or emergency housing, explore how migration and homelessness intersect, and propose recommendations to ensure that undocumented migrants enjoy access to their housing rights.

We intend for this report to support advocacy efforts and inform policy reforms aimed at ensuring the right to adequate housing for all, regardless of residence status.

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<sup>1</sup> A comprehensive questionnaire was sent to members of both organisations, eliciting responses from 45 organisations across Europe. The countries represented in the survey are: Albania; Austria (2 respondents); Belgium (4); Bulgaria (2); Cyprus; Czech Republic (2); Finland (3); Germany (2); Greece (2); Hungary; Ireland (2); Italy; Luxembourg (2); Malta (2); Netherlands (2); Norway (2); Portugal; Spain (6); Sweden (3); Switzerland (3); Ukraine, and the UK.

## Definitions

**Homelessness:** Under the European Typology of Homelessness and Housing Exclusion (ETHOS), developed by FEANTSA and the European Observatory on Homelessness, a home is understood as a space in which a person and their family can exercise exclusive possession of a dwelling (physical domain), maintain privacy and enjoy social relations (social domain), and hold legal title or occupation rights (legal domain).<sup>2</sup>

ETHOS classifies people who experience homelessness according to their living situation, leading to the categorisation of homelessness into four primary conceptual categories: rooflessness (living rough or in emergency accommodation), houselessness (temporary shelters, women's refuges, or institutions), insecure housing (precarious tenancies, eviction threats, or domestic violence), inadequate housing (unfit conditions, overcrowded spaces, or non-conventional dwellings).<sup>3</sup>

**“Undocumented migrants”** are people whose residence is not recognised by the country in which they live, often because they were unable to obtain, or maintain, a valid residence permit. Many undocumented people 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.

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<sup>2</sup> FEANTSA, [ETHOS - European Typology of Homelessness and housing exclusion](#).

<sup>3</sup> Ibid.







# Legal and policy framework

This chapter explores the legal and policy framework governing the right to housing and shelter for undocumented individuals, with a particular focus on children, families, and young people. The analysis covers international and European legal instruments, as well as relevant case law, and policy initiatives in the field.

Access to affordable and quality housing is essential for the dignity, well-being, and inclusion of all individuals in the European Union. Guaranteeing such access, irrespective of residence status, is fundamental to upholding the core values of human dignity, social cohesion, and non-discrimination upon which the Union is founded.

## International human rights law

The inherent dignity of every human being, regardless of residence status, is the cornerstone of international human rights law. This principle is enshrined in the preamble of the 1948 Universal Declaration of Human Rights, which recognises "*the inherent dignity and the equal and inalienable rights of all members of the human family*" as fundamental to freedom, justice and peace worldwide.

*importance of international co-operation based on free consent.*

The UN Committee on Economic, Social and Cultural Rights (CESCR) elaborated in its General Comment No. 4 (1991)<sup>4</sup> the core elements of adequate housing, including legal security of tenure, availability of services, affordability, habitability, accessibility, location and cultural adequacy.

### International Covenant on Economic, Social and Cultural Rights

Building on this foundation, the International Covenant on Economic, Social and Cultural Rights (ICESCR) articulates the right to an adequate standard of living in Article 11(1), which explicitly includes housing:

*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 States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential*

Notably, the provisions of the ICESCR are universally applicable to all persons regardless of their immigration status. This universal applicability underscores the obligation of states to uphold the right to adequate housing for everyone within their jurisdiction, including undocumented migrants. Furthermore, General Comment No. 20 from July 2009 of the UN Committee on Economic, Social and Cultural Rights<sup>5</sup> considers "nationality" and "legal status"<sup>6</sup> to be prohibited grounds of discrimination in the enjoyment of economic and social rights under the ICESCR.

The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) provides an international mechanism for individuals or groups to seek justice when their economic, social or cultural rights - such as the right to housing - have been violated, and when national remedies have

<sup>4</sup> CESCR, 1991, [General Comment No. 4: The Right to Adequate Housing \(Art. 11 \(1\) of the Covenant\)](#).

<sup>5</sup> CESCR, 2009, [General comment No. 20: Non-discrimination in economic, social and cultural rights](#).

<sup>6</sup> Note that the terms 'residence status' or 'immigration status' will be used instead of 'legal status'. The term "legal status" implies the existence of a rigid legal/illegal binary that fails to reflect the complexity of migrant situations. For more, read PICUM, [Why Words Matter](#).

been exhausted or found to be ineffective. Although not all EU member states have signed or ratified the Protocol, Belgium, Finland, France, Germany, Italy, Luxembourg, Portugal, Slovakia and Spain have done so and thus provided an additional avenue for redress within their jurisdictions.<sup>7</sup>

Importantly, this mechanism has been used to denounce the violation of the right to housing in Spain. In cases such as *I.D.G. v. Spain*<sup>8</sup> and *M.B.D. and others v. Spain*,<sup>9</sup> the Committee underlined the State's obligation to ensure protection against forced evictions and to uphold the right to housing, even in contexts such as the Spanish financial crisis of 2008. A landmark development came with *Infante Díaz v. Spain*,<sup>10</sup> the first case in which a violation of the right to adequate housing was found under Article 11(1) ICESCR in relation to an undocumented migrant. The complainant, a Venezuelan national and mother of a minor, was facing eviction without the possibility of accessing alternative public housing because she was undocumented. The Committee held that undocumented migrants must not be excluded from public housing services solely based on their residence status, underlining that forced evictions—including of undocumented migrants—are *prima facie* incompatible with the Covenant.<sup>11</sup>

### UN Special Rapporteur on Adequate Housing

The need for housing policies that are inclusive of migrants, regardless of their residence status, was highlighted in a recent report by the UN Special Rapporteur on Adequate Housing, Balakrishnan Rajagopal, entitled 'Towards a just approach to the global housing crisis and migrants', which was presented to the UN Human Rights Council in March 2025.<sup>12</sup>

The UN Special Rapporteur on Housing criticises the prevailing political discourse that blames migrants

for exacerbating housing shortages, arguing that this discourse diverts attention from systemic issues such as the privatisation and financialisation of housing markets.

The report stresses that migrants often experience substandard housing conditions, including overcrowding, inadequate facilities and, in severe cases, homelessness. He calls for a human rights-based approach to housing and migration, advocating for policies that ensure equal treatment of migrants while safeguarding the rights of host communities. This approach is essential to addressing the global housing crisis and fulfilling international human rights obligations.

### UN Convention on the Rights of the Child

The protection of vulnerable populations, particularly families and children, in accessing adequate housing is a fundamental concern under international human rights law. The United Nations Convention on the Rights of the Child<sup>13</sup> (CRC) underscores this priority. Article 27 of the CRC recognises the right of every child to a standard of living adequate for their physical, mental, spiritual, moral, and social development. It places the primary responsibility on parents or guardians to secure the necessary conditions for the child's development. However, it also mandates that States Parties shall take appropriate measures to assist parents and others responsible for the child in implementing this right and shall provide material assistance and support programs, particularly regarding nutrition, clothing, and housing. This provision requires States to ensure that all children, regardless of their or their families' residence status, have access to adequate housing. Such measures are essential to ensure the well-being and development of children and underline the need for inclusive housing policies that address the needs of the most vulnerable groups in society.

7 For an updated status of countries which have signed or ratified the OP-ICESCR you can consult the United Nations Treaty Collection: <https://treaties.un.org/pages/showDetails.aspx?clang=en&objid=0800000280212df4>.

8 CESCR, *I.D.G. v. Spain*, Communication No. 2/2014, E/C.12/55/D/2/2014, 17 June 2015.

9 CESCR, *M.B.D. and Others v. Spain*, Communication No. 5/2015, E/C.12/65/D/5/2015, 5 July 2017.

10 CESCR, *Infante Díaz v. Spain*, Communication No. 134/2019, E/C.12/73/D/134/2019, 27 February 2023.

11 A detailed analysis of the case and its implications can be found in an article by Serde Atalay for Housing Rights Watch, 2024, [A steppingstone for the right to adequate housing of undocumented migrants: Notes on Infante Díaz v Spain](#).

12 United Nations Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, 2025, [Towards a just approach to the global housing crisis and migrants, A/HRC/58/50](#).

13 United Nations General Assembly resolution 44/25, 1989, [Convention on the Rights of the Child](#).

## Council of Europe legislative and legal framework

### The European Social Charter

The European Social Charter exists in two main versions: the original 1961 Charter (ESC) and the Revised European Social Charter (RESC) of 1996, the latter of which strengthens and expands the rights protected—including a more explicit articulation of the right to housing—and is increasingly regarded as the reference instrument for monitoring social rights in Europe. The RESC guarantees the right to housing in three provisions: in Article 16, Article 19.4 and Article 31.

The right to housing can be found in Article 31 of the RESC, requiring States to:

1. Promote access to adequate housing.
2. Prevent and reduce homelessness with a view to its eventual elimination.
3. Make housing affordable for those without adequate resources.

As of June 2025, only nine European states have accepted all obligations arising from Article 31 RESC.<sup>14</sup>

### The European Committee of Social Rights (ECSR)

Responsible for monitoring compliance with the ESC, the European Committee of Social Rights (ECSR) has made clear that the right to adequate housing in Article 31 overlaps in several important respects with the housing rights referenced in Article 16 on right of protection of the family, which most EU member states have accepted, and are thus bound by it.<sup>15</sup> This means that choosing not to ratify Article 31 does not relieve a State Party of its housing obligations. Article 16 of the ESC underlines the right of families to social, legal and economic protection and explicitly highlights housing as a fundamental component.

It obliges States to promote the provision of decent housing and to ensure that families have access to adequate living conditions.

According to the appendix to the European Social Charter, the right to housing is granted *only to migrants lawfully resident and nationals of another contracting state*. Nevertheless, the ECSR has ruled that the part of the population that does not fulfil the definition of the appendix cannot be deprived of their rights linked to life and dignity under the RESC.<sup>16</sup>

In *Conference of European Churches (CEC) v. Netherlands* (2014),<sup>17</sup> the ECSR addressed the scope of these rights, stating that “when human dignity is at stake, the limitation of the personal scope should not be read in such a way as to deprive migrants in an irregular situation of their most basic rights.” This underlines the principle that human dignity transcends residence status and requires that basic rights, including access to protection and accommodation, be provided to all individuals.

Under Article 31(1) of the European Social Charter, States Parties shall guarantee to everyone the right to housing and shall promote access to adequate housing. States must take the legal and practical measures which are necessary and adequate for the effective protection of the right in question. They should promote access to housing for, in particular, different groups of vulnerable persons, such as low-income persons, unemployed persons, single parent households, young persons, persons with disabilities including those with mental health problems.<sup>18</sup>

Article 31(2) requires States Parties to take measures to prevent and reduce homelessness, aiming at gradually eliminating it. This requires States Parties to establish a housing policy for all those who do not have adequate resources, to ensure access to

14 These are Finland, France, Germany, Iceland, Italy, Netherlands, Portugal, Spain and Sweden: Council of Europe, [Acceptance of provisions of the Revised European Social Charter \(1996\), Appendix 08 — Accepted Provisions Table \(June 2025\)](#).

15 Albania, Andorra, Armenia, Cyprus, and Georgia are the only five of the 36 countries that have signed the RESC but have not accepted article 16: Council of Europe, [Acceptance of provisions of the Revised European Social Charter \(1996\), Appendix 08 — Accepted Provisions Table \(June 2025\)](#).

16 PICUM, 2022, [The Right to Health for Undocumented Migrants](#).

17 European Committee of Social Rights, [Conference of European Churches \(CEC\) v. Netherlands](#), Collective Complaint No.90/2013, Decision on the Merits, 1 July 2014.

18 Council of Europe, 2022, [Digest of the case law of the European Committee of Social Rights](#).

social housing and housing subsidies. According to Article 31(2), people experiencing homelessness must be offered shelter as an emergency solution. To ensure that the dignity of the persons sheltered is respected, shelters must meet health, safety and hygiene standards and be equipped with basic amenities such as access to clean water and heating and sufficient lighting. Another basic requirement is the security of the immediate surroundings. Nevertheless, temporary housing need not be subject to the same requirements of privacy, family life and suitability as are required from more permanent forms of standard housing, once the minimum requirements are met.

The right to shelter should be adequately guaranteed for migrants, including unaccompanied migrant children, and asylum-seekers. States Parties are required to provide adequate shelter to children irregularly present in their territory for as long as they are within their jurisdiction.

In *FEANTSA v. the Netherlands* (2012),<sup>19</sup> the ECSR affirmed that "the right to shelter extends to all persons in a vulnerable situation". Similarly, in *Defence for Children International (DCI) v. the Netherlands* (2008),<sup>20</sup> the Committee stressed that "adequate shelter must be provided to children regardless of their residence status" underscoring the paramount importance of protecting children's rights regardless of their immigration status.

Finally, however adequate, the temporary provision of shelter cannot be considered a lasting solution. People in need must be offered either long-term accommodation suited to their circumstances or housing of an adequate standard as provided by Article 31(1) within a reasonable time.

## European Convention on Human Rights

While the European Convention on Human Rights (ECHR) does not explicitly guarantee the right to housing, the European Court of Human Rights (ECtHR) has interpreted key provisions—particularly

Articles 3 and 8 of the Convention—as imposing obligations on States to ensure access to emergency accommodation in certain circumstances.

- Article 3 prohibits inhuman or degrading treatment. The ECtHR has found that failure to provide emergency accommodation to individuals in vulnerable situations, including undocumented migrants, may violate this provision.
- Article 8 protects the right to private and family life. The Court has held that this right may be infringed when housing deprivation interferes significantly with family life.

Several key cases are illustrative of these obligations under Article 3 and Article 8 of the ECHR. For example, in *V.M. and Others v. Belgium* (2016),<sup>21</sup> the ECtHR found that Belgium had violated Article 3, as the authorities had failed to consider the applicants' vulnerability as asylum seekers and children. They were exposed to conditions of extreme poverty for four weeks, during which time they were left to live on the streets without access to basic needs. The Court acknowledged that "the treatment of the family by the Belgian government was degrading and violated Article 3 ECHR alone and in conjunction with Article 13."<sup>22</sup>

In *N.T.P. and Others v. France* (2018),<sup>23</sup> the ECtHR declared inadmissible a complaint by an undocumented family with young children living in a tent in a public park, who alleged a violation of Article 3 of the ECHR due to their destitution. The Court acknowledged the applicants' precarious conditions but noted that they had received night-time accommodation, medical care, and NGO assistance, and two children were enrolled in nursery school.

Although the application was dismissed, the decision underscores the Court's view that Article 3 may be engaged where material deprivation reaches a certain severity, particularly for vulnerable individuals. However, even limited public support

19 European Committee of Social Rights, [FEANTSA v. the Netherlands](#), Collective Complaint No. 86/2012, Decision on the Merits, 2 July 2014.

20 European Committee of Social Rights, [Defence for Children International v. The Netherlands](#), Collective Complaint No. 47/2008, Decision on the Merits, 20 October 2009.

21 ECtHR, 17 November 2016, [V.M. and Others v. Belgium](#), 60125/11.

22 Child Rights International Network, [Case summary of V.M. and others v. Belgium](#), 2015.

23 ECtHR, 24 May 2018, [N.T.P. and Others v. France](#), 68862/13.



may be considered sufficient to avoid a breach. The case confirms that undocumented migrants are not excluded from the Convention's protection, and that States must take minimum steps to safeguard human dignity - especially where vulnerable people, particularly children, are involved. Still, the threshold remains high, and the Court continues to adopt a cautious approach to socio-economic hardship under Article 3.

The case of *Yordanova and Others v. Bulgaria* (2012)<sup>24</sup> was a significant milestone in the interpretation of Article 8 of the ECHR. While the Court confirmed that the Convention does not guarantee a general right to housing, it acknowledged that states may have a positive obligation to provide shelter in exceptional cases involving individuals who are particularly vulnerable. Although the Court has not defined these cases precisely, its rulings have highlighted some recurring factors, such as vulnerability due to illness, disability, poverty, minority status or

family responsibilities, and extreme exclusion, such as complete destitution with no viable housing alternatives, and disregard by the authorities for the human impact of their decisions.<sup>25</sup>

The notion of 'home' under Article 8 is broad and encompasses any place with strong personal or family ties. The loss of such a space can severely disrupt private or family life, making procedural safeguards, such as proportionality assessments, essential before eviction or the denial of housing.<sup>26</sup> The notion of dignity also reinforces Article 8 claims. When homelessness or eviction risks leading to inhuman or degrading treatment, the distinction between Articles 8 and 3 becomes blurred, thereby strengthening the state's duty to act. These developments urge social and public bodies to treat housing not just as a policy issue, but as a potential legal obligation. Where state inaction meets acute vulnerability, Article 8 may require not just tolerance, but protection.



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24 ECtHR, 24 April 2012, [Yordanova and Others v. Bulgaria](#), 25446/06.

25 See ECtHR rulings on [Marzari v. Italy](#) (1999), [Budina v. Russia](#) and [O'Rourke v. the UK](#) (2001).

26 See ECtHR rulings on [Connors v. the UK](#) (2004), [Winterstein v. France](#) (2013) and [Hirtu v. France](#) (2020).

## European Union legislative and legal framework

### Charter of Fundamental Rights

The Charter of Fundamental Rights of the European Union (CFREU),<sup>27</sup> legally binding since the entry into force of the Lisbon Treaty in 2009, is a cornerstone of the Union's legal framework. The Charter, which enshrines a wide range of civil, political, economic and social rights, reaffirms in its preamble that the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity, and seeks to place the individual at the centre of its activities. Central among these values is human dignity, which is addressed in Chapter I and Article 1 of the Charter, which states unequivocally that "Human dignity is inviolable. It shall be respected and protected".

According to the Charter, human dignity is both a right in itself and a fundamental principle on which all other rights are based. As noted in the official Explanatory Notes to the Charter, which have interpretive authority under Article 52(7) of the Charter, dignity "is not only a fundamental right in itself but constitutes the very basis of fundamental rights".<sup>28</sup>

In the context of access to housing and social rights, the principle of human dignity requires that States refrain from policies that expose individuals to destitution or homelessness, especially when those individuals are in situations of vulnerability, such as undocumented migrants.

Although the Charter is addressed to EU institutions and member states only when they are implementing Union law (Article 51(1)), it has been interpreted as imposing minimum protection obligations where national measures fall within the scope of EU law, such as immigration enforcement, asylum procedures or return policy.<sup>29</sup> The Court of Justice of the European Union (CJEU) Grand Chamber *Haqbin* (C-233/18) decision in 2019 set out a two-step test for a finding of a breach of Article 1.<sup>30</sup> Firstly, the person concerned must be in "a situation of extreme material poverty that does not allow that person to meet his or her most basic needs such as a place to live, food, clothing and personal hygiene". Secondly, the deprivation must be such that it undermines the person's physical or mental health or puts them in a state of degradation incompatible with human dignity.<sup>31</sup>

#### The right to housing assistance and 'decent existence'

Article 34(3) of the Charter affirms:

*"In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance in order to ensure a decent existence for all those who lack sufficient resources"*

27 Official Journal of the European Union, 26 October 2012, [Charter of Fundamental Rights of the European Union](#).

28 European Commission, [Explanations relating to the Charter of Fundamental Rights of the European Union](#), C303/17, 14 December 2007.

29 CJEU, 1 August 2025, [S.A. & R.J. v Minister for Children, Equality, Disability, Integration and Youth](#), C-97/24.

30 CJEU, 12 November 2019, [Zubair Haqbin v Federaal Agentschap voor de opvang van asielzoekers](#), C-233/18.

31 *Ibid.*, at para 46.

This provision underlines the social dimension of the Union and is closely linked to Articles 1 and 3 (dignity and physical integrity) and forms part of a broader framework of positive obligations that require public authorities to act, particularly in the context of systemic exclusion. Although Article 34(3) is classified as a "principle" rather than a "right" (Article 52(5)), it nevertheless creates justiciable obligations when it is given concrete expression in Union or national law.

