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By email:

cc.

Diane Schmitt, Head of Cabinet, Directorate-General for Migration and Home Affairs
Inge Bernaerts, Head of Cabinet, Directorate-General Employment, Social Affairs, Skills and Labour Mobility

Brussels, 21 December 2017

Dear Mr Avramopoulos,

Dear Ms Thyssen,

We are non-profit Organisations that represent homeless and other service providers as well as organisations supporting migrants in administrative or economic precariousness. We are addressing this letter to you both because we are aware that many of the issues and recommendations we want to raise are cross-sectoral and need to be tackled through an effective cooperation of your services.

Immigrants make up a considerable proportion of the homeless people in several Member States. They often live in substandard and severely overcrowded housing or with no access to basic facilities; they might be rejected from shelters including emergency accommodation, due to limited capacity or because of their residence status. Homelessness often arises due to lack of regular and secure employment, which is exacerbated by discrimination on the housing market, lack of residence status, insufficient availability of accommodation in reception centres for asylum seekers, dependency on sustaining a relationship with a violent partner - particularly for women - and length of administrative procedures. Furthermore, the Dublin Regulation has an important responsibility in this situation, pushing people in need for international protection who undertake secondary movement into homelessness, which leads to ever-increasing saturation of the accommodation system.

Shelter and accommodation providers are facing growing pressure from the authorities to participate in return procedures. Several organisations have been asked, either implicitly or explicitly, to categorise people according to their administrative status. On the 12th of December, the French Government announced the introduction of a mechanism (Circular of 12/12/2017, INTK1721274J, *Examen des situations administratives dans l'hébergement d'urgence*) whereby mobile teams led by law enforcement would have access into emergency accommodation services to check the administrative status of migrants and take action if lack of residence status