The CJEU has used Article 34(3) of the EU Charter of Fundamental Rights to interpret EU secondary legislation on housing assistance. In the landmark case of *Kamberaj* (C-571/10),<sup>32</sup> the Court examined whether housing allowances fall within the scope of 'social assistance' within the meaning of Article 11(1)(d) of Directive 2003/109/EC, which concerns the status of third-country nationals who are long-term residents.<sup>33</sup> In the *Kamberaj* case, a man from Albania had lived in Italy for many years and was denied access to housing support because he was not an EU national. The Court concluded that such benefits do indeed fall within this scope and stressed that Member States must apply the principle of equal treatment in accordance with the Charter, in particular Article 34(3), which recognises and respects the right to social and housing assistance in order to ensure a decent existence for all those who lack sufficient resources.

Subsequent case law has further clarified the application of Article 34(3) in the interpretation of Union law and its implementation by Member States. For example, in the case *Commission v Austria* (C-75/11),<sup>34</sup> the Court confirmed that housing assistance aimed at ensuring a decent existence is a 'core benefit' within the meaning of Article 11(4) of Directive 2003/109/EC. This designation limits the possibility for Member States to derogate from the principle of equal treatment in respect of such benefits.

These decisions underline the integral role of Article 34(3) in shaping the interpretation and application of EU legislation in relation to housing assistance, ensuring that fundamental rights are respected in the implementation of Union law by Member States.

Although the *Kamberaj* judgment concerned a regularly residing third-country national, it provides important guidance on how housing-related benefits must be interpreted in the light of fundamental rights, in particular Article 34(3) of the EU Charter of Fundamental Rights. While undocumented migrants are not directly covered by the directive at issue in *Kamberaj*, the underlying principles of human dignity (Article 1) and social inclusion suggest that where EU law is applied—such as in return, asylum or border procedures—member states must avoid policies that expose individuals to destitution or homelessness.

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32 CJEU, 24 April 2012, [Servet Kamberaj v Istituto per l'Edilizia Sociale della Provincia autonoma di Bolzano](#), C-571/10.

33 European Council, 2004, [Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents](#).

34 CJEU, 16 October 2012, [European Commission v. Republic of Austria](#), C-614/10.

## Racial equality and justice legislation

The European Union has competence in the area of racial equality and anti-discrimination.<sup>35</sup> Through various directives and policies, the EU seeks to ensure equal treatment and opportunities for individuals regardless of their racial or ethnic background. Its legislative framework includes provisions that are explicitly relevant to access to housing and shelter for all persons, regardless of residence status, by prohibiting discrimination in access to goods and services, including housing.

The **Race Equality Directive** (2000/43/EC)<sup>36</sup> - transposed by all EU member states into national law - prohibits discrimination on grounds of race or ethnic origin. It aims to combat spatial segregation in housing by promoting equal access to non-segregated housing for all. The directive covers *access to goods and services which are available to the public, including housing*, forbidding both direct and indirect discrimination from public and private providers. This directive ensures equal treatment in areas such as renting or buying property, aiming to combat social exclusion and promote broader participation in society. The European Commission has identified several inconsistencies in providing support and has issued reasoned opinions to 14 member states.<sup>37</sup>

The **Victim Rights Directive** (2012/29/EU)<sup>38</sup> establishes minimum standards on the rights, support and protection of victims of crime and ensures that persons who have fallen victim to crime are recognised and treated with respect. Article 1 establishes that victims of crime within the EU will be able to access the rights set out in the Directive regardless of their residence status. Article 9 outlines the fundamental principle that all victims should be provided with the support and protection they need, and where this is not already done, shelters or any

other appropriate interim accommodation for victims in need of a safe place due to an imminent risk of secondary and repeat victimisation, of intimidation and of retaliation should be provided.

The **Directive on combating violence against women and domestic violence** (2024/1385/EU)<sup>39</sup> mandates Member States to fight violence against women and domestic violence while ensuring the safety and well-being of victims. This includes providing adequate access to shelters and other appropriate accommodation, which according to Article 30: "shall be available to victims and dependants under the age of 18, regardless of their nationality, citizenship, place of residence or residence status." The directive emphasises that shelters must be available in sufficient numbers and provide specialised, confidential support tailored to the specific needs of victims.

## Migration legislation

The European Union has competence over several areas of migration policy, including establishing conditions for entry and residence, regulating irregular immigration and return policies.<sup>40</sup> Its relevant legislation has explicit references to, or indirect consequences for, migrants' access to housing and shelter.

### Return Directive and the Changu Judgment (C-352/23)

Article 14 of the Return Directive (Directive 2008/115/EC)<sup>41</sup> sets out the minimum safeguards for individuals during the return process, including access to basic health care, emergency medical treatment, and essential needs such as shelter. In its Changu case C-352/23<sup>42</sup> judgment of 12 September 2024, the CJEU

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35 Article 19 of the [Treaty of the Functioning of the European Union \(TFEU\)](#) grants the EU competence to take action to combat discrimination based on race, sex, ethnic origin, religion, disability, age, and sexual discrimination.

36 Council Directive, 2000, [Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin](#).

37 For more details, read European Commission, 2007, [Memo on The Race Equality Directive](#).

38 European Parliament and the Council, 2012, [Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA](#).

39 European Parliament and the Council, 2024, [Directive \(EU\) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence](#).

40 Article 79 of the [TFEU](#) grants the EU competence over these areas of migration policy.

41 European Parliament and the Council, 2008, [Directive 2008/115/EC of the European Parliament and the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals](#).

42 CJEU, 12 September 2024, [Changu Case](#), C-352/23.

clarified that these safeguards must be interpreted in light of fundamental rights, particularly Articles 1 and 4 of the EU Charter of Fundamental Rights, which protect human dignity and prohibit inhuman or degrading treatment. The Court confirmed that even during return proceedings, Member States must ensure that undocumented individuals are not left in destitution and have access to material conditions safeguarding their dignity.

In March 2025, the European Commission published a proposal for a Return Regulation<sup>43</sup> which does not include a reference to basic needs for those with a return decision or those who cannot be returned for a number of reasons. The proposal would increase the period of detention and expand the grounds for which people can be detained, which includes the absence of a reliable address, therefore homelessness.<sup>44</sup> This type of approach risks undermining safeguards for individuals in vulnerable situations, particularly in the absence of enforceable rights to accommodation and social support during return procedures. The proposal's emphasis on punitive measures rather than those which might help people exit vulnerable situations (for example, regularisation of undocumented migrants) will likely lead to further destitution and homelessness.

The **Facilitation Directive** (2002/90/EC)<sup>45</sup> establishes minimum rules for criminalising the act of helping a person to enter, transit, or stay in the EU without authorisation. The lack of clarity in the directive concerning penalisation of humanitarian assistance for facilitating irregular entry or stay leaves wide discretion to member states, and coupled with an increasingly negative climate around migration in recent years, thousands of migrants and solidarity actions have been criminalised.<sup>46</sup>

In November 2023, the European Commission published a proposal to revise the Facilitation Directive.<sup>47</sup> As will be explained in more detail later in this report, the revision of the Facilitation Directive does not address the shortcomings of the legislation currently in place in the 2002 Directive, but instead maintains the broad scope of criminalisation and goes even further, posing serious risks against individuals acting in solidarity and civil society organisations, which is bound to affect the provision of information, services (including shelter), and housing to migrants.<sup>48</sup>

43 European Commission, 2025, [Proposal for a Regulation 'establishing a common system for the return of third-country nationals staying illegally in the Union'](#).

44 FEANTSA, 2025, [Proposed Returns Regulation risks criminalising people facing homelessness and the NGOs supporting them](#)

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

46 PICUM, 2024, [How the New EU Facilitation Directive Furthers the Criminalisation of Migrants and Human Rights Defenders](#)

47 European Commission, 2023, [Proposal for a Directive of the European Parliament and of the Council laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union, and replacing Council Directive 2002/90/EC and Council Framework Decision 2002/946 JHA](#).

48 PICUM, 2024, [How the New EU Facilitation Directive Furthers the Criminalisation of Migrants and Human Rights Defenders](#).



## European Union policy framework

Since the adoption of the Lisbon Declaration on the European Platform on Combating Homelessness in June 2021, addressing homelessness has gradually gained political legitimacy at EU level.<sup>49</sup>

### European Pillar of Social Rights and European Platform on Combating Homelessness

The European Pillar of Social Rights (EPSR),<sup>50</sup> proclaimed in 2017, served as a foundational instrument to strengthen the social dimension of the European Union. It articulated 20 key principles aimed at delivering more effective rights for all individuals in the Union, reaffirming the EU's commitment to ensuring social justice, inclusion, and equal opportunities.

- **Principle 19** of the EPSR explicitly addresses housing and assistance to the homeless. It recognises the right of people in need to have access to quality social housing or housing assistance. This principle must guide national and EU policies to ensure that no one is left without shelter or is at risk of homelessness.
- **Principle 20** affirms access to basic services for all, including water, sanitation, energy, transport, financial services and digital communications. It reinforces the understanding that secure housing must be accompanied by uninterrupted access to essential services that enable people to live in dignity and participate fully in society.

The EPSR 2021 Action Plan<sup>51</sup> sets out concrete actions and targets to give life to the objectives of the Pillar. Among these, the establishment of the European Platform on Combating Homelessness (EPOCH) stands out. EPOCH reflects a shared political commitment between EU institutions, Member States and civil society to work towards ending homelessness. It facilitates mutual learning, data collection, and the scaling up of innovative solutions. It reaffirms the objective that no one should sleep rough for lack of emergency accommodation, that evictions should be prevented wherever possible, and that people should not be discharged from institutions without an appropriate housing solution.

The platform acknowledges the increased risk of homelessness among certain groups, including migrants. By 2024, at least 14 Member States had adopted or drafted national homelessness strategies, many of which refer to migration in some form.<sup>52</sup> In some cases, this reference is limited to local-level approaches or emergency responses for recent arrivals, while others begin to explore the structural barriers faced by migrants in accessing housing and support services.

However, it is important to note that the EPSR remains part of the EU's soft law framework. Its principles are not directly enforceable and have no binding legal effect unless implemented through secondary legislation or national measures. Without sustained political will at both EU and national level, the Pillar's ambitions risk remaining symbolic with no tangible impact on the lived realities of people facing housing exclusion.

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49 European Commission, "[Homelessness](#)", Employment, Social Affairs and Inclusion website, accessed on 1 November 2025.

50 European Commission, Directorate-General for Employment, Social Affairs and Inclusion, [European Pillar of Social Rights](#), accessed on 24 November 2025.

51 European Union of the Deaf, 2025, [EUD Contributes to the European Commission's Public Consultation on the new Action Plan on the implementation of the European Pillar of Social Rights](#)

52 Szeintuch, S., 2024, [Homelessness Strategies in European Union Member States - The State of Play in 2024](#), FEANTSA.

In the context of the 2024-2029 mandate of the European Commission, two other key policy initiatives have been announced: an **Affordable Housing Plan**,<sup>53</sup> expected in January 2026, and a new **EU Anti-Poverty Strategy**,<sup>54</sup> scheduled to be developed from the final quarter of 2025. While both initiatives represent important opportunities to address housing exclusion and material deprivation across the Union, there is, to date, no indication that the housing situation of undocumented migrants will be addressed in these forthcoming frameworks.

### European Child Guarantee

In 2019, the Commission announced the creation of a European Child Guarantee to ensure that children at risk of poverty or social exclusion have access to fundamental rights. Following consultations with stakeholders, including children, the European Commission adopted a proposal for a Council Recommendation on 24 March 2021, which was formally, and unanimously, adopted by the Council on 14 June 2021 (Council Recommendation (EU) 2021/1004).<sup>55</sup>

The initiative seeks to prevent and combat social exclusion by guaranteeing children in need—including those with a migrant background and undocumented children—effective access to free early childhood education and care, free education (including school activities and at least one healthy meal per school day), free healthcare, healthy nutrition, and adequate housing.<sup>56</sup> However, few national action plans (if any) include actions that improve the access to adequate housing by undocumented children and their parents.<sup>57</sup>

### EU Anti-Racism Action Plan (2020–2025)

The action plan acknowledges the ongoing presence of residential segregation and discrimination within the housing market as significant indicators of structural racism. In this context, the European Commission is committed to deploying policy measures and funding instruments to address these challenges, with the aim of ensuring equal access to housing and combatting discriminatory practices that disproportionately affect ethnic and racial minorities.<sup>58</sup>

### EU Strategy for the Rights of Persons with Disabilities (2021–2030)

The current strategy emphasises the importance of ensuring equal treatment and non-discrimination of persons with disabilities in all areas of life. In particular, it underlines the need to guarantee equal access to goods and services, including housing, thereby promoting independent living and full participation in society.<sup>59</sup>

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53 European Commission, 2025, [The Affordable Housing Dialogue](#)

54 European Commission, 2025, [First EU Anti-Poverty Strategy enters public consultation phase](#)

55 Council of the EU, 2021, [Council Recommendation \(EU\) 2021/1004](#)

56 PICUM, 2021, [EU Council adopts Child Guarantee that benefits undocumented children](#)

57 PICUM's internal analysis of Child Guarantee national action plans and the first progress reports found that eleven EU member states' national action plans identified undocumented children as children in need (Croatia, Czech Republic, Denmark, France, Lithuania, Luxembourg, Portugal, Romania, Slovakia, Spain, Sweden). Only Croatia's plan mentions migrant children's (explicitly including undocumented children) access to housing. However, the plan does not go on to specify related objectives or concrete actions covering housing.

58 European Commission, 2020, [EU Anti-racism Action Plan 2020-2025](#).

59 European Commission, 2021, [Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030](#).







# Migration status and homelessness

The United Nations (UN) recognises homelessness as one of the most extreme forms of poverty and a violation of human rights.<sup>60</sup> Similarly to the ETHOS definition, the UN highlights that homelessness is not solely lacking a roof over one's head. Rather, it involves a broader "disaffiliation process interrelated with poverty, lack of full and productive employment, decent work and access to infrastructure, as well as other socioeconomic issues that may constitute a loss of family, community, and a sense of belonging".<sup>61</sup>

Recent data indicates a clear and widespread rise in homelessness within Europe,<sup>62</sup> with high numbers of people experiencing homelessness in many EU Member States.<sup>63</sup> In 2023, there were approximately 1,287,000 people across Europe living rough, staying in night shelters, or in temporary accommodation for the homeless.<sup>64</sup> Families with children are among the fastest growing homeless populations in many European countries.<sup>65</sup>

## Homelessness and residence status

Despite a lack of comparative and comprehensive data, research indicates that migrants, particularly those from non-EU countries, are increasingly overrepresented among homeless populations in Europe.<sup>66</sup> In several European countries, such as Denmark, Finland, the Netherlands, and Sweden, migrants and ethnic minorities make up a significant portion of the population facing homelessness, especially among those experiencing rough sleeping.<sup>67</sup> Migrants residing in urban areas often face greater challenges in securing adequate housing compared to their native counterparts,<sup>68</sup> and children in migrant families are at greater risk of severe housing deprivation and overcrowding across

member states.<sup>69</sup>

Limitations in data collection and reporting obscure the true extent of homelessness among migrants, and especially those who are undocumented. Undocumented migrants are systematically undercounted in homelessness statistics due to exclusion from population registers, sampling frames, and official surveys. Fewer than half of OECD and EU countries provide disaggregated homelessness statistics by migration status, and many countries do not report such data at all.<sup>70</sup> Among those that do, definitions of "migrant" vary widely, with some countries including only

60 Office of the United Nations High Commissioner for Human Rights (OHCHR), [Homelessness and human rights - Special Rapporteur on the right to adequate housing](#), accessed on 1 November 2025.

61 United Nations General Assembly, Resolution adopted by the General Assembly on 16 December 2021, [Inclusive policies and programmes to address homelessness, including in the aftermath of the coronavirus disease \(COVID-19\)](#), A/RES/76/133, pp. 3-4.

62 Pape M., European Parliamentary Research Service (EPRS), 2025, [A coordinated EU approach to housing](#).

63 FEANTSA and the Fondation pour le Logement des Défavorisés, 2025, [Tenth Overview of Housing Exclusion in Europe](#).

64 FEANTSA and Fondation Abbé Pierre, 2024, [Ninth Overview of Housing Exclusion in Europe](#).

65 Baptista, I., Benjaminsen, L., Busch-Geertsema, V., & Pleace, N., 2017, [Family Homelessness in Europe](#), EHO Comparative Studies on Homelessness, European Observatory on Homelessness.

66 FEANTSA and Fondation Abbé Pierre, 2020, [Fifth Overview of Housing Exclusion in Europe](#).

67 European Social Policy Network, 2019, [Fighting homelessness and housing exclusion in Europe: A study of national policies](#).

68 International Centre for Migration Policy Development (ICMPD), [The Link between Homelessness and Migration Fostering Inclusive Neighbourhoods](#).

69 Culora A., Janta B., European Commission: Directorate-General for Employment, Social Affairs and Inclusion, Publications Office of the European Union, 2020, [Understanding the housing conditions experienced by children in the EU](#).

70 OECD, 2024, [Challenges to measuring homelessness among migrants in OECD and EU countries](#).

migrants with regular residence or specific ties to the country, while others classify migrants based solely on citizenship status (i.e., not being a citizen of the reporting country). For instance, Denmark's official data on homelessness include only migrants with permanent residency, excluding those without it. Similarly, Sweden's data on homelessness only cover individuals with a valid residence permit.<sup>71</sup> In Finland, undocumented migrants are not included in ARA (The Finance Housing and Development Centre of Finland) statistics.<sup>72</sup>

Although comprehensive official data on homelessness often exclude undocumented people, existing research indicates that they are increasingly represented among homeless

populations in European cities such as Brussels,<sup>73</sup> Lisbon,<sup>74</sup> and across France.<sup>75</sup> A 2022 census of people experiencing homelessness in Brussels conducted by Bruss'help found that of 2,097 people accommodated in emergency reception centres and day centres, 42.3% of respondents were non-EU nationals, and 49.9% of those lacked valid residence documentation, making up 28.6% of the surveyed individuals.<sup>76</sup> The 2024 follow-up report focusing on homeless undocumented people in Brussels points to many undocumented migrants being homeless for prolonged periods: 61.34% of men and 47.90% of women sampled were undocumented and homeless for more than two years already.<sup>77</sup>

## Intersectional discrimination and access to housing

Systemic discrimination makes access to housing more challenging for migrant communities, with racial and ethnic bias widespread across Europe. The European Union Agency for Fundamental Rights reported that between 2016 and 2022, 31% of individuals of African descent and 26% of Muslims

faced racial discrimination when attempting to rent or purchase housing.<sup>78</sup> Foreign-born individuals are nearly twice as likely to experience poverty and social exclusion compared to native-born citizens, and are also more likely to live in deprived and overcrowded conditions.<sup>79</sup>

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71 OECD, 2024, [Challenges to measuring homelessness among migrants in OECD and EU countries](#).

72 Sininauhasäätiö, 2023, [Migrants' pathways into homelessness in Finland's Capital region](#).

73 Bruzz, 7 November 2023, [Vijf jaar of langer in de noodopvang: Samusocial wil alternatieven voor sans-papiers](#) [checked on 22 July 2025].

74 Portugal Resident, 17 January 2024, [Immigrants in majority among Lisbon's homeless](#) [checked on 22 July 2025].

75 La Fondation pour le Logement des Défavorisés, 2021, [Fabrique des personnes « sans-papiers », fabrique des mal-logés](#).

76 Bruss'help, 2022, [Dénombrement des personnes sans-chez-soi en Région de Bruxelles-Capitale, Septième édition](#).

77 Bruss'help, 2024, [Les Profils des personnes sans abri et sans titre de séjour](#). According to the findings, the majority (56%) of the undocumented people sampled experienced homelessness for over two years.

78 FRA, 2023, [Being Black in the EU. Experiences of people of African descent – EU Survey on immigrants and descendants of immigrants](#).

79 OECD, 2024, [Migration Data Brief](#).



## Widespread housing discrimination against migrants and people with a migrant background across Europe

A study focusing on the rental market in Leuven, Belgium, found that candidates with Moroccan names were the least likely to be invited to view a property, with a net discrimination rate of 35%. Similarly, male candidates with a Nepalese or Congolese name were offered viewings less than men with a Belgian name, with discrimination rates of 24% and 19% respectively.<sup>80</sup>

In Denmark, the government's controversial "Ghetto Package" policy envisions the eradication of so-called "ghettos" by 2030. However, it has led to widespread evictions targeting residents of low-income, ethnically diverse neighbourhoods and further destabilising marginalised communities.<sup>81</sup>

In France, 87% of private landlords and 68% of public landlords racially discriminate when renting out a property. A person with a Sub-Saharan African profile has 38% less chances of renting a property than a person with a French-sounding name.<sup>82</sup>

According to a survey by the German Federal Anti-Discrimination Agency, 35% of people with a "migrant background" who had searched for housing in Germany in the past ten years, reported having experienced discrimination on the basis of their racial or ethnic origin when trying to rent or buy a property.<sup>83</sup>

In Portugal, a survey of 230 migrant residents revealed that over 90% experienced housing discrimination, and the most recurrent context was renting. Three predominant types of situations were reported: xenophobia at the time of contact or when visiting the property; not being able to rent/buy the property because of being a migrant; penalisation in the rental requirements for being a migrant, such as requiring more deposits, documents and guarantors.<sup>84</sup>

In Spain, a study released in 2020 by the organisation Provivienda exposed that seven out of ten real estate agencies in Spain refuse to rent non-EU migrants fulfilling all other requirements.<sup>85</sup> In a follow-up study published in 2025, Provivienda revealed that 99% of real estate agencies contacted in Madrid and Barcelona accepted explicit discriminatory instructions from landlords to exclude migrants, marking a 30% increase in real estate discrimination since 2020.<sup>86</sup> Further, migrants living in informal settlements in Spain have reported that two of the main reasons they cannot leave the settlements and find adequate housing are because they are refused housing due to being migrant/and or Roma and they are blocked by indirect discrimination.<sup>87</sup>

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80 Martiniello B., Verhaeghe P., 2021, [Discriminatie op de huurwoningmarkt van Leuven](#), Vakgroep Sociologie – Vrije Universiteit Brussel.

81 Housing Rights Watch, 26 March 2025, [A Victory Against Denmark's 'Ghetto Package' and 'Area-Based Discrimination'](#).

82 Le Parisien, 6 May 2019, [Logement et racisme : un an d'enquête sur les discriminations](#). [checked on 29 July 2025].

83 Antidiskriminierungsstelle des Bundes, 2020, [Rassistische Diskriminierung auf dem Wohnungsmarkt – Ergebnisse einer repräsentativen Umfrage](#). In the report, the term "migration background" refers to a definition based on the nationality and place of birth of the respondents, as well as their parents or grandparents. The authors note, however, that this definition is increasingly criticised. One of the key limitations is that it does not capture everyone who experiences racism in daily life due to being perceived as "not German" (for example, the statistical definition of "migrant background" does not include Black Germans or Sinti whose families have lived in the country for generations and who also may experience racism on a daily basis).

84 Diario de Noticias, 11 January 2024, Inquérito. [Mais de 90% dos imigrantes sofrem discriminação no acesso à habitação](#) [checked 6 August 2025].

85 Provivienda, 2020, [¿Se alquila? Racismo y xenofobia en el mercado del alquiler](#).

86 Provivienda, 2025, [Informe sobre exclusión residencial de los hogares de personas extranjeras en España](#). Direct discrimination in this case occurs when a landlord or owner refuses to rent or sell their property to someone because of their migrant background. Read also Housing Rights Watch, [Three anti-discrimination legal concepts applied to the housing context](#).

87 Fundación Cepaim, 2022, [Mapa Estatal sobre Discriminación racial y/o étnica en el ámbito de la vivienda y asentamientos informales en España](#). In particular, migrants living in the informal settlements reported that they can't leave the settlements because "they (the landlords) do not want to rent to immigrants and/or Roma people" (60%), "they cannot afford the price" (71.7%), and "they do not meet the requirements (indirect discrimination)" (50%). This same study concludes that "although direct discrimination in the housing sector is the sixth most important cause of slum settlements, the top five causes have been identified as forms of indirect discrimination resulting from structural racism: lack of money to pay, housing shortages, the fact that one has never owned a home in Spain, entry through acquaintances, and facilitating the means to earn a living."

Discrimination in housing is intensified for migrant women and LGBTQ+ individuals, particularly those from racialised backgrounds. Migrant women, especially single mothers and those employed in informal or low-wage sectors, often face intersecting obstacles due to both gender and migration status. These compounded barriers increase their vulnerability to homelessness when gender-specific risks arise such as domestic violence, financial or administrative dependence on partners, or exploitative labour conditions relative to male

peers.<sup>88</sup>

LGBTQ+ migrants, especially transgender and non-binary individuals and those who are racialised or have an irregular residence status, face heightened risks of homelessness. ILGA-Europe's 2023 intersectional analysis, based on the EU Fundamental Rights Agency's 2019 LGBTI Survey, shows that racialised LGBTQ+ individuals face compounded stigma and exclusion, exacerbating challenges to accessing housing.<sup>89</sup>

## Housing insecurity and homelessness due to irregular status

Undocumented migrants often find themselves trapped in a detrimental cycle where the lack of residence and work permits leads to poverty, which in turn worsens housing exclusion. This cycle is both a consequence of irregular residence status and a barrier to accessing secure housing and improving living standards.

Irregular residence status restricts access to formal employment,<sup>90</sup> pushing people to low-wage, insecure jobs with long hours and no access to benefits like sick leave or unemployment insurance. Moreover, the inability to work regularly or the fear of deportation discourages many from reporting exploitation or seeking better employment opportunities.<sup>91</sup> This precarious employment situation leads to income insecurity, making it challenging to afford basic necessities, let alone quality housing. Additionally, the financial strain can be compounded by the costs of trying to regularise one's residence status. Some residence permit applications require quite high fees, on top of associated costs like official translations of documents and lawyers' fees.<sup>92</sup>

Limited regularisation options also hinder access to essential services. And, due to a lack of legal address, undocumented migrants may struggle to access healthcare, education, and legal support, and could even face detention. Without a fixed address, migrants sometimes resort to using fictitious addresses to meet bureaucratic requirements, which can expose them to further legal issues. Authorities may also use the absence of address as a basis to determine whether an individual is at risk of absconding, which can lead to detention, especially under developing deportation frameworks.<sup>93</sup>

In most member states, unaccompanied migrant children have a right to shelter regardless of their migration status, but they too face challenges. When reception centres are full or age assessments arbitrary, as can sometimes be the case,<sup>94</sup> unaccompanied children may be excluded from care systems, especially if they are undocumented. This then results in homelessness or living in informal settlements. Reports of children in squats or temporary housing in countries like France,<sup>95</sup> and multiple occasions of children facing homelessness

88 FEANTSA, 2020, [Homelessness among Migrant Women in the EU](#).

89 Equinox and ILGA Europe, 2023, [Intersections: Diving into the FRA LGBTI II Survey Data, Migrant and Racial, Ethnic and Religious Minorities Briefing](#).

90 Note that some residence permits do not include the right to work, either. While these permits do generally give access to benefits systems, they do not allow self-sufficiency and can perpetuate cycles of dependency and poverty too.

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

92 PICUM, 2023, [The use of fees in residence procedures in Europe: pricing people out of a residence status?](#)

93 FEANTSA Statement, 23 April 2025, [Proposed Returns Regulation risks criminalising people facing homelessness and the NGOs supporting them](#).

94 ECRE, 2023, [Legal Note: Age Assessment in Europe: Applying European and international Legal Standards at all Stages of Age Assessment Procedures](#).

95 Médecins du Monde, 2018, [Notre action pour les mineurs non accompagnés](#).

in countries such as Italy, Belgium, Sweden, the Netherlands, and Greece, due to inadequate shelters

and delays in the immigration process highlight the risks of inadequate protection for this group.<sup>96</sup>

## The case of stateless persons in Ukraine

Under the 1954 Convention Relating to the status of Stateless People and broader international human rights law, stateless persons must be guaranteed access to core rights such as juridical recognition, work, and housing.<sup>97</sup> In line with this, Ukraine enacted its own Statelessness Determination Procedure (SDP) in 2021, allowing recognised stateless persons to receive temporary residence permits.<sup>98</sup> However, because these permits lack an identity card and don't grant permanent status, those recognised remain unable to access social services, formal employment, or proper housing. Moreover, bureaucratic delays and procedural complexity mean most stateless people have not benefited from this process and remain undocumented.<sup>99</sup> As a result, stateless and at-risk individuals in Ukraine thus face extreme housing insecurity. Without legal recognition or documentation, they can't sign formal lease agreements, are excluded from social housing programs, and have to rely on sometimes unsafe and informal arrangements, typically with relatives or informal landlords.

The 2022 full-scale invasion of Ukraine by Russia has only worsened homelessness in Ukraine: nearly a quarter of those sleeping rough are war-displaced, and millions have lost or seen damage to their homes.<sup>100</sup> A 2023 survey among stateless persons in the country, conducted by Right to Protection (R2P) with the support of HIAS, found that 18% of respondents had their housing destroyed or damaged as a result of war, while 21% reported a lack of access to housing stemming from the occupation and the associated displacement toward Ukrainian-controlled territory. The findings of the survey also reveal that 69% of the respondents have never received assistance from non-governmental organisations and 56.5% of them cited the lack of identity documents as the primary reason for this.<sup>101</sup>

Regarding their current living arrangements, the largest share of survey respondents (38%) reported residing in rented housing, while 24% live in privately owned apartments or houses. Additionally, 10% stated that they live with relatives, and 8% occupy social housing provided by the state. Some respondents mentioned living in accommodations supplied by religious institutions (6%) or shelters designated for refugees and internally displaced persons (4%). A smaller percentage reported living in housing provided by their employer or in a refugee camp (2% for each group, respectively).<sup>102</sup>

96 FEANTSA, 2025, [Homelessness among unaccompanied minors in Europe](#); PICUM, 2021, [Navigating irregularity: the impact of growing up undocumented in Europe](#); PICUM, 2022, [Turning 18 and undocumented: supporting children in their transition into adulthood](#).

97 In 2013, Ukraine acceded to both the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and consequently it undertook international obligations to regulate and improve the status of stateless persons residing on the territory of Ukraine. UNHCR and Right to Protection (R2P), 2020, [Ukraine's statelessness determination procedure](#).

98 After two years, they may apply for permanent residence, and after three years, for citizenship, UNHCR Ukraine, [Stateless Persons](#).

99 European Network on Statelessness, 2024, [Briefing #4: Update on access to protection in Europe for stateless people fleeing Ukraine](#): As of September 2023, of an estimated 35,000 stateless persons, only 790 individuals had obtained temporary residence through the SDP. The onset of war stalled progress: many regional registration and migration offices ceased functioning, discrimination increased, and access to identification documents or legal support was severely curtailed.

100 Depaul Group, 2024, [Homelessness in Ukraine](#).

101 European Network on Statelessness, 21 February 2024, [Navigating Limbo: Rights of stateless people during the ongoing war in Ukraine](#).

102 R2P unpublished research, 2023.

## Links between homelessness and access to permits

Regularisation measures, the processes or procedures through which undocumented people acquire a residence permit for the country they already live in, can unlock access to the formal labour markets, benefit systems and social rights, including housing, which in turn can help undocumented people exit homelessness. Yet, regularisation measures are rarely designed in a way that make them accessible for homeless people. People may have to register an official address, or show their living situation meets certain types of housing conditions in order to

qualify for the permit.<sup>103</sup> On the other hand, roofless and houseless people run a higher risk of missing or not receiving official correspondence, which can jeopardise their application.

Nor do regularisation measures often include a provisional residence and work permit which allows the person to become self-sufficient while their application is being reviewed (similar to the provisional permit asylum seekers receive). Similarly, no regularisation mechanism or programme includes, to our knowledge and with the exception of asylum applications, access to shelter during the application process.<sup>104</sup>

## Migrant workers and employer-provided housing

Migrant workers, especially but not only those lacking a valid residence permit, are highly susceptible to exploitation, for example when they depend on employers for both employment and housing. This issue is particularly evident among seasonal workers and domestic workers, whose employment and housing conditions can be deeply interconnected.<sup>105</sup>

The EU's Seasonal Workers Directive aims to regulate the employment and housing of third-country nationals in seasonal work.<sup>106</sup> While the directive mandates that employers provide housing that meets adequate living standards and ensures that rent is not excessive compared to the worker's net remuneration, these provisions are often inadequately enforced. In practice, seasonal workers frequently endure substandard living conditions, including

overcrowded and unsanitary accommodations, particularly in agriculture, where isolation and demanding work exacerbate vulnerabilities to exploitation. These accommodations are typically located far from urban centres, lacking essential services such as running water, heating, and waste disposal, posing significant health risks including exposure to disease and fire hazards.<sup>107</sup>

Domestic work is typically carried out by women, and migrant women domestic workers may be particularly vulnerable if they have irregular migration status.<sup>108</sup> Domestic workers are in many cases employed in live-in arrangements, where their accommodation is directly tied to their employment. In these situations, they can face a lack of privacy, are subjected to "on-call" expectations and

103 This was the case in Italy's 2020 agricultural and domestic work regularisation programme. PICUM, 14 October 2021, [Italy: the 2020 regularisation scheme leaves many behind](#). See also Palumbo L., Corrado A., Triandafyllidou A., 2022, [Migrant Labour in the Agri-Food System in Europe: Unpacking the Social and Legal Factors of Exploitation](#), European Journal of Migration and Law.

104 For more on regularisation, see [www.picum.org/work-area/regularisation/](http://www.picum.org/work-area/regularisation/).

105 Human Rights Council 54th session, 11 September–6 October 2023, [Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, Homelessness as a cause and consequence of contemporary forms of slavery Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences](#).

106 European Parliament and the Council, 2014, [Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers](#). The Seasonal Workers Directive applies only to third-country nationals "who reside outside the territory of the Member States and who apply to be admitted ... for the purpose of employment as seasonal workers". Article 2(1) thus excludes persons already residing in a member state in an irregular situation. In turn, the Directive offers no mechanism by which undocumented migrants may regularise their status under its regime, meaning that although in practice they engage in seasonal work, they fall outside its tailored protection.

107 Neidhardt, A.H.; Milazzo, E.; Kapeti, L.; Meeteren, M.J. van; Lange, T., 2024, [Dignity for \(irregular\) migrants employed in Farm to Fork Sectors. A Regulatory Infrastructure Approach to EU Legal and Policy Frameworks](#).

108 FRA, 2018, [Out of sight: migrant women exploited in domestic work](#).

constant control over their movements and can face deductions for housing and food, leading to financial strain and increased vulnerability to exploitation.<sup>109</sup> Such financial constraints make it nearly impossible to afford independent housing, thereby deepening their dependence on employers and exposing them to further abuse.

Undocumented migrants' insecure residence status limits their ability to seek alternative housing options or report substandard living conditions without fear of retaliation or deportation, and the isolation of these accommodations makes it challenging for workers to access support services, legal assistance, or avenues for redress. The EU Agency for Fundamental Rights reported in 2019 that 57% of 237 migrant workers interviewed did not report labour exploitation to the police for fear of losing their jobs, being arrested or deported.<sup>110</sup> It is common that visas are tied to a specific employer, limiting workers' mobility. Local authorities may not be equipped to address migrants' inclusion, and it is often emergency situations that prompt institutional intervention.<sup>111</sup> Consequently, many undocumented migrant workers find themselves in a cycle of exploitation.

Housing is also a significant challenge for migrant sex workers.<sup>112</sup> In Spain, migrant sex workers reported homelessness as a chronic problem within the community.<sup>113</sup> Similarly, in the UK, a study that investigated the experiences of a group of street-based female sex workers revealed that homelessness was a recurrent issue in their lives.<sup>114</sup> Migrant and racialised sex workers, particularly those who are undocumented, are often most severely impacted by harmful laws, policies, and practices, facing significant and heightened barriers to accessing housing.<sup>115</sup>

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109 FRA, 2011, [Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States](#).

110 FRA, 2019, [Protecting migrant workers from exploitation in the EU: workers' perspectives](#), p.89.

111 Marconi, G., Sempredon M., Albanese F., Ferlicca F., 2022, [Migrants and precarious housing](#) in S. Münch and A. Siede (eds.), Push Working Paper Series, Working Paper 4 (Version 01/2022). Push Strategic Partnership, Università luav di Venezia.

112 See also PICUM, 2019, [Safeguarding the human rights and dignity of undocumented migrant sex workers](#).

113 Global Network of Sex Work Projects (NSWP), 2018, [Briefing paper : Migrant sex workers](#).

114 Mellor, R., and Lovell, A., 2011, [The lived experience of UK street-based sex workers and the health consequences: an exploratory study](#). "Health promotion international", 27(3), London: Oxford university Press, pp. 311-322.

115 NSWP, 2025, [No Place to Call Home: How Housing Policies and Criminalisation Impact Migrant Sex Workers - European Sex Workers' Rights Alliance](#).





## Access to private housing

Undocumented migrants are largely shut out of public housing and pushed into the private rental market, where high costs, insecure leases, income precarity, and discrimination block access to safe accommodation and protection. They often lack bargaining power or formal redress, and in some countries, the situation is further complicated by migration control measures that penalise landlords for renting to individuals without a valid residence

permit.

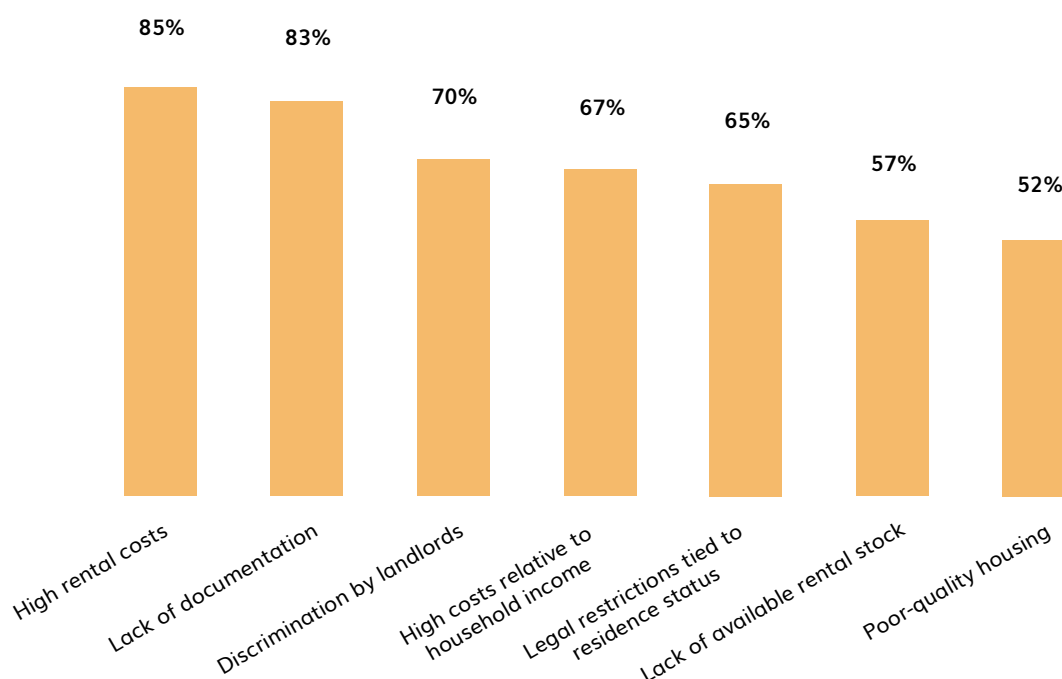
As a result, many live in informal, overcrowded and poorly maintained housing, often rented at inflated rates. Such living conditions can have profound effects on health, mental well-being, and social inclusion, while increasing risks of eviction, homelessness, and marginalisation.

### Barriers in accessing private housing

Among the respondents to the survey addressed to PICUM and FEANTSA members, affordability and lack of documentation emerged as the most

frequently reported barriers to private housing for undocumented migrants, including families and young people.

**Figure 1.** “What are the main barriers that undocumented migrants, including children, families, and young people, face in accessing private sector housing?”



Source: PICUM/FEANTSA members' survey, multiple choice, 46 respondents.



## Legal and administrative barriers

One of the most significant challenges faced by undocumented migrants stems from the administrative and legal frameworks governing housing access. Across most European countries, landlords typically ask for documents that can verify the identity and financial stability of potential tenants. Commonly requested documents include proof of income, credit scores, and identification, such as a national identification number or social security number. For undocumented people, this system is inherently exclusionary, as they often lack the necessary paperwork to participate in the formal rental market.

Survey respondents in Finland pointed out that it is nearly impossible for undocumented migrants to enter into a legally binding rental agreement without a Finnish personal identity code (henkilötunnus).<sup>116</sup> Finnish law grants landlords the right to verify a tenant's ability to pay rent, and one of the ways to do this is by accessing the tenant's credit score, which can only be done with a valid Finnish personal identity code.

Similarly, in Italy, undocumented people are, in practice, precluded from signing rental agreements since entering into a lease or rental contract generally requires providing, among other things, the parties' basic personal information, including a valid form of identification, and the parties' fiscal codes (i.e., the Italian tax identification number which is a unique code which is assigned to and identifies every Italian citizen).

In Spain, while undocumented people can typically sign leases, they still face barriers related to proving their income, such as proof of employment or payslips - documents that are typically inaccessible to individuals without a work permit. In the Netherlands,

while it is not forbidden to rent out accommodation to undocumented migrants, landlords typically require proof of income. While some landlords may be more lenient, the norm remains exclusion based on financial documentation and undocumented migrants commonly find themselves shut out of the formal rental market.<sup>117</sup> Further, social housing in the Netherlands is strictly regulated, and undocumented migrants are excluded due to their lack of verifiable income. Often, they rent these premises as sub-tenants, highly dependent on the primary tenant.

In Bulgaria, informal private housing is the only option for undocumented migrants, and access to the formal private housing sector is possible only to individuals who are subject to return procedures, as private housing is the only alternative to detention option that is stipulated in the law.<sup>118</sup> Following the 2017 amendments to Bulgaria's Law on Foreigners, authorities may impose alternative measures to detention such as monetary bond or surrender of travel/identity documents when deportation is not immediately possible.<sup>119</sup> Under the implementing regulations,<sup>120</sup> private housing can serve as an alternative to detention but only if a guarantor provides a notarised declaration, proof of stable income (around 700 BGN/month, equivalent to two national minimum wages), and if the guarantor is a tenant themselves, consent from the property owner.<sup>121</sup>

Further, registration requirements with local authorities makes access to formal housing even more complicated. For example, in Switzerland, landlords are legally required to notify the cantonal population office (Office Cantonal de la Population et des Migrations or "Einwohnerkontrolle") when a lease is signed with a foreign national.<sup>122</sup> In Germany, property owners are required by law to make sure that their tenants enlist with the local registration office, regardless of nationality.<sup>123</sup> Similarly in

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116 Sininauhasäätiö, 2023, [Migrants' pathways into homelessness in Finland's Capital region](#)

117 Moreover, there is no general obligation under Dutch law for private individuals or organisations to report a person's migration status. Landlords are not required to verify a tenant's residence permit, and renting to undocumented people is not prohibited. The [Good Landlordship Act \(Wet goed verhuurderschap\)](#) also applies to accommodation rented out to irregular migrants, however in practice they might face discrimination and unfair treatment.

118 Center for Legal Aid (CLA), 2024, [Advocacy Paper: Accommodation as ATD Prerequisite](#).

119 Center for Legal Aid "Voice in Bulgaria", 2019, [Applying Engagement-Based Alternatives to Detention of Migrants in Bulgaria: Opportunities and Challenges](#).

120 Article 72(5) of the Regulations on the Implementation of the Law on Foreigners.

121 Center for Legal Aid (CLA), 2024, [Advocacy Paper: Accommodation as ATD Prerequisite](#).

122 CROCE & Associés SA, [Residence & Establishment in Switzerland](#), accessed on 1 November 2025.

123 Cuadra B.C., 2010, [Policies on health care for undocumented migrants in EU27: Country report Germany](#), Malmö University.

Belgium, landlords must register the lease with the Office of Legal Security.

### Financial barriers

In many European cities, rental prices have been rising rapidly, exacerbating the housing crisis. The supply of affordable housing is limited, and the demand is growing, particularly in urban areas. For example, the gap between housing prices and the average disposable income of Spanish households has not stopped growing since 2015,<sup>124</sup> while rents nearly doubled in the past decade.<sup>125</sup> While the increase in rental prices is a problem for the general population, it is more significant for foreigners due to the combination of other factors such as discrimination, and their disadvantaged position in terms of income, with greater mobility and a still not-so-established access to home ownership.<sup>126</sup>

As rental prices soar, undocumented migrants, many of whom work in precarious, informal jobs, without access to labour protections or benefits, face higher risks of ending up in precarious housing. Not being eligible for housing assistance, guaranteed schemes or assistance from solidarity housing funds makes their situation even more difficult, compared to other residents.<sup>127</sup> Additionally, without access to credit histories or formal documentation, many landlords demand higher rents, larger security deposits, or advance payments. Landlords perceive undocumented tenants as higher risk because they lack formal contracts or legal recourse should any issues arise. Consequently, undocumented migrants might be required to pay more upfront or be subjected to higher rents.

### Discrimination from private landlords

As mentioned previously, biases related to nationality, race or perceived economic situation can lead to further exclusion from the private market. Discriminatory practices can take many forms: according to the survey results, many landlords actively check the residence status of prospective tenants, even when they are not legally required to do so.

Obstacles placed by real estate agencies and/or individuals in accessing housing include deception and excuses regarding housing availability; abusive clauses and prices; requests for excessive documentation and guarantees; using undocumented migrants' insecure residence status as a basis for blackmail; offering housing in lower quality conditions than for other applicants and in comparison to the needs expressed by the discriminated individuals; and located in peripheral or vulnerable areas within cities.<sup>128</sup>

Non-profit organisations are stepping in to combat rental discrimination against undocumented migrants. In Spain, the housing NGO Provivienda uses a mediation model that anonymises tenants during the application process and until the lease agreement is signed to avoid bias. It negotiates with landlords, provides insurance-backed rent guarantees, draws up contracts, and offers legal assistance, and all without requiring migrants to present official documentation like residence permits.<sup>129</sup>

124 European Anti-Poverty Network (EAPN), 2024, [El Estado de la Pobreza. Seguimiento de los indicadores de la Agenda UE 2030, 14o Informe](#) : According to the EAPN Spain study, the average rental price has increased nearly three times more than real income per person.

125 The Guardian, 20 January 2025, ['A vicious circle': how the roof blew off Spain's housing crisis](#) [checked on 6 August 2025].

126 Fundación FOESSA, 2022, [Evolución de la cohesión social y consecuencias de la COVID-19 en España](#).

127 La fondation pour le Logement des défavorisés, 2021, [Fabrique des personnes « sans-papiers », fabrique des mal-logés](#).

128 Asociación Provivienda, 2020, [¿Se alquila? Racismo y xenofobia en el mercado del alquiler](#) . Read also Casa do Brasil de Lisboa, [Imigração e a discriminação na habitação em Portugal](#), #MigraMyths - Desmistificando a Imigração 4ª Edição.

129 Provivienda, [Alquila tu vivienda con todas las garantías](#), accessed on 1 November 2025.

## Other barriers

Undocumented migrants may face additional challenges due to language barriers and a lack of familiarity with the local housing market. Some respondents in Austria, Belgium, Germany, and Hungary reported that the process of renting accommodation can involve complex paperwork and bureaucratic procedures. These documents are often written in the local language and may be filled with legal jargon that is difficult for non-native speakers to understand. Additionally, some respondents noted that digital gaps, such as the need to fill out applications, can prevent migrants from accessing

housing opportunities.

Moreover, many undocumented migrants are unfamiliar with the legal aspects of renting accommodation in the country they live. This lack of knowledge can prevent them from understanding the full scope of their rights, such as protection against eviction, issues related to rent control, and the legal requirements that landlords must adhere to. The risk of detection by the authorities can in some cases make people reluctant to engage in any formal transaction, including applying for housing.

## Housing conditions and instability in the informal housing market

Many respondents to the PICUM/FEANTSA survey reported the need for undocumented migrants to rely on the private housing market, often in the form of subletting a room in a shared apartment or renting small units in the informal housing market. The phenomenon of "marchands de sommeil" (slum landlords), a term referring to exploitative landlords who purchase properties at low prices and then rent them to undocumented migrants at inflated rates, was reported as prevalent.<sup>130</sup> These units are often located in neighbourhoods where housing conditions are generally poorer and access to services is more limited.

Fear of detection further dictates undocumented people's housing options:

*[I]ndividuals and families under threat of deportation may choose to live in more transient, less stable housing situations to avoid detection...Deportation fears can also disrupt community stability, as families may be split or community members may move frequently to avoid deportation, leading to less community cohesion and investment in local infrastructure, including housing.*  
(Respondent in Germany)

These issues were confirmed by multiple survey respondents who consistently reported overcrowding, poor maintenance, and a lack of basic amenities when describing the housing quality in the private sector. For example, respondents noted overcrowding coupled with mould and toxic exposure, energy poverty and hygiene issues, maintenance neglect, insufficient privacy, and unsafe, cramped conditions with environmental hazards.

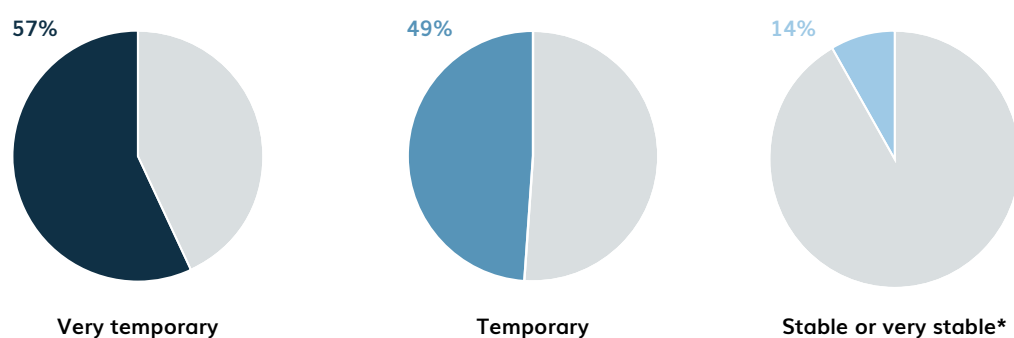
It is common for undocumented migrants in these situations to live with people they have not met before, who might be other undocumented migrants or families. As part of a survey conducted in 2013, 25% of 87 undocumented migrants in Oslo self-reported experiencing homelessness. Although a definition of homelessness is not provided by the authors of the study, they found out with qualitative interviews that "respondents who actually had a living place also considered their housing to be poor [...] they had to move often and to share houses with (many) people to whom they did not have any close relations."<sup>131</sup> According to the same study, this 'forced communality' was considered to "deprive migrants of their privacy and the possibility to establish good relations with others."<sup>132</sup>

130 Additional sources document this issue in detail, see for example VRT News, 25 October 2023, ["Up to 12,000 undocumented migrants in Antwerp": many living in deplorable conditions](#), [checked on 16 October 2025].

131 Myhrvold T., C. Småstue M., 2019, [Undocumented migrants' life situations: An exploratory analysis of quality of life and living conditions in a sample of undocumented migrants living in Norway](#). Journal of clinical nursing, 28:2073–2087, p.25

132 Ibid. p.26.

**Figure 2.** "How temporary or stable is the housing situation for undocumented children, families, and young people in the private sector?"



\*commenting that this stability relies heavily on the individual circumstances, e.g., depending on the landlord's good will.

Source: PICUM/FEANTSA members' survey, multiple choice, 37 respondents.

The housing situation in the private sector for undocumented children and families is predominantly temporary and unstable. Frequent relocations and short-term leases are the norm.

Some of the respondents explained that instability is created by various factors including frequent and arbitrary rent increases, and a lack of formal arrangements leading to undocumented families often moving between friends or temporary shelters. Unstable parental incomes were also reported as a contributing factor; as a respondent in Belgium explained *"when a rental housing accommodation is found, one might be able to stay for long period of time, but unstable income of the parent(s) can end this situation, so there is always insecurity"*.

Further issues cited were short-term contracts or agreements, dependency on the landlord or the primary tenant in situations where the family is subletting, and the fact that individuals and families might settle in areas where it's easier to obtain permits and once they do they continue they move to other areas to look for better paid jobs with better conditions.

The lack of basic amenities and the unsafe conditions in these homes can contribute to a range of physical and mental health problems.<sup>133</sup> This was particularly prominent during the COVID-19 pandemic, as the risks of the pandemic disproportionately affected migrants, as overcrowded accommodation, poor hygiene conditions, and limited access to health services continued to increase their risk of infection.<sup>134</sup>

Generally, substandard housing such as overcrowded conditions, poor ventilation, and exposure to hazardous materials is consistently linked to a range of negative health outcomes. Studies have shown that overcrowded housing conditions and poor ventilation are particularly harmful to respiratory health, leading to conditions such as asthma and bronchitis.<sup>135</sup> In addition, individuals living in poorly maintained homes are at a greater risk of accidents, such as falls or fires.

133 Rana, K., Kent, J.L. & Page, A., 2025, [Housing inequalities and health outcomes among migrant and refugee populations in high-income countries: a mixed-methods systematic review](#), BMC Public Health 25, 1098.

134 FRA, 2020, [Coronavirus Pandemic in the EU – Fundamental rights implications: Focus on social rights](#), p.31

135 Bryant-Stephens, T. C., Strane, D., Robinson, E. K., Bhambhani, S., & Kenyon, C. C., 2021, [Housing and asthma disparities. The Journal of allergy and clinical immunology](#), 148(5), 1121–1129.

For children, the health risks associated with substandard housing are even more pronounced. Children are particularly vulnerable to housing-related health hazards, including lead poisoning and carbon monoxide intoxication, both of which are associated with unstable housing conditions.<sup>136</sup> Furthermore, living in unstable housing situations can severely disrupt a child's education, as proof of residence is often required for school enrolment. This disruption can have long-term consequences for a child's development and social integration.

The psychological toll of living in insecure housing is significant. Undocumented migrants living in temporary housing or sharing apartments

experienced significantly higher rates of depression, anxiety, and post-traumatic stress disorder (PTSD) compared to those in more stable living situations.<sup>137</sup> Undocumented parents report high levels of stress and anxiety in relation to their housing situation, and unstable housing conditions have particularly negative consequences on children, whose social connections are formed locally.<sup>138</sup>

Ultimately, healthy living conditions are a basic requirement for successful integration and for developing a sense of belonging, as inadequate access to housing, segregation, and poor-quality impacts access to opportunities in other areas such as education, employment, and social inclusion.

### Case-study: Switzerland and the benefits of the Operation Papyrus regularisation scheme on housing access

The Parchemins study, conducted from 2017 to 2022 and linked to the evaluation of Geneva's Operation Papyrus regularisation scheme, which granted work permits to more than 2,000 people between 2017 and 2018, delivered compelling evidence that regularisation significantly improves housing conditions for undocumented migrants.

Those whose status was regularised gained access to formal rental leases, enabling them to exit overcrowded and insecure subletting arrangements - which was the experience of approximately 70% of the participants at the study's outset-and be protected by the law as renters. Regularisation thus helps combat the informal housing market. While progress in housing quality and stability was often gradual, improvements proved enduring and deeply foundational to migrants' sense of belonging: as one participant expressed, they finally felt the "*freedom [...] to finally have my apartment in my own name*".<sup>139</sup>

While regularisation opened better housing options, formal housing arrangements brought with them higher rent, alongside mandatory contributions, such as taxes, adding strain to already tight household budgets. The study underscored that reducing social and economic inequalities between regularised individuals and the general population is very gradual, and that people who are newly regularised need time and support to navigate procedures and seize opportunities linked to their new status.<sup>140</sup>

136 Hock, E. S., Blank, L., Fairbrother, H., Clowes, M., Cuevas, D. C., Booth, A., Clair, A., & Goyder, E., 2024, [Exploring the impact of housing insecurity on the health and wellbeing of children and young people in the United Kingdom: a qualitative systematic review](#), BMC public health, 24(1), 2453.

137 Wirehag, M., Andersson, L., Hjern, A. and Ascher, H., 2021, [Living situations among undocumented migrants in Sweden: The effects of exclusion from fundamental housing rights](#), Int. J. Soc. Welfare, 30: 239-248.

138 Jauhiainen, J.S., Tedeschi, M., 2021, [Undocumented Migrants' Everyday Lives in Finland](#). In: *Undocumented Migrants and their Everyday Lives*. IMISCOE Research Series. Springer, Cham. pp. 100-101.

139 Refle J., Burton-Jeangros C., Jackson Y., Consoli L., Fakhoury J., 2023, [Sortir de la clandestinité. Les conséquences de la régularisation des travailleurs sans-papiers](#), p. 53.

140 For a brief presentation of this study, read PICUM Blog, 6 November 2023, [Switzerland: new study measures benefits of 2018 Geneva regularisation](#). The study can be found here (in French): Refle J., Burton-Jeangros C., Jackson Y., Consoli L., Fakhoury J., 2023, [Sortir de la clandestinité. Les conséquences de la régularisation des travailleurs sans-papiers](#).



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## Access to grievance mechanisms

Due to their irregular residence status, undocumented migrants will most likely not report any discrimination or abuse, which is something landlords exploit in their benefit.<sup>141</sup> Exploitative landlords are often aware of the precariousness undocumented migrants face and their lack of alternative housing options, which paves the way for them to impose higher prices or exploitative conditions.

Undocumented migrants usually live in situations of legal limbo when it comes to housing rights, including regarding their legal entitlements against exploitative landlords. Despite theoretical protections that allow tenants to file complaints against landlords under, for example, civil contract laws, tenancy regulations, or anti-discrimination statutes, these rarely translate into real-world access.

In Belgium, for instance, civil contract law enables

undocumented renters to challenge landlords, yet according to respondents *"in practice they often do not have an alternative, and/or are afraid to lose their accommodation and be discovered"*.<sup>142</sup> Similarly, in the Netherlands, as a survey respondent explained, undocumented migrants *"never complain"* because of lack of alternatives and fear of losing their accommodation, even though rent regulation based on property points exists in principle.

*When [undocumented] families secure housing where children are allowed, which is not always the case, they put up with absolutely everything to have a roof over their heads. Example: they can only be in the bedroom, they cannot use the other areas of the house...they can't use the bathroom, can't cook, can't wash clothes outside the house..."*. (Respondent in Spain)

<sup>141</sup> It is important to remind that occupation of a dwelling with no legal (sub)tenancy is considered as living in insecure accommodation and, as such, a form of homelessness under the ETHOS categorisation.

<sup>142</sup> Read also Housing Rights Watch, 2017, [Migrants' right to housing: Belgian and international law](#).



Relying on verbal agreements or leases on the informal market severely undermines the ability to legally substantiate claims, even when exploitation occurs. Finland's electronic consumer dispute system, for example, requires verified identification, effectively excluding undocumented people. The fear of migration enforcement was reported as one of the main barriers in filing a complaint. According to a respondent in Finland, *"reporting would start the process of the victim being deported"* and no safe reporting system exists.

Obstacles persist even in countries that have developed specialised systems for victims of racial discrimination in housing, among other areas. In Spain, although bodies like the Council for the Elimination of Racial or Ethnic Discrimination (*Consejo para la Eliminación de la Discriminación Racial o Étnica – CEDRE*) offer pathways to file a complaint due to discrimination, all respondents from Spain echoed that *"very few complaints are filed due to fear...they will receive an expulsion order."* CEDRE, part of the Ministry of Equality, provides a free, public Victims Assistance Service designed to support individuals facing racial or ethnic discrimination in areas like housing, employment, and education.<sup>143</sup> Yet in practice, under reporting remains widespread due to a lack of safe and trusted complaint mechanisms for undocumented individuals. Fear of retaliation and lack of knowledge about one's rights are major barriers to action. In many cases, migrants in an irregular situation did not even know they had any enforceable rights, further silencing their claims. Both CEDRE and civil society have called for urgent reforms, including non-police-led housing verifications and effective unconditional municipal

registration (*empadronamiento*), to reduce exposure to immigration enforcement and ensure access to basic rights.<sup>144</sup>

In Portugal, the 2019 Framework Law for Housing affirms the right to adequate housing for all residents.<sup>145</sup> This includes protection from eviction and the right to lodge complaints with public authorities (such as the City Council in the area of residence) or the Ombudsman in cases of failure of the public administration to act.<sup>146</sup> The law also criminalises landlord harassment, including behaviour that degrades dignity, creates hostile conditions, or restricts access to housing. However, despite these legal protections, bureaucratic opacity, language barriers, lack of rental contracts, fear of detection and a lack of alternatives deter undocumented renters from seeking redress, as reported by survey respondents.

Similarly, in Switzerland, undocumented migrants theoretically can bring complaints, either civil claims in civil courts, to challenge, for example, an eviction, or criminal complaints to prosecutors, if the landlord's actions are of a criminal nature, such as for usury. While the civil courts in Geneva do not trigger immigration alerts to authorities, the public prosecutor might. Respondents describe processes as *"long and potentially risky"*, urging legal representation through tenants' associations. Likewise, in Sweden, undocumented individuals have the possibility to appeal to rent tribunals under equal-treatment laws in theory, yet no instances of such claims have been reported.

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143 CEDRE, Ministerio de Igualdad, [¿Qué es la Igualdad?](#), accessed on 1 November 2025.

144 CEDRE, 2025, [Recomendación del CEDRE sobre medidas para prevenir y erradicar la discriminación étnico-racial en el acceso al derecho humano a la vivienda](#) and Andalucía Acoge, 2023, [Informe Asentamientos 2022](#). Further, members from Spain have remarked that unconditional municipal registration (*"empadronamiento especial o extraordinario"*, that allows municipal registration without a fixed residence in case of social exclusion) exists in the law but in practice municipalities do not implement it, neither provide it as an option.

145 Assembly of the Republic (Portugal), [Law No. 83/2019 of 3 September – Framework Law for Housing](#), *Diário da República* No. 168/2019, Series I, 3 September 2019 (in Portuguese). Portugal was also one of the first countries to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which provides for an international individual complaint mechanism for violations of the rights in the Covenant, in particular the right to adequate housing; UN Human Rights Council, 2017, [Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in This Context](#), A/HRC/34/51.

146 Article 60, par. 4 of Law 83/2019.



## Criminalisation of private landlords

Landlords in some European countries might risk criminalisation when renting to undocumented migrants, either under explicit laws or broader statutes targeting facilitation of irregular stay.

For example, in Cyprus, under the Aliens and Immigration Act, landlords knowingly or unknowingly providing accommodation to someone without a valid permit can face up to four years imprisonment or a fine of €20,000 or both.<sup>147</sup> In the UK, under the Immigration Act 2014/2016, the "Right to Rent" scheme makes it a criminal offense to rent to individuals with irregular residence status.<sup>148</sup>

Under Belgian law, anyone knowingly helping someone from outside the EU to stay irregularly in violation of the country's rules risks criminal punishment and/or a fine, but these sanctions are invalidated if the "help is offered mainly for humanitarian reasons".<sup>149</sup> This safeguard can be narrow in practice and courts may scrutinise rent levels. If deemed exploitative landlords risk persecution not just under immigration law but also under rules against slum landlords.<sup>150</sup>

Italian legislation criminalises the facilitation of irregular stay by taking "unfair advantage" of people's situations or drawing "undue profit".<sup>151</sup> This includes renting accommodation to undocumented migrants under exploitative conditions. In 2013, the Italian Supreme Court clarified the element of the 'unfair advantage', by confirming that "there must also be specific intent to procure an 'unjust profit'

by taking advantage of the migrant's irregular situation, resulting in 'unfair and excessively onerous conditions on the tenant (migrant)'"'.<sup>152</sup> In addition, the Court noted in 2015 that "undue profit" could be "drawn from contract terms much more beneficial to the owner, even if such terms are not excessively detrimental to the migrant".<sup>153</sup>

In the Netherlands, article 197a of the Dutch Criminal Code penalises anyone who knowingly, or who has serious reason to suspect that they are assisting, a person to enter, transit, or reside unlawfully in the country.<sup>154</sup> This law explicitly references the UN Protocol on Smuggling, which targets transnational smuggling networks acting for profit.<sup>155</sup> In a worrying development, this provision was applied to a private landlord in recent case law: in a 2023 case before the District Court of Midden-Nederland, the court convicted a landlord who provided paid accommodation to an undocumented migrant while "knowing or suspecting" the migrant's irregular status. The court found that the landlord had acted for profit by offering accommodation against payment, thereby facilitating the migrant's "unlawful" stay.<sup>156</sup>

147 Republic of Cyprus, Aliens and Immigration Act (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος), Article 19, par. 5.

148 UK Home Office, [Guidance on the Right to rent to scheme](#), updated on 17 June 2025, accessed on 1 November 2025.

149 Housing Rights Watch, 8 March 2017, [Migrants' right to housing: Belgian and international law](#).

150 Ibid.

151 Article 12(5) and (5-bis), Italian Legislative Decree 25 July 1998, n. 286.

152 "Supreme Court, Sentenza 597/2013, 24 April 2013; Supreme Court, Sentenza 46070/2003, 23 October 2003; Supreme Court, Sentenza 5093/2012, 17 January 2012. The same reasoning had already been established in 2003, in a case where it had not been ascertained, however, from the conditions of the contract that the landlord had intended to impose unduly onerous responsibilities on the tenant. See Supreme Court, Sentenza 46066/2003, 16 October 2003". In footnote 59 of UNODC (2017) Issue Paper – The Concept of "Financial or Other Material Benefit" in the Smuggling of Migrants Protocol (Vienna, 2017), p. 40.

153 Supreme Court, Judgment no. 17117, 20 January 2015. The meaning and effect of "intent to gain". Court of Catania, Proc. n. 93/2016 R. I.M.C., 21 January 2016". In UNODC (2017) Issue Paper – The Concept of "Financial or Other Material Benefit" in the Smuggling of Migrants Protocol (Vienna, 2017), p. 40.

154 Dutch Criminal Code (Wetboek van Strafrecht), 2012, Section 197a. An unofficial English translation of the Code can be found [here](#).

155 United Nations, 2000, [Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against Transnational Organized Crime](#).

156 Rechtbank Midden-Nederland, 2023, [ECLI:NL:RBMNE:2023:7375](#). To our knowledge, this provision had not been used against private landlords previously.

According to the relevant overarching EU legal framework—the EU Facilitation Directive (2002/90/EC)—member states must impose sanctions on those facilitating the stay of irregular migrants. Although the directive ties criminal liability to financial gain (not in the binding text, and without requiring this profit to be *undue or unlawful*), not all countries have transposed this requirement into their domestic law and in some member states this element is just an aggravation to the offence.<sup>157</sup> The various national examples above demonstrate the uneven and often problematic way facilitation laws have been applied in member states.

In 2023, the European Commission proposed the revision of the Facilitation Directive with a new text that would replace the 2002 framework and maintain

the criminalisation of facilitation of unauthorised stay.<sup>158</sup> The proposal defines the offence to include assistance to a third-country national to stay irregularly, for direct or indirect material or financial benefit. While the text states that humanitarian aid, and support for basic needs are not intended to be criminalised, this remains stated only in preambular remarks and lacks binding exemptions in the operative articles. Moreover, the criminalisation of facilitation of stay for profit, without the need for this profit to be *unlawful*, means that in practice the threat of criminal liability for renting accommodation to undocumented people will persist, despite the fact that such transactions traditionally take place in exchange of money.<sup>159</sup>

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157 For example, this is the case for Hungary and Italy. For more, read Carrera et al, 2018, [Fit for purpose? The Facilitation Directive and the criminalisation of humanitarian assistance to irregular migrants: 2018 update](#).

158 European Commission, 2023, [Proposal for a Directive of the European Parliament and of the Council laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union, and replacing Council Directive 2002/90/EC and Council Framework Decision 2002/946 JHA](#).

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

## Verification requirements

The United Kingdom's "Right to Rent" policy is one of the clear examples of formal status checks. It mandates that landlords verify tenants' migration status before allowing them to rent a property, and prohibits landlords to offer tenancies to people with an irregular migration status. Failure to comply can result in civil penalties and, in some cases, criminal charges, as landlords who knowingly allow migrants in an irregular situation to occupy a property under a residential tenancy agreement and do not remove or try to remove them once they become aware of this can face a prison sentence of up to five years.<sup>160</sup> This policy has been criticised for leading to discrimination against ethnic minorities and foreign nationals with regular residency, as landlords may avoid renting to individuals who appear foreign or lack the necessary documentation.<sup>161</sup>

Survey respondents from PICUM and FEANTSA networks reported that even in countries where there is no legal obligation for landlords to verify the residence status of potential tenants, in practice landlords and agencies might insist on examining residency documents. For example, this was reported to be the case for Spain, Bulgaria, Finland, Ireland, Norway, and the Czech Republic. In Switzerland in particular, as landlords or agencies often require proof of residence status—despite not having the legal obligation to do so—undocumented people might rely on others who can legally rent on their behalf. However, the person renting on behalf of the undocumented person can be punished with up to 12 months in prison or a fine under the Federal Act on Foreign Nationals and Integration (FNIA) for facilitating the 'unlawful stay' of a foreign national.<sup>162</sup> In practice, those who act as proxies are usually sentenced to a fine.<sup>163</sup>

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160 Joint Council for the Welfare of Immigrants (JCWI), 2017, [Passport Please: The impact of the Right to Rent checks on migrants and ethnic minorities in England](#).

161 The Guardian, 1 March 2019, [Right to Rent scheme ruled incompatible with human rights law](#), [checked on 1 November 2025].

162 Federal Act on Foreign Nationals and Integration (FNIA), Art. 116.

163 Unia. (n.d.), [Sans-Papiers: These are your rights!](#), accessed on 1 November 2025.





## Access to shelters

Access to public shelters for undocumented migrants in Europe can be described as heavily restricted or discretionary to non-state actors or local stakeholders.<sup>164</sup>

Increasing criminalisation of both undocumented migrants and solidarity with them makes it extremely difficult to access support. As a result, many undocumented migrants rely on shelters run

by NGOs or voluntary organisations, which have more leeway in deciding how to organise internally, including lower thresholds for admission.

This high level of precariousness means that undocumented migrants often cannot achieve any housing stability, hindering integration prospects, and undermining EU-wide goals to eradicate homelessness.

### Barriers in accessing public shelters

The survey that was completed by members of PICUM and FEANTSA's network aimed to identify the most common barriers faced by undocumented

migrants, including families with children and young people in accessing public shelters in Europe.

**Figure 3. "What are the main barriers that undocumented migrants, including children, families, and young people, face in accessing public shelters?"**

#### Legal restrictions based on residence status

81 %<sup>165</sup>

#### Lack of space in shelters - even when the legislation may allow access, despite existing restrictions

65 %<sup>166</sup>

#### Unavailability of adapted shelters to the different profiles and needs of undocumented migrants\*

56%<sup>167</sup>

#### Safety concerns

42%

#### Distance to shelters

20%

*\*including minors and families with children as well as people with disabilities, people from the LGBTIQ+ communities, or victims of domestic abuse.*

Source: PICUM/FEANTSA members' survey, multiple choice, 43 respondents.

164 Access to shelters in this chapter, unless otherwise specified refers mainly to formal shelters which are funded through public funds (these may include municipal shelters for homeless people, centres or temporary shelters that are public or financed by public funds and subsidies).

165 Respondents in 19 countries out of 22 (Albania, Austria, Belgium, Bulgaria, Czech Republic, Finland, Germany, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Portugal, Spain, Sweden, Switzerland, the UK and Ukraine).

166 Respondents in 15 countries out of 22 (Austria, Belgium, Czech Republic, Finland, Germany, Ireland, Luxembourg, Malta, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and Ukraine).

167 Respondents in 14 countries out of 22 (Austria, Belgium, Czech Republic, Finland, Germany, Greece, Ireland, Luxembourg, Malta, Norway, Portugal, Spain, Sweden, Switzerland).

Drawing from the survey response, the most often mentioned barrier is **legal**, as undocumented people facing homelessness can be refused from shelters because of their residence status. For example, in Greece, migration law explicitly prohibits public organisations from providing services for undocumented migrants.<sup>168</sup> While legal restrictions may vary between municipalities or not exclude irregular migrants explicitly, practical barriers often persist. In Italy and Germany requirements such as a residence permit or a social security number make it impossible to access public shelters or assistance for homelessness.<sup>169</sup> This requirement, or that of being registered with the municipality, is also asked for in some shelters in Spain, though not systematically. In the Czech Republic, an absolute minimum of institutions accepts undocumented persons; in reality, undocumented migrants only have access to informal/private dormitories for people experiencing homelessness. In Finland, public homelessness services are available based on people's municipality of residence, restricting access to the residence city and therefore reducing support for undocumented migrants to the minimum 'necessary care and subsistence'. Access to emergency accommodation may vary greatly throughout the country due to a lack of responsibility among public authorities - with some failing to provide such services despite legislation establishing the right.<sup>170</sup>

The example of the UK is illustrative of the government's 'hostile environment policy' (a specific policy created by the UK government in 2012 to make life difficult for people with irregular migration status)<sup>171</sup>: undocumented migrants are banned from accessing homelessness support through the 'No Recourse to Public Funds' (NRPF)<sup>172</sup> condition. However, a small number of shelters make available bed spaces for people with NRPF, for example church

provided shelters, but these are out of reach and do not meet the existing needs.

Undocumented migrants in Denmark are not entitled to accommodation in state-run shelters, as access is restricted for regular residents.<sup>173</sup> Instead, undocumented migrants (including those who were rejected in their asylum claims) are detained in a centre operated by the Danish Prison and Probation Service.<sup>174</sup> Individuals at the 'prison-like'<sup>175</sup> Ellebæk facility may be detained after serving a sentence, with the aim of effecting a deportation order, but most are 'incarcerated or detained under Section 36 of the Aliens Act, which, for most of them, is based on suspicion that the person will go underground or that there is doubt about their identity.'<sup>176</sup> Small children have been detained together with their mothers for short periods, as well as unaccompanied minors whose age was in dispute.<sup>177</sup>

The second most common cause why undocumented migrants cannot access public shelters has been identified as the **lack of space in shelters**, reported in the majority of the countries participating in the survey.<sup>178</sup> Public shelters often operate at or near full capacity, without sufficient places for existing needs, and they may prioritise individuals or families based on criteria that undocumented migrants do not meet. This limited availability acts as a practical barrier, even when there are no legal obstacles. Italy, for example, which denies access to public shelter for undocumented migrants generally, organises dedicated public accommodation for unaccompanied children; however, these facilities are overwhelmed which has led to cases of sleeping rough among children.

168 Art. 26.1 of [Greek Law 4251/2014](#): "Public services, legal entities of public law, local authorities, public utilities and social security organisations shall not provide their services to third-country nationals [...] who cannot prove that they have entered and reside legally in Greece."

169 Delvino, N., Dr Spencer, S., Dr Cherti, M., 2024, [Shelters and housing](#), C-MISE (City Initiative on Migrants with Irregular Status in Europe).

170 Remes M., 2024, A child is a child, not an undocumented person, Save the Children Finland.

171 The Joint Council for the Welfare of Immigrants, [The Hostile Environment explained](#).

172 NRPF Network, [Who has no recourse to public funds \(NRPF\)?](#).

173 Ministry of Social Affairs and the Interior of Denmark, file no. 2015- 4958, 2015, [Consolidation Act on Social Services](#).

174 Refugees Welcome, [Ellebæk](#), accessed on 1 November 2025.

175 Danish Refugee Council, 2025, [Input to European Union Asylum Agency Asylum report 2025](#).

176 Refugees Welcome, [Ellebæk](#).

177 Ibid.

178 Austria, Belgium, Czech Republic, Finland, Germany, Ireland, Luxembourg, Malta, Norway, Netherlands, Portugal, Spain, Sweden, and Switzerland.

In France, a study from 2021 calls into question the principle of unconditional accommodation as guaranteed by French legislation<sup>179</sup> pointing out that the saturation of the system often leads to people being denied access. The emergency accommodation remains the only service that undocumented migrants can access.<sup>180</sup>

Additional factors which prevent undocumented migrants from accessing shelters across Europe are related to **safety concerns** and the **distance to shelters**. Safety and security concerns appear often in relation to the public shelters that people facing homelessness can access, acting as a deterrent in contacting them. Frequent reports are made regarding incidents of theft, harassment, and even violence, with insufficient staff or safeguards to ensure resident protection, as reported in Malta, Finland and Belgium. Women and girls are particularly affected as shelters or dormitories rarely cater to their specific needs and safety concerns, are overcrowded or lack the conditions to ensure dignity and privacy.<sup>181</sup> Overcrowded and underfunded facilities might not seem safe, especially for families with young children

or for young people on their own.

Shelters are also few and far between, as reported in the UK, or generally out of reach, as in Finland where a newly established facility has been located eight kilometres out of the city centre. Covering the cost of public transport may prove difficult for undocumented migrants, making it even more difficult to access the few available accommodation options.

Recurring problems regarding physical conditions in shelters highlight systemic challenges in ensuring safe, dignified, and supportive accommodation. **Overcrowding** is a common issue, as many shelters are full or operate at capacity, leaving little space for emergency cases and creating stressful living conditions. The lack of privacy is a consequence of having to cram people in spaces that are not designed for the high accommodation requests. Shared rooms, open dormitories, and communal facilities often mean that residents have minimal personal space or security for their belongings.

## Case study: the Netherlands

The National Foreign Nationals Facilities (LVV - Landelijke Vreemdelingen Voorziening)<sup>182</sup> program in the Netherlands provided basic shelter and support services to undocumented migrants, often through temporary accommodation and essential services such as healthcare and legal advice. Unlike state-run shelters, the LVV did not require migrants to provide proof of regular residence. However, the program operated with strict criteria and was limited in scope and duration.

While living in the LVV, people had access to a bed, and income for food and other necessities. To enter and stay in the LVV, participants must have applied for asylum or a residence permit in the past, they had to be undocumented, have a 'meaningful connection' to the area, be in need of shelter, and actively collaborate towards finding a durable solution. Additionally, if a person was from a 'safe country of origin' or had had an entry ban issued against them, they could not be part of the program. Families were redirected to a 'family location'.

Following a collective complaint lodged by the Conference of European Churches (Conference of European Churches (CEC) v the Netherlands, Collective Complaint no. 90/2013), the European Committee of Social Rights obliged the Netherlands in 2015 to provide minimum basic support to

179 The [Droit à l'hébergement opposable](#) (Daho)/ Enforceable right to accommodation law guarantees individuals right to accommodation in France, however in specific situations practical and administrative barriers often result in de facto exclusion. Read more at [Code de l'action sociale et des familles](#), Chapter V, Article 345.2.2.

180 M. Philippe Dallier, 2021, Rapport d'information fait au nom de la commission des finances sur la politique d'hébergement d'urgence, quoted in Fondation Abbe Pierre, 2021, [Fabrique des personnes "sans-papiers", fabrique des mal-logés](#).

181 United Nations Economic Commission for Europe, 2021, [Housing for migrants and refugees in the UNECE region: challenges and practices](#), p. 10.

182 For more details, check PICUM, 2023, [A snapshot of social protection measures for undocumented migrants by national and local governments](#), pp. 16-19.

undocumented migrants to avoid inhumane conditions. The LVV was subsequently developed in five municipalities: Amsterdam, Rotterdam, Utrecht, Eindhoven, and Groningen.

The LVV aimed to secure durable solutions to the person's situation either through regularisation in the Netherlands, return to the country of origin or third country, or onward migration – through coordinated case management and support. As of 2022, 18 % have achieved a definitive outcome, including regularisation or departure from the country, while 36% were waiting for a decision on a repeated application or got 'temporary leave to remain' because they could not return to their country of origin for medical reasons.

National funding for LVBs was announced to end from 2025, however, the municipalities of Amsterdam, Utrecht, and Eindhoven pledged to continue funding LVB locally to prevent people becoming street homeless and to address public order and health concerns.<sup>183</sup>

## Case study: Lisbon Housing First project

In Lisbon, the non-governmental organisation CRESCER has implemented a "Housing First" initiative, called É UMA CASA – Lisboa Housing First, which broke away from traditional homelessness programmes by providing immediate access to permanent, individual apartments, coupled with holistic support services. The programme does not condition access on Portuguese citizenship, residence status, or other pre-conditions to access an apartment. Tenants can be chronically homeless or undocumented and still qualify for housing.

Access is paired with intensive wrap-around services: outreach teams bring health consultations, psychosocial and psychiatric support, employment programmes, legal advice, and harm-reduction services directly to tenants or host them in the apartments they occupy. This initiative offers a strong example of how a housing-first holistic case management projects can serve those with very complex needs, including undocumented migrants, by addressing residence status and housing security together rather than sequentially.<sup>184</sup>

## Temporary nature of shelter and overall conditions

When undocumented migrants can access public shelters, it is short term, unstable, and precarious. The length of stay in public shelters as well as the overall quality of the conditions are issues of concern when looking at the services which undocumented migrants, including children, families, and young people, can access.

Too often the stays are temporary, as the shelters allow for limited and non-renewable accommodation (see figure 4).

Poor physical conditions are also generally common, with many shelters in disrepair, with mould, dampness or broken infrastructure. Inadequate facilities and services complete the unsafe and inadequate state of this type of accommodation as many shelters lack basic amenities such as kitchens, private bathrooms, or secure storage.

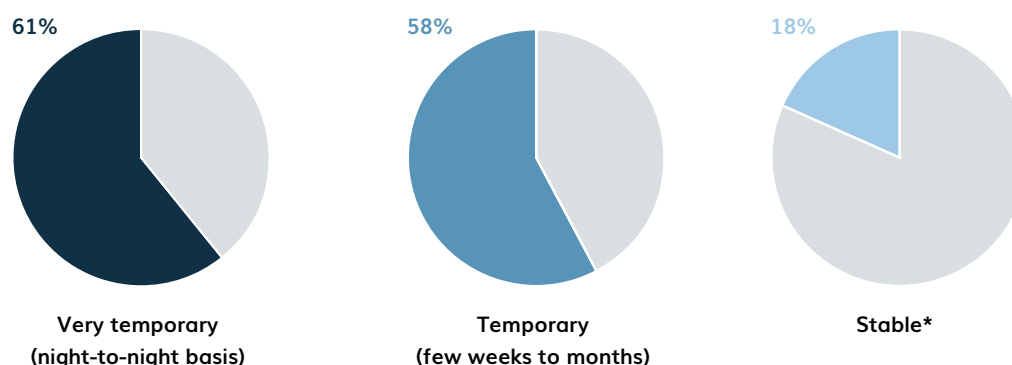
The limited length of stay constitutes a disadvantage and has a strong negative impact on people's lives, from how they can plan their everyday activities to

183 Decree of the Minister of Asylum and Migration of 29 November 2024, number 5868806, repealing the Mandate Decree and authorisation LVB, [Government Gazette 2024, 40224](#) | [Overheid.nl > Official Announcements](#).

184 For more, read Harm Reduction International, 2022, [Integrated and Person-Centred Harm Reduction Services: Lisbon, Portugal – CRESCER \(Case Study 4\)](#).



**Figure 4.** "How temporary or stable is the housing situation for undocumented children, families, and young people in the public shelters?"



*\*no organisation participating in the survey has knowledge of transitional, very stable programmes*

Source: PICUM/FEANTSA members' survey, multiple choice, 33 respondents.

being able to work towards their regularisation. In Malta, for instance, any access to public shelter is dependent on case-by-case decisions and limited to a month-by-month basis. Some shelters are open only at night, as in Norway, where remaining in the shelters during the day is not possible - (re)admission is allowed only at night and at 8 am the shelters close their doors again.

These conditions are challenging for people with children, and for those unemployed or vulnerable migrants, especially during the extreme weather, such as in the summer heat, when taking cover in cooling places or access to water may be difficult. The same applies for extreme cold temperatures, especially given that even emergency shelters tend to open quite late in the winter season. For example, in Luxembourg, the government allows access to public shelters regardless of residence status but only during the winter period (October/November to March/April, approximately). In Austria, undocumented migrants are usually not eligible for the services from the Viennese Homelessness Assistance, but they may be supported during the cold months through the winter emergency shelters ("Winterpaket") which are open to all but only for the night-time (day centres are open to supplement services).<sup>185</sup>

Beyond the negative implications on health, restrictive timetables affect people's chances to work or get their documentation ready to apply for a residence permit or send their children to school, as they must often choose between respecting the shelter schedules and other administrations' opening hours. Considering also that obtaining documentation usually takes a long time, these short-term stays do not provide an answer to people's needs and in turn they reduce chances for regularisation.

## Undocumented children and young people

Unaccompanied children and young people who are undocumented should be placed in stable and safe accommodation to ensure their protection. For example, in Austria, unaccompanied refugee children and unaccompanied children with precarious residence status are accommodated in shared flats by the child and youth welfare service. However, this support is abruptly interrupted when children 'come of age'.<sup>186</sup> Across EU member states, support tends to stop once the child turns 18 (unless they have an ongoing asylum application), which means many become homeless instead of celebrating their birthday. Few have this accommodation and support is extended – these extensions usually depend on

<sup>185</sup> Homberger, A., Güntner, S., 2022, [Responses to Migrants with Precarious Status in Vienna: Frames, Strategies and Evolving Practices](#), Local Responses to Migrants with Precarious Status (LoReMi).

<sup>186</sup> Ibid.

whether they have a pending regularisation request, whether they were in childcare before, and, simply, what country they live in. Homelessness before and after turning 18 is one of the key challenges civil society organisations and researchers signal for undocumented unaccompanied children and young people.<sup>187</sup>

Children in families are not treated the same; they are usually housed together with their caregivers/ parent(s), ideally in dedicated and adapted facilities. Dedicated places for families or single parents with minor children are established in Austria's 'Opportunity Houses', for example, but usually these are short-term placements.<sup>188</sup> Housing conditions do not always allow parents to nurture and take care of their children as they would want to. In Ireland, families who share one room in a shelter cannot cook their own food and they lack privacy. In Helsinki, accommodation is considered 'factually stable' for families with children, but in practice social services payment commitment needs to be renewed monthly, which means families continue to experience a strong feeling of uncertainty.

Shelters may also be unsafe for children and families. Problems of minor crimes such as fights, assaults, and theft often take place in hostels, and the public services are unable to provide adequate protection for their residents. Similar conditions in Luxembourg's winter emergency shelters make them unsuitable for families with children. For undocumented minors and their families, civil society organisations fill in important gaps, since children affected by homelessness are removed by the state in some countries (e.g. Austria).<sup>189</sup>

*Many shelters are not fit to live, they are so bad the streets would be preferable. For example, we have had reports of old pubs that are poorly converted with mould and no ventilation. Boards for a bed and up to six people sharing a small space.*  
(Respondent in Ireland)

Situations of a lack of respect and empathy have also been reported, as well as paternalising behaviour which create 'prison type conditions', where undocumented migrants, including families, are at the mercy of the staff for obtaining permission for everything (e.g. Spain), or having to fulfil certain conditions under which they can hardly leave the premises (e.g. the Netherlands).

In Helsinki, the condition of emergency shelter has been recently reported as improved but remains out of reach because of distance or strict rules. In Ukraine, unaccompanied migrant children are accepted in shelters run by the Children's Shelter.<sup>190</sup>

### Inadequate shelters

The unavailability of adapted shelters to the different profiles, and therefore needs, of undocumented migrants was reported by 24 survey respondents (56%), referring to services for children, families with children as well as people with disabilities, the LGBTIQ+ community, or victims of domestic abuse.

A lack of preparedness is highlighted for the reception of underage children and their families, with some countries not accepting minors or children younger than a certain age in their public shelters, such as Greece or Finland. In Belgium, there are situations where mothers cannot stay with their children because of a lack of family shelters, leading to separation of parents from their children or families with children being placed in unsafe situations. Another inadaptability issue is the lack of specific services for women who have been victims of domestic violence. As a result, women are frequently placed in temporary shelters, which puts them and their children in situations of insecurity or risk. While housing for undocumented children and families with children should be organised in Finland, in 2024, Save the Children reported that minors and families with children have been placed in emergency accommodation where they were kept in a constant state of uncertainty about the duration of their accommodation.<sup>191</sup>

187 PICUM, 2022, [Turning 18 and undocumented: ensuring a safe transition into adulthood](#).

188 Homberger. A., Güntner. S., 2022, [Responses to Migrants with Precarious Status in Vienna: Frames, Strategies and Evolving Practices](#), Local Responses to Migrants with Precarious Status (LoReMi).

189 Ibid.

190 On the approval of the [Standard Regulation on the point of temporary stay of foreigners and stateless persons illegally staying in Ukraine](#).

191 Remes, M., 2024, [A child is a child, not an undocumented person](#), Save the Children Finland.

Under the EU Victim's Directive (2012/29/EU) and EU Directive on combating violence against women and domestic violence (2024/1385/EU), adopted by all EU countries (except Denmark), protection and safety regardless of migration status must be ensured. However, when shelters are unable to meet the demand or specific needs of a survivor and when the survivor is undocumented or has a precarious migration status, accommodation may be declined.<sup>192</sup> In the context where gender-based violence and dependent migrant status are so closely intertwined, this is highly concerning – a residence permit which is dependent on sustaining a relationship with the partner is one of the main specific reasons why migrant women become homeless.

### Discrimination and exclusion

Gaps in culturally and linguistically adapted services as well as appropriately trained staff which may result in poor access to information about rights, preventing people from accessing legally entitled support, are highlighted in Belgium, the Czech Republic and in Germany. Additionally, in Spain, the mainstream shelter system is considered unequipped to support undocumented migrants as they have different profiles than those who commonly experience homelessness.

Research from Bulgaria points out that "single men and women in irregular situations who face homelessness or struggle with a disability find it

very difficult to access suitable services."<sup>193</sup> A lack of adequate accommodation that could offer privacy and safe shelter to LGBTIQ+ people is also observed in Sweden and in Malta.

Discrimination faced by undocumented migrants within the shelter system itself can manifest in less favourable treatment, harassment, or outright denial of services (e.g. Germany). Undocumented migrants report experiencing higher levels of discriminatory treatment, generally. Research from Spain highlights this disparity: 31% of undocumented migrants reported discrimination, compared to 22% of non-EU citizens.<sup>194</sup> Specifically in connection to access to shelter, a recent study by Heriot-Watt University in the UK confirms a similar trend of "a homelessness system that, rather than compensating for existing inequalities, can actually reinforce them through poor outcomes and discriminatory treatment."<sup>195</sup> While comprehensive data on discrimination in public services specifically targeting undocumented migrants is scarce, the consistently high levels of discrimination against migrants more broadly<sup>196</sup> suggest that undocumented individuals face significantly greater barriers – including in accessing shelter.

Certain procedures for accepting migrants based on referral from social services or having previous contact with specific organisations also raised concerns about access (e.g. Belgium). Some of the persisting barriers — such as limiting shelter funding to people with a residence permit or conditioning their access to contact with certain services — may qualify as indirect discrimination as they are acting in the disadvantage of those with a certain characteristic, in this case people in irregular situations.

192 Women against Violence Europe (WAVE), country report 2019, [The Situation of Women's Specialist Support Services in Europe](#), p.35.

193 Centre for Legal Aid (CLA), 2021, [Advocacy guidance framework document: Accommodation as a prerequisite for implementing alternatives to detention](#).

194 Fundación FOESSA (Fomento de Estudios Sociales y Sociología Aplicada), 2023, [VULNERACIÓN DE DERECHOS: Las personas en situación administrativa irregular](#);

195 Fitzpatrick, S., Bramley, G., McIntyre, J., Ayed, N., Watts-Cobbe, B., 2025, [Race, Ethnicity and Homelessness in the UK: Final report of a knowledge and capacity building programme](#), Institute for Social Policy, Housing and Equalities Research; School of Energy, Geoscience, Infrastructure and Society.

196 FRA, 2024, [Fundamental Rights Report 2024](#).

## Fear of deportation and reporting obligations<sup>197</sup>

The constant threat of detection and deportation discourages many undocumented migrants to engage in any formal interactions, including seeking support from public services which could reveal their status. Instead, they will be pushed into less formal, more precarious, and transient living situations that do not require official documentation or checks.

Among countries surveyed, it has been reported that public shelters often check the administrative status of individuals accessing their services. On multiple occasions (18 answers), survey shelters reported being required to check documentation for allowing access. In 12 countries (Belgium, Bulgaria, Czech Republic, Finland, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Switzerland)<sup>198</sup> respondents highlighted that checks needed to be performed, in some cases the reasons were related to receiving state funding or identifying in which municipality or service the person has rights.<sup>199</sup> Depending on the type of shelter or internal rules, in some cases service providers will check people's status, as in Malta. In Ireland, checking people's administrative status is considered an efficient practice to deter undocumented migrants from accessing shelter. In the UK, it is observed that there is much confusion and fear among service providers, creating a culture of suspicion due to the effects of the previous official governmental 'hostile environment' policy.

Paragraph 3 of the Danish Social Services Act limits the users of public shelters to "Any person who is lawfully staying in Denmark (...)"<sup>200</sup> While lawyers have contested the legal basis of such a condition, in practice shelters will conduct checks due to

uncertainty but also because of reimbursement conditions to accept beneficiaries with a social security number.<sup>201</sup>

Access to public shelters in such contexts may become contingent on the willingness of and on rights awareness among staff at shelters. Given the high levels of discrimination against migrants in general, this discretionary access further reduces chances for undocumented people to access shelter, giving way to further exclusion.

### Reporting obligations

Currently, there is no comprehensive overview of legal reporting obligations of immigration enforcement authorities across Europe, but some country level practices have been well documented.<sup>202</sup> Notably, Germany has maintained reporting obligations for all public sector workers and offices, with exceptions for schools and other educational and care establishments.<sup>203</sup>

In practice, significant variations and grey zones exist where reporting is not mandated but can happen due to institutional practices or political pressure. As part of our survey, organisations in Albania and the UK shared knowledge of cases where service providers have reported undocumented people or families to migration enforcement services, despite not being required. In Finland, where it would be against the law on handling client information in social and health services to report such data, at least one case exists where a school has reported an undocumented family.<sup>204</sup>

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197 Reporting obligations are laws or policies that require public authorities and service providers, such as healthcare workers, teachers, and social service employees, to report undocumented migrants to the public authority responsible for migration control, which might include police, border guards, immigration offices. Thus, 'reporting' refers to the act of sharing a person's personal data, particularly their residence status, with the authorities responsible for migration control.

198 In the case of Spain, for shelters it is not necessary; it depends on the accessed service. Although in many publicly funded programmes it is impossible to support undocumented persons, which in practice is as if there is a legal obligation.

199 A difference is to be made here between government/municipal services and those run by NGOs, where administrative/residence status would not be checked. The fact that undocumented individuals rely on NGOs rather than public shelters (explored in a separate section of this report) is often also due to a fear of deportation.

200 Ministry of Social Affairs and the Interior of Denmark, file no. 2015- 4958, 2015, [Consolidation Act on Social Services](#), paragraph 3 quoted in FEANTSA Magazine, 2019, [The state of emergency shelters in Denmark](#).

201 Jylland Posten, 26 July 2024, [Udenlandske hjemløse uden cpr-nummer bliver afvist på danske herberger](#), [checked on 23 October 2025]

202 Read more about the situation with reporting obligations on PICUM's website: [Reporting obligations and 'firewalls'](#).

203 As established by paragraph 87 of the German Residence Act; to learn more about the situation in Germany, read PICUM's [blog](#).

204 Finland's legislation on handling client information in social and health services is primarily governed by the Act on the Processing of Client Data in Healthcare and Social Welfare (703/2023), also known as the Client Data Act.

In six countries involved in the survey (Belgium, Bulgaria, Germany, Italy, Switzerland, Czech Republic)<sup>205</sup> respondents indicated that service providers who assist undocumented migrants would suffer legal consequences. Additionally, worrying changes have been recently seen in the Netherlands where the lower house of the Dutch Parliament approved a clause in legislation criminalising undocumented migrants and humanitarian assistance, though in September 2025, the Minister for Asylum and Migration confirmed that the law will be redrafted to ensure humanitarian aid is not criminalised.<sup>206</sup> In Bulgaria, a criminal sanction is applied according to Article 281 of the Criminal Code, according to which: "Anyone who, for the purpose of gaining a material benefit for himself/herself or for another person, unlawfully assists a foreigner to reside in or go across Bulgaria in violation of the law shall be punished by imprisonment for up to five years and a fine from BGN 3,000 to 10,000."<sup>207</sup> Sanctions apply to private services in the UK if they receive government funding, while in Ireland funding restrictions may apply when assisting undocumented migrants.

Only a few state-owned homelessness shelters accept undocumented migrants, as confirmed through our survey as well as through previous research.<sup>208</sup> Under a 'tolerated stay', either formal or de facto,

some access to public accommodation is granted for specific categories of undocumented migrants whose return has been suspended. Limited protection for housing and social assistance is somewhat foreseen in an indirect way for vulnerable persons under the EU Return Directive 2008/115 (Article 14).<sup>209</sup> However, since this type of protection is not defined, support is left at the discretion of member states. Some EU countries do provide accommodation in these cases, usually in the form of collective accommodation centres, such as facilities shared with asylum seekers. In Finland or Sweden, at least until 2011, migrants who could not be returned had a temporary residence permit and were provided accommodation in facilities for people facing homelessness (in Finland), or in accommodation services for migrants (in Sweden).<sup>210</sup> In Portugal, migrants who have 'tolerated' stay could benefit from social assistance including accommodation, as well as in Spain, where it was only required to register with the municipality. However, in other countries such as Greece, Romania, or Slovakia, migrants may be 'tolerated'<sup>211</sup> but without the right to access accommodation or housing. In Italy, Latvia, or Ireland, migrants who are not removed are not granted with a 'tolerated' status (allowing for temporary authorisation to stay) nor with accommodation.

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205 Some countries have introduced humanitarian exceptions according to which humanitarian actors are not prosecuted generally, but this poses several problems as it is not applied in practice or does not apply to accommodation providers, for more details access International Commission of Jurists, 2022, [Criminalization of humanitarian and other support and assistance to migrants and the defence of their human rights in the EU Briefing paper](#).

206 NL Times, 8 September 2025, [Dutch minister rewrites bill: Helping undocumented migrants not a crime](#) [checked on 23 October 2025]

207 Bulgaria, Criminal Code, Art. 281, para. 1-2. See United Nations Office on Drugs and Crime (UNODC) – SHERLOC database, ["Articles 280-281 – Smuggling of Migrants"](#).

208 FRA, 2011, [Fundamental rights of migrants in an irregular situation in the European Union](#).

209 Ibid.

210 Ibid.

211 Ibid.



## Criminalisation and safeguards

The criminalisation of migration, as well as the lack of safeguards or 'firewalls'<sup>212</sup> in services to cover basic needs, have been identified as key factors leading to the extreme social exclusion of undocumented migrants. As underlined by the answers to our survey, the fear of being detected or removed, be it real or perceived, discourages people to seek assistance in housing, healthcare or education. Far from being disconnected from migration procedures, social exclusion is increasingly used as an additional instrument of migration policy, by establishing restrictions in a wide range of public services, e. g., education, healthcare or public housing.<sup>213</sup>

The criminalisation of help to migrants, including shelter, has been signalled as a globally increasing issue by the UN Special Rapporteur on Human Rights of Migrants.<sup>214</sup> Across Europe, this trend has been confirmed by PICUM monitoring activities - in 2023, PICUM recorded 19 cases in which human rights defenders were criminalised for providing shelter to migrants.<sup>215</sup> In 2022, the International Commission of Jurists called for EU member states to "take effective measures to ensure that civil society organisations can do their work **without undue interference** by the Member States, including where these organisations provide legal assistance, food, shelter, water, health care or other assistance to migrants in order to protect their human rights (...)." <sup>216</sup> Nonetheless, a worrying trend in the opposite direction is being witnessed in current policy changes across Europe.

As also explained in previous chapters, under the EU Facilitation Directive, several European countries criminalise or penalise support for undocumented migrants. The directive obliges EU states to criminalise the facilitation of irregular entry, transit, or stay, but leaves it optional to exempt support for humanitarian reasons. While some countries implement this exemption, many ignore it and continue to punish even non-profit and humanitarian aid.

Mandatory reporting requirements or database sharing with migration enforcement authorities are a typical example of the lack of firewalls. Safeguards or firewalls have the goal of ensuring that immigration enforcement authorities cannot access information on the immigration status of individuals who use services such as medical facilities, schools, or other social institutions. They also ensure the same services do not have an obligation to report information on the immigration status of their users to migration authorities. Firewalls create a safe environment for migrants to be able to access their basic rights and for service providers to operate free from external pressures, focusing on their original goal (promote health, offer education, etc.). Such safeguards are not only beneficial for migrants themselves, but for society at large in terms of securing law and order (reporting crimes), improving public health or advancing workers' rights that will benefit all workforce, regardless of immigration status.<sup>217</sup> The European Commission against Racism and Intolerance (ECRI) confirms the importance of such measures "to ensure the fundamental human rights of irregularly present migrants in fields such as education, health care, housing, social security and assistance, labour protection and justice" and calls for the creation of effective measures ("firewalls").<sup>218</sup>

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212 A 'firewall' separates immigration enforcement activities from public service provision and systems, such as healthcare, education, social welfare, labour inspection, or justice. Firewalls ensure that individuals can access these services and interact with competent authorities without fear of migration-related repercussions, such as arrest, detention, or deportation.

213 Vosyliūtė, L. & Joki, A-L., 2018, RESOMA discussion brief: [INTEGRATION. The social inclusion of undocumented migrants](#).

214 United Nations Special Rapporteur, 2020, [Right to freedom of association of migrants and their defenders](#), report A/HRC/44/42 para. 69.

215 PICUM, 2024, [Criminalisation of migration and solidarity in the EU](#) and PICUM, 2023, [Cases of criminalisation of migration and solidarity in the EU in 2023](#).

216 International Commission of Jurists, 2022, [Criminalization of humanitarian and other support and assistance to migrants and the defence of their human rights in the EU Briefing paper](#).

217 Crépeau, F., & Hastie, B., 2015, [The Case for 'Firewall' Protections for Irregular Migrants](#). European Journal of Migration and Law, 17(2-3), 157-183.

218 Council of Europe, 2024, [Sixth ECRI Report on Malta](#).

The presence of safeguarding measures is still far from being the norm in Europe, though some promising practices exist.<sup>219</sup> The lack of firewall measures has a significant impact in cases where undocumented migrants are victims of crimes,

including gender-based violence, since they will be less likely to report them. As a consequence, the set of protective measures and services that is normally granted to victims of crimes will not be available for undocumented migrants.



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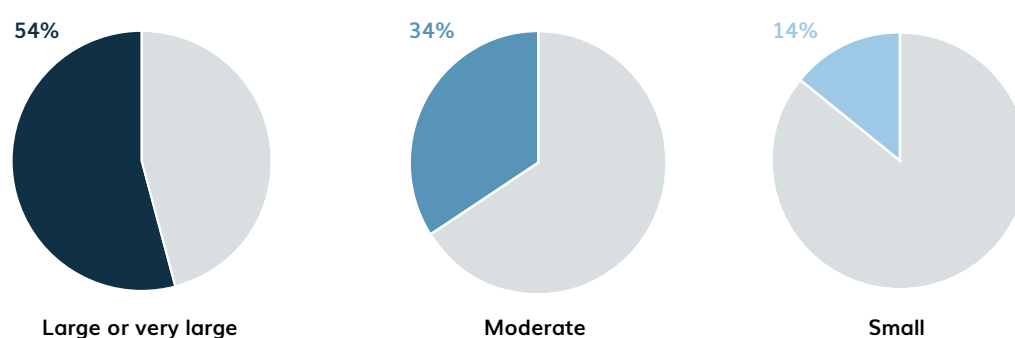
219 PICUM, 2025, [Where do firewall policies exist?](#).

## The reliance on NGOs and voluntary organisations to cover housing needs

Given the highly restricted access to publicly funded shelters across Europe, the reliance on non-governmental organisations in the case of

undocumented migrants, including children, families, and young people, becomes extremely important.

**Figure 5.** “To what extent do undocumented migrants, especially children, families, and young people, rely on NGOs and other organisations for housing and shelter needs in your city/country?”



Source: PICUM/FEANTSA members' survey, multiple choice, 35 respondents.

In Belgium, support from NGOs is considered a last resort, accessed out of the fear of encountering legal consequences that could lead to deportation when accessing other (public) services. Finnish religious organisations, such as the Lutheran parishes, may offer apartments for a small number of undocumented migrants. Church-based organisations also play a role in Malta, financed by either public or private funds; the Young Men's Christian Association supports undocumented migrants with shelter. In Greece, undocumented migrants rely on NGOs to a very large extent, since they are not allowed to access the private rental market or the municipal shelters due to their administrative status.

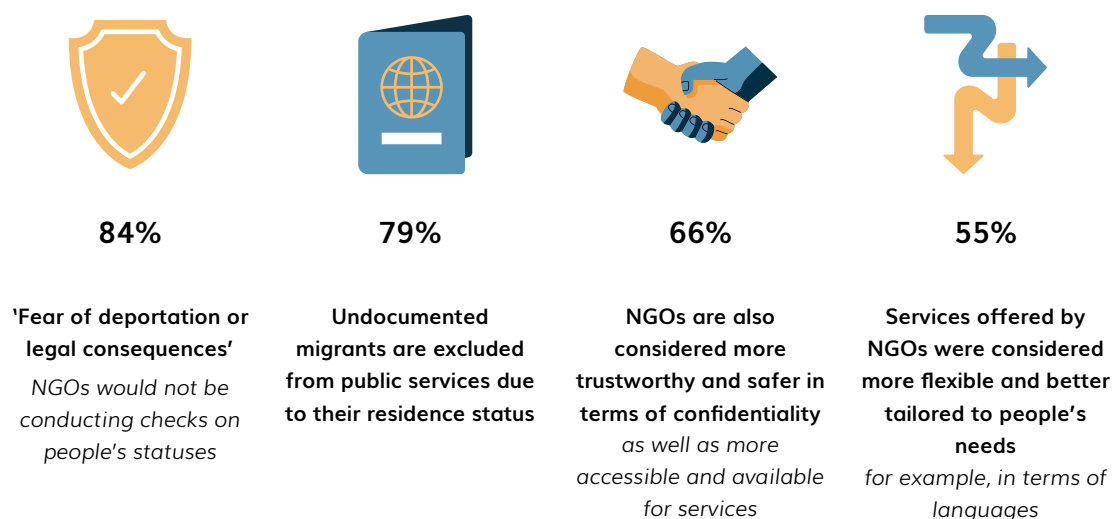
NGOs often work with an integrated approach and organise support beyond shelter provision. In Andalucía (Spain), some NGOs act as a guarantor for migrants renting in the private market. In Germany, community centres and religious organisations often provide temporary housing assistance and are intermediaries in finding landlords who are willing to rent to undocumented tenants. In Austria, civil society organisations step in to cover for gaps in municipalities' services with vital accommodation and services, where people can usually reside for several years while they work on follow up solutions.<sup>220</sup>

220 Homberger, A., Güntner, S., 2022, [Responses to Migrants with Precarious Status in Vienna: Frames, Strategies and Evolving Practices](#), Local Responses to Migrants with Precarious Status (LoReMi).

Survey respondents in Bulgaria, Cyprus, and Switzerland indicated that to their knowledge, there is no shelter provision for undocumented migrants neither from the state nor from NGOs in their respective countries. Undocumented migrants in these countries therefore need to find solutions on their own, such as self-made accommodation in unfit dwellings, couch-surfing, or relying on migrant

communities. Some will inevitably end up sleeping on the streets. These precarious solutions that only exacerbate the vulnerability and social exclusion of undocumented migrants are analysed in a separate section of this report.

**Figure 6.** “Why do you think or see that undocumented migrants, especially children, families, or young people, tend to seek assistance from NGOs rather than public services?”



Source: PICUM/FEANTSA members' survey, multiple choice, 38 respondents.







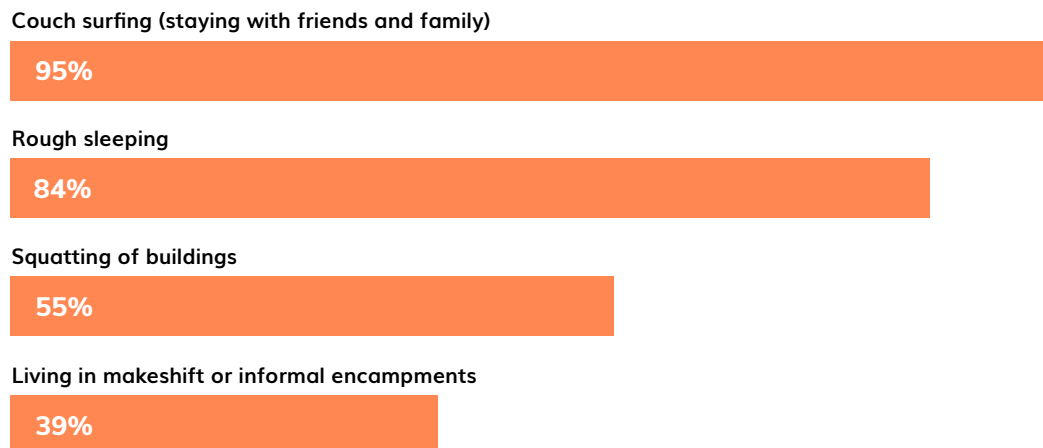
# Self-made housing solutions and survival strategies

As discussed in previous chapters, undocumented migrants often find themselves excluded from formal housing markets as well as from accessing public shelters due to a series of overlapping challenges such as legal and administrative barriers, lack of affordable, safe housing or shelters,

lack of regularisation pathways, and persistent discrimination. As a result, many resort to self-organised or alternative living arrangements, relying on informal networks, squatting, or establishing informal settlements. Very often, undocumented migrants will also be forced into rough sleeping.

## Alternative housing solutions

**Figure 7. "What are the alternative solutions sought by the undocumented people you work with who face housing exclusion?"**



Source: PICUM/FEANTSA members' survey, multiple choice, 44 respondents.

## Social networks and community support

A critical survival strategy involves relying on social (personal) networks, including friends, relatives, religious and diaspora communities. For newcomers, these networks are often important lifelines, providing not just housing but also emotional reassurance, local knowledge, and access to informal job opportunities. In the Netherlands, respondents noted how undocumented migrants rely on such social ties to find a place to stay. Similarly, respondents from

Spain highlighted how newly arrived or precariously housed migrants often depend on their communities for initial support and stability.

However, as housing demand grows, such solutions frequently lead to overcrowding and/or overstrained support networks. Over time, the repeated demand placed on social networks leads to resource exhaustion and depletion of goodwill, making temporary stays with relatives, friends or other networks unviable in the long-term. These solutions

also generally depend on people's social capital,<sup>221</sup> meaning that some migrants will have a stronger network, or easier access to these networks than others.<sup>222</sup>

'Pioneer' migrants, typically men who migrate alone without prior social or family links, often arrive without support, making them especially prone to destitution or homelessness, in contrast to women who more frequently engage in pre-planned, family-linked migration.<sup>223</sup> Additionally, families face greater difficulty in securing accommodation through hosting arrangements compared to single migrants. In some cases, hosts who belong to migrant communities might refuse to give shelter to undocumented people, fearing legal repercussions such as losing their residence permits.<sup>224</sup>

Dependency on social, informal networks can also make people vulnerable to harm. In worst case scenarios, power imbalances in these informal settings can lead to exploitation or abuse of guests by hosts during these arrangements, as shared by some of the respondents:

*"[M]any couch surf with friends, however the general feeling is that this is precarious and can lead to abusive behaviour of those "friends", taking their belongings as payment and the like." (Respondent in Malta)*

In addition, some organisations facilitate community-hosting initiatives, connecting undocumented people with willing hosts and providing vetting and support. In France, the citizen-led organisation Utopia 56, initially established in 2015 to support refugees in the "Calais Jungle"<sup>225</sup> and then shifting its focus after the camp's dismantling in 2016, has since offered critical housing solutions for undocumented people, including emergency shelter in private homes. In 2017, Utopia 56 launched its first citizen-led accommodation initiative in Tours, which by 2024 had sheltered over 1,700 unaccompanied children.<sup>226</sup>

## Rough sleeping

Rough sleeping involves sleeping in public spaces or places that are not meant for human habitation, such as streets, parks or other outdoor or precarious environments, and stands out as one of the most visible forms of homelessness.

According to a 2024 census of homeless people in Brussels, there was a 20% increase in the number of rough sleepers compared to the previous count in 2022.<sup>227</sup> Among the total 9,777 individuals without a fixed dwelling, approximately 1,000 people were observed sleeping in public places such as streets, parks, or train stations.<sup>228</sup> In a 2024 study investigating the profiles of people without a residence permit and without housing, particularly in the Brussels capital region, Bruss'help found that undocumented migrants remain disproportionately

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221 Social capital refers to the resources available to individuals through their social networks. It can be divided into social support, which refers to resources provided by strong social ties (typically within family, close friends, community groups) and social leverage, which refers to resources that migrants can access through weaker social ties (friends of friends, distant acquaintances, members of extended networks outside their immediate circles). van Meeteren, M., 2014, [Striving for a Better Position: Aspirations and the role of economic, cultural and social capital](#). In *Irregular Migrants in Belgium and the Netherlands: Aspirations and Incorporation* (pp. 183–200). Amsterdam University Press.

222 Bouillon, F., 2003, [Des migrants et des squats : précarités et résistances aux marges de la ville](#). *Revue européenne des migrations internationales*, 19(2), 3-3.

223 De La Maza Díaz, J. M., & Leerkes, A., 2024, [No heaven but no longer hell? Tales of criminal victimization and shelter among irregular migrant men](#). *International Review of Victimology*, 30(3), 521-538.

224 Jauhainen, J.S., Tedeschi, M., 2021, [Undocumented Migrants' Everyday Lives in Finland](#). In: *Undocumented Migrants and their Everyday Lives*, IMISCOE Research Series, Springer, Cham.

225 The region has long been host to both formal and informal migrant encampments. Notably, the area known as the "Calais Jungle" (officially named Camp de la Lande) was established on a former landfill site in January 2015 and remained until its dismantling in October 2016. Despite the removal of the camp in late 2016, informal encampments of migrants continue to arise in the region.

226 Utopia 56, [Nos Maisons](#), Tours, webpage. An overview of Utopia 56's work can also be found in PICUM, 2024, [Stepping up: A collection of projects and practices helping migrant children transition into adulthood](#).

227 BECI Community, 2025, 10.000 homeless people: ["Brussels can't thrive when it's trying to survive"](#).

228 Bruss'help, Rapport Préliminaire - Huitième édition, 2024, [Dénombrement des personnes sans chez-soi en Région de Bruxelles-Capital](#).

represented across ETHOS Light<sup>229</sup> categories 1 (rough sleeping), 2 (emergency centres) and 5 (non-conventional housing), compared to the broader surveyed population. Of this group, for those whose ETHOS category on the night of the count was unclassified, the study found that in the preceding fortnight the most frequent places they stayed were with third parties (34 times), on the street or in a railway or subway station (20 times) or in an emergency shelter (8 times).<sup>230</sup>

Finland is often held up as a global example in homelessness policy: since adopting the Housing First model in 2008, it has achieved a remarkable reduction in chronic and long-term homelessness year after year.<sup>231</sup> However, after eleven consecutive years of decline, homelessness rose again in early 2025.<sup>232</sup> Respondents from Finland explained that although rare, some undocumented people resort to rough sleeping during warmer months, sleeping in tents, cars or other outdoor locations. Some lack access or exposure to municipal health or daycentres, and others are cautious of emergency shelters due to lack of security and the limited stay. Rough sleeping tends to be brief, tucked away, and mostly among adults. Undocumented migrant families with children generally live in a more stable housing either in private accommodation or at day centres.<sup>233</sup>

Respondents from Sweden also reported some undocumented individuals who had been forced to sleep on the streets when no other options are available. In Sweden, adults whose asylum applications have been denied lose entitlements to housing support. Previously, they could rely on emergency assistance from the municipality where they resided but following a recent decision by the Supreme Administrative Court, municipalities are not responsible or obliged to provide such assistance to individuals remaining in Sweden after receiving an expulsion order.<sup>234</sup> Currently, municipal emergency shelters for people sleeping rough have no obligation to give space to undocumented migrants, although sometimes they still do, at their own discretion.

In Greece, sleeping in busy streets and squares was reported as a way to feel safer, as people try to avoid risks of sleeping in more secluded areas. In Spain, respondents reported that some undocumented women, particularly without children, sleep at airports for shelter,<sup>235</sup> seeking both security and a controlled environment. This is the case for hundreds of people — approximately 300-400 according to a private census — who since early 2025 have camped in Madrid-Barajas airport.<sup>236</sup>

Rough sleeping is usually intermittent, alternating with other forms of survival strategies. In the Netherlands, as in many other member states, basic protections such as housing support are withdrawn after a failed asylum application and rejected asylum seekers often rely on periods of short-term shelter or the goodwill of friends. Once such arrangements end, they might end up spending some nights sleeping rough.<sup>237</sup>

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229 ETHOS Light is the simplified version of the ETHOS typology, developed for statistical purposes. ETHOS Light consists of six categories: people living rough, people in emergency accommodation, people accommodation for the homeless, people living in institutions, people living in non-conventional dwellings due to lack of housing, people living temporarily with family and friends due to lack of housing. [ETHOS Light, European Typology of Homelessness and Housing Exclusion](#).

230 Bruss'help, 2024, [Les profils des personnes sans-abri et sans titre de séjour](#), p.15. The full data by ETHOS Category has yet to be released.

231 World Habitat, 5 April 2023, [Helsinki is still leading the way in ending homelessness – but how are they doing it?](#), [checked on 1 November 2025].

232 Y-Säätiö, 10 February 2025, [Homelessness on the Rise in Finland](#), [checked on 1 November 2025].

233 Jauhainen, J.S., Tedeschi, M., 2021, [Undocumented Migrants' Everyday Lives in Finland](#). In: [Undocumented Migrants and their Everyday Lives](#), IMISCOE Research Series, Springer, Cham. P.100.

234 Giansanti, E., Lindberg, A., & Joormann, M., 2022, [The status of homelessness: Access to housing for asylum-seeking migrants as an instrument of migration control in Italy and Sweden](#). *Critical Social Policy*, 42(4), 586-606.

235 El Salto, 28 May 2025, [El cierre nocturno de Barajas deja sin refugio a las personas sintecho](#), [checked on 1 November 2025].

236 AP News, 17 May 2025, [In Spain, a homelessness crisis unfolds in Madrid's airport](#), [checked on 4 August 2025]

237 Dubow T. and Kuschminder K, 2022, [Despite Enforced Destitution, Refused Afghan Asylum-Seekers Continue to Resist Return](#), *Geopolitics*, Volume 28, Number 3, 27 May 2023, pp. 1057-1078(22).

## Informal settlements

Establishing or moving to informal settlements or makeshift encampments is another solution where formal housing remains inaccessible. Spanish organisation Fundación Cepaim estimates that 76% of the migrants they support live in informal settlements or unconventional buildings. Thanks to their direct work in these settlements, Fundación Cepaim highlights issues like invisibility and isolation, limited access to public services, transportation, healthcare and employment opportunities, lack of electricity, running water, sewage and waste collection, and health hazards.

Well-known examples can be found in southern Spain, particularly in the provinces of Almería and Huelva, as well as in large cities like Madrid and Barcelona.<sup>238</sup> These communities have been largely composed of Sub-Saharan African and Moroccan agricultural workers since the 1990s, because these groups have been systematically excluded from formal housing markets due to landlord discrimination, undocumented status, housing loss, and housing unaffordability. The conditions in the settlements are inadequate and became even more dire during the COVID-19 pandemic, when the lack of infrastructure, including hygiene facilities and safe shelter, compounded existing vulnerabilities.<sup>239</sup>

Insecurity is often highlighted as one of the main issues residents face and can take many forms including lack of security in the maintenance of housing, risks of facing power cuts, unstable income, and uncertainty due to their irregular residence status.<sup>240</sup> Life in these settlements can be particularly challenging for women, whose presence there has increased in the last few years, and who often face additional hardships compared to their male counterparts, including exacerbating feelings of insecurity and isolation.<sup>241</sup>

Other examples come from Southern Italy, where undocumented workers in places like Campobello di Mazara have established self-managed tent settlements around abandoned buildings, organising communal support systems for basic services. These settlements, often born out of necessity, are inhabited by migrant agricultural workers who are excluded from formal housing markets and social services.<sup>242</sup> In Campobello, what started as a collection of tents around an abandoned ruin in the 2010s eventually grew into a more organised community, where residents provided each other with basic needs like water, electricity, and food, and shared responsibilities like building shelter. The lack of formal recognition means that residents live in constant uncertainty and are vulnerable to eviction and police raids.<sup>243</sup>

## Occupation of buildings

Squatting, which involves occupying vacant or abandoned buildings, sometimes with the support of and along with local communities engaged in broader urban justice struggles, is another strategy employed by undocumented migrants in the absence of formal housing options. This practice serves both as a survival strategy and a form of resistance against the invisibility which repressive migration regimes push undocumented people into, as squatters inhabit urban spaces outside the systems maintained by decision-makers and urban planners.

In Belgium, and Brussels in particular, squats have long provided shelter. Ethnographic research on informal housing infrastructures for undocumented people in Brussels has traced how undocumented squatters and their allies collaboratively create and maintain these spaces in the city, embodying

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238 Fundación Cepaim, 2020, [Rompiendo con la invisibilidad de las mujeres sin hogar Perfil y situación social de las mujeres en asentamientos informales en España](#).

239 Friedrich Ebert Stiftung, 20 October 2020, [Migrant women in informal settlements in Spain](#).

240 Provivienda, 2022, [Discriminación racial en el ámbito de la vivienda y los asentamientos informales](#).

241 Plaza Del Pino, F. J., Muñoz Lucena, L., Azougagh, N., Gómez Haro, A., Álvarez Puga, B., Navarro-Prado, S., & Cabezon-Fernández, M. J., 2023, [Migrant Women in Shantytowns in Southern Spain: A Qualitative Study](#). International journal of environmental research and public health, 20(8), 5524.

242 InfoMigrants, 7 October 2017, [Between olive groves and 'no man's land': Migrant workers in western Sicily](#), [checked on 1 November 2025].

243 Fondazione Studio Rizoma, 24 May 2024, [This is my home : reconstruction of an informal settlement](#), [checked on 1 November 2025].

subversive humanitarian practices.<sup>244</sup>

Squatting not only provides shelter but also fosters mutual support and a sense of community among residents, as seen in some high-profile cases. "We Are Here" is an undocumented migrants' collective in the Netherlands founded in September 2012, when a group of undocumented migrants occupied an empty church (the Vluchtkerk) in Amsterdam's Bos en Lommer neighbourhood.<sup>245</sup> The group, along with supporters, mobilised and gained visibility by squatting more buildings across the city, including a hospital and a school. Subsequent negotiations between the residents and municipal staff contributed to Amsterdam's commitment to a 24/7 shelter initiative in 2018.<sup>246</sup>

Another example comes from Greece, where in 2016, activists and migrants transformed the abandoned City Plaza Hotel in Athens into a self-organised shelter, offering safe and dignified accommodation for migrants, under the principles of solidarity and mutual care.<sup>247</sup> City Plaza served as a hub for political and social activism advocating for migrants' rights, before being shut down under a wider crackdown

against migrant squats in Athens in 2019.<sup>248</sup>

### Other arrangements

Respondents described additional informal arrangements including temporary and mobile housing solutions, such as sleeping in trailers or RVs. For example, survey respondents from Finland mentioned informal work arrangements or monetary compensation for temporary shelter in overcrowded flats where people pay for a bed or a mattress. Undocumented people sleeping in workplaces was also reported in Sweden.

Situations where undocumented people face exploitation in exchange for shelter were also presented by several respondents, including sexual exploitation or reliance on exploitative labour practices. For example, accessing a place to sleep through monetary compensation, informal work, or sexual acts was reported in Finland, Ireland, and Greece. In these cases, undocumented migrants are forced into transactional relationships in order to secure housing that is inherently exploitative.

## Hostile policies and criminalisation of homelessness

Undocumented migrants are caught in a vicious cycle where the lack of access to formal housing and shelter intersects with increasingly punitive measures criminalising the very acts they rely on for survival, such as rough sleeping and squatting. These survival strategies have become punishable under national laws in several member states, including Belgium, Denmark, France, and Hungary, usually under the guise of maintaining public order and security.<sup>249</sup>

These policies exacerbate the socio-economic vulnerabilities they purport to address, trapping the people affected in deepening cycles of exclusion. The UN Special Rapporteur on Adequate Housing has condemned laws and policies that criminalise homelessness as they exacerbate existing vulnerabilities, reinforce social exclusion, and do not constitute a rational or proportionate response to enhancing public order and safety.<sup>250</sup>

244 For more, read Oubad I., 2024, [Squatting in solidarity': negotiating solidarity politics and social becoming among \(un\) documented squatters and citizen-led initiatives in Brussels](#), European Research Council, SOLROUTES project.

245 Wij Zijn Hier (We Are Here) Website, [Over Ons/About Us](#), For more information, read Wij Zijn Hier, [Squatting and the undocumented migrants' struggle in the Netherlands](#), accessed on 1 November 2025.

246 Moving Cities, [Amsterdam's support for non-documented migrants](#), accessed on 1 November 2025.

247 For more information, read Open Migration, 31 May 2017, [One year at City Plaza in Athens / Open Migration](#). [checked on 1 November 2025].

248 Politico, 29 August 2019, [New Greek government cracks down on migrant squats](#). [checked on 1 November 2025].

249 For a detailed analysis, read Fondation Abbé Pierre, FEANTSA, and Avocats Sans Frontières (ASF), 2024, [Policy Brief: Ending the Criminalisation of Homelessness in Europe](#).

250 United Nations Human Rights Council, Special Rapporteur on Extreme Poverty and Human Rights & Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, 2024, [Breaking the cycle: Ending the criminalization of homelessness and poverty](#) A/HRC/56/61/Add.3



Laws specifically targeting undocumented migrants sleeping rough highlight the intersection of criminalisation of both homelessness and migration. In 2020, the UK introduced the "rough sleeping rule" which allows migration authorities to refuse or cancel a non-UK national's permission to stay if they are found rough sleeping, if the individual has "repeatedly refused suitable offers of support" and "engaged in persistent anti-social behaviour."<sup>251</sup> Local councils and civil society organisations have

criticised the rule for deterring vulnerable people from accessing help.<sup>252</sup>

In the case of migrant communities, the enforcement of hostile policies against homelessness is usually accompanied by excessive violence and arrests, demonstrating the increasing stigmatisation and criminalisation of both homelessness and migration across Europe.

## Case studies of evictions targeting migrants

### France

Evictions of informal settlements have been a recurring phenomenon in France<sup>253</sup> and in the case of spaces inhabited by migrants, they have been particularly violent. In November 2020, police forcibly dismantled informal migrant encampments in Saint Denis<sup>254</sup> and Place de la République in Paris in the early morning hours, tearing down shelters and using tear gas and batons.<sup>255</sup> Further, a policy of "zero settlement points" has been systematically enforced along France's northern coastline (Calais). This policy is designed to dismantle informal settlements, destroy makeshift shelters, and deter humanitarian aid, leaving already vulnerable migrants in a dire situation. French police regularly destroy these settlements and evict inhabitants, often violently and without offering any alternative place to stay.<sup>256</sup> In 2021, over 1,200 evictions were recorded in Calais, averaging several per day, with just 1-1.2% of affected individuals offered shelter.<sup>257</sup> A 2024 Council of Europe delegation reported on the situation in Calais documenting how 4,000 migrants, including children, live under perilous conditions, enduring routine police raids, destroyed shelter, and no alternative housing.<sup>258</sup>

In 2023, France enacted the "Kasbarian-Berge" law targeting all forms of unauthorised occupations of housing and buildings. The new statute imposes up to three years in prison and 45,000 euros for squatting in residential properties, and up to two years imprisonment and 30,000 euros for squatting in non-residential or commercial buildings.<sup>259</sup> It also criminalised incitement to squat, including public or online encouragement and introduced faster eviction procedures enabling authorities to

251 Public Interest Law Centre, 2021, [Understanding the new immigration rule targeting non-UK-national rough sleepers: Information sheet – June 2021 update](#).

252 Cromarty H., 22 December 2020, [Rough sleeping immigration rule: Who does it affect and how?](#), House of Commons Library Insight [checked on 1 November 2025].

253 Fondation Abbé Pierre, Médecins du Monde and others, 2019, [Note d'analyse détaillée : Observatoire des expulsions de lieux de vie informels, 1er novembre 2018 – 31 octobre 2019](#).

254 European Council on Refugees and Exiles (ECRE), ECRE Weekly Bulletin, 20 November 2020, [France: Dismantling of Makeshift Camp Home to 2,400 People Adds to 'Endless and Destructive Cycle'](#).

255 BBC News, 24 November 2020, [Paris police in 'shocking' clash at migrant camp](#) [checked on 1 November 2025].

256 Project Play, 2020, [Evictions: Practices that violate children's rights on the Franco-British border](#).

257 InfoMigrants, 7 June 2022, [En 2021, plus de 1 200 expulsions de campements ont été recensées à Calais](#) [checked on 1 November 2025].

258 Parliamentary Assembly of the Council of Europe, 2025, [The challenges and needs of public and private actors involved in migration management](#), Committee on Migration, Refugees and Displaced Persons.

259 Housing Rights Watch, 3 February 2023, [New Bill in France will Toughen Penalties on Squatting](#).

clear premises without judicial oversight.<sup>260</sup>

In Spring 2024, ahead of the Paris Olympics, authorities cleared several migrant squats, including large sites in Vitry-Sur-Seine and Ile-Saint-Denis, evicting hundreds and relocating them to other regions. Civil society organisations denounced these operations as "social cleansing", aimed at hiding vulnerable populations from tourists and international media.<sup>261</sup> In March 2025, police evacuated a theatre in Paris inhabited by more than 400 migrants, including children, while activists demonstrated against the eviction.<sup>262</sup>

## Belgium

In 2017, the Belgian government passed a law that criminalised squatting, punishable by imprisonment and fines.<sup>263</sup> This was a significant setback to increasing squatting initiatives in Brussels, directed to housing migrants in precarious situations, including those undocumented.<sup>264</sup> The law led to a shift from informal squats to negotiated occupations, which is squatting based on a special agreement with the public services. In 2018, Brussels documented 333 people living in negotiated squats.<sup>265</sup> Though the law was partially annulled by the Constitutional Court in 2020, the power to authorise evictions was transferred to examining magistrates in 2022, allowing for expedited and potentially unlawful evictions without due process.<sup>266</sup>

Throughout 2023, several large-scale evictions took place in Brussels, targeting individuals living in squats, many of whom were undocumented migrants.<sup>267</sup> In May 2024, police evicted around 30 migrant women and six children from the former Hotel Monty in Woluwe-Saint-Lambert, and approximately 40 others in Saint-Gilles.<sup>268</sup> Evictions continued in 2024 and 2025.<sup>269</sup> As these reports confirm, the crackdown on migrant squats has been accompanied by excessive use of force by the authorities, with arrests and physical assaults.

260 For a more comprehensive overview of the concerns over this legislation read Housing Rights Watch, 7 April 2023, [UN experts express concern to France over proposed anti-squatting law](#).

261 France24, 30 June 2024, [French authorities accused of 'social cleansing' of migrants and homeless before Paris Olympics](#). [checked on 1 November 2025].

262 Reuters, 18 March 2025, Police evict hundreds of migrants squatting in Paris theatre for months. [checked on 1 November 2025].

263 Ref-LI (Lex Iterata), 2017, [Loi relative à la pénétration, à l'occupation ou au séjour illégitimes dans le bien d'autrui](#), article 12., article 12.

264 Improvised refugee camps created in 2015 as a response to the "crisis" of the reception of asylum seekers in Brussels attracted migrants in various situations such as those without residency permits. For more, read Oubad, I, 2024, [Reception through Mobile Commons Disrupting Exclusion and Negotiating Solidarity Politics through Brussels' Squats](#), *Contesti. Città, Territori, Progetti*, 34 ( 1 ), 104–125.

265 Hermans K., Dyb E., Knutagård M., Novak-Zezula S., Trummer U., 2020, [Migration and Homelessness: Measuring the Intersections](#). 14. 13–34. Negotiated squats are temporary occupancies that are based on agreements between the Brussels Capital Region and the building owner.

266 Fondation Abbé Pierre, FEANTSA, and Avocats Sans Frontières (ASF), 2024, [Policy Brief: Ending the Criminalisation of Homelessness in Europe](#).

267 Ibid.

268 The Bulletin, 15 May 2024, [Women and children evicted from migrant squat](#) [checked on 1 November 2025].

269 The Brussels Times, 16 October 2024, [Sixty people threatened with eviction in Woluwe-Saint-Lambert](#). VRT NWS, 13 March 2025, [Up to 70 undocumented migrants, including children, evicted from Brussels squat](#). BRUZZ, 27 October 2025, [Zone Neutre: 'Geweld bij uitzetting Luchtvaartsquare was onevenredig, zeker 12 gewonden'](#) [all checked on 1 November 2025].

# Conclusions

A decent and safe home should not be a privilege tied to one's residence status. Undocumented migrants and their families across Europe are caught in a deeply rooted system of exclusion that affects every dimension of their access to housing. International, European, and EU legal norms provide a basis for their protection and key jurisprudence has progressively reinforced that the right to shelter extends to *all individuals*, regardless of residence status. Nonetheless, there is a persistent gap between these norms and the lived realities of undocumented people.

Homelessness among undocumented migrants in Europe is not accidental, but rather predictable, as it is shaped by exclusionary systems and policies. Undocumented migrants routinely face legal barriers, discriminatory practices, criminalisation of assistance, and administrative requirements they cannot fulfil. The lack of adequate housing perpetuates cycles of precariousness, exclusion, and marginalisation. These obstacles are compounded for families, children, and youth whose needs for stability, safety, development, and dignity intensify the harms of insecure or inadequate housing, as housing underpins access to health, education, family life, work, and social inclusion.

Living outside formal housing arrangements forces many undocumented people into informal or precarious survival strategies such as crowded shared homes, squatting, rough sleeping, or makeshift shelters - providing momentary respite but fraught with risks. These arrangements often lack basic safety, privacy, adequate living conditions, carry constant fear of detection or evictions, and they fail to provide the stability needed to rebuild one's life or support a family.

The European Commission and the EU member states have embarked on a commitment to end homelessness in Europe and have adopted policies and measures for this purpose at European and national level. To achieve this goal, the European Commission and member states must acknowledge that ending homelessness in Europe means ending homelessness for everyone. Only when access to housing and shelter is secured for everyone, regardless of residence status, will human dignity be upheld in practice and not in theory.

# Recommendations

## To EU institutions:

### Legislation

- Ensure housing is a fundamental right across the EU in practice and integrate it in EU-level frameworks, to ensure equal access to housing and shelters for marginalised population groups (including undocumented migrants) as well as lower rents, financial assistance or prioritisation in the political agenda, are addressed and actively pursued in member states.
- Decriminalise support, provision of services, and normal transactions (without undue profit) involving undocumented migrants in EU legislation and ensure consistency across member states.
  - Amend the Facilitation Directive to ensure that migrants and people acting in solidarity with them are not criminalised. In the context of the current revision process, we recommend, at a minimum, that the humanitarian-assistance exemption be made mandatory so that persons acting in solidarity with migrants are protected in all member states, and that facilitation of irregular entry, transit, or stay is only criminalised if there is an undue profit.

### Policy

- Ensure that policies and strategies aimed at combating poverty and homelessness in Europe take into account and target undocumented migrants, including families with children and unaccompanied children, who face unique barriers to secure housing due to their irregular residence status.
  - The EU Anti-Poverty Strategy should include all people experiencing homelessness, regardless of residence status, by addressing the intersections between irregular residence status and poverty. Access to essential services should be ensured for all, without discrimination based on migration or residence status.
- Mainstream social rights and inclusion of people with precarious or undocumented status across all EU policy areas. Ensure migration, social protection, housing, employment policies are coherent with the European Pillar of Social Rights (EPSR).
- Strengthen fundamental rights safeguards in EU funding and policy frameworks to ensure that migration enforcement does not undermine access to basic services, housing inclusion or redress against exploitation. Ensure that undocumented individuals can access housing without facing immigration enforcement consequences by [implementing data protection safeguards](#) to prevent service providers' data from being accessible or used for immigration enforcement purposes.

### EU Funding

- Ensure that EU-funded measures to eradicate poverty and social exclusion (such as under the European Social Fund+) post-2027 are accessible to all those in need, regardless of their residence status.

- Allocate and direct EU funds to inclusive housing/shelter programmes:
  - Leverage and direct EU funds (e.g. via the Action Plan on Integration and Inclusion 2021-2027, cohesion funds) to support inclusive housing/shelter programmes for marginalised groups, including undocumented migrants.
  - Provide targeted financial support for community-based projects aimed at assisting the most vulnerable migrants as part of the post-2027 Multiannual Financial Framework.

## To national governments

### Legislation

- Amend national legislation to recognise housing as a fundamental right for all and implement structural measures to address homelessness and housing precarity (such as lower rents, financial assistance, prioritisation mechanisms).
- Introduce and design regularisation measures that are accessible, transparent and inclusive: minimise bureaucratic hurdles, ensure free or affordable legal aid, accommodate people throughout the procedure, allow flexible documentation or evidence for eligibility. Review and (re)design regularisation mechanisms and any ongoing programmes with the [ten key elements](#) for fair and effective regularisation measures in mind, including that they are accessible for people experiencing rooflessness, houselessness or housing insecurity.
- Decriminalize renting to undocumented people, as this would protect undocumented people from falling victim to exploitative landlords, contribute to better housing conditions overall and ensure that national legislation is human rights compliant.

### Policy

- Scale up and invest in projects and services that combine a housing first approach with holistic case management that addresses the person's insecure residence status through, amongst others, regularisation, labour market integration and social protection access.
- Enforce "firewall" protections: ensure service providers (landlords, emergency shelters) do not act as immigration control agents, and end detection practices that require landlords/shelters to check residence status.
  - Ensure undocumented tenants' access to justice effectively tackles exploitation in the private housing sector. Undocumented tenants must be able to file complaints against unscrupulous landlords and avail of effective grievance mechanisms without fear of immigration enforcement.
- Eradicate policies that penalize people for sleeping rough or squatting and instead prioritize solutions that offer stability and security. Punitive measures to rough sleeping or informal housing do not address the root causes of housing exclusion but instead deepen the risks of exploitation and violence.
- Support and regulate community-led / solidarity housing initiatives: ensure national legal frameworks permit them, provide resources/support, and prevent them from being pushed into legal grey zones or criminalised.
- Provide multilingual information campaigns and service access so undocumented and marginalised persons know of their rights, tenancy laws, shelter access and available services.



### **To housing, shelter, and social actors**

- Provide comprehensive information on housing rights, tenancy laws, shelter access, and available services, disseminated in multiple languages, through community organisations, rights clinics, NGOs, local authorities, to ensure that undocumented migrants are aware of what protections and options exist.
- In shelters/housing provision, adopt practices that clearly separate residence-status checks from service access (i.e., maintain a firewall) so undocumented migrants are not deterred from accessing help.
- Coordinate with legal/labour rights organisations, local authorities and migrant-led groups to identify structural barriers (bureaucracy, documentation, discrimination) and design inclusive pathways out of housing exclusion.
- Engage with policy makers and local stakeholders to raise awareness on homelessness among migrants, including those with irregular status, in their communities, and to advocate for adequate, human rights-based responses.



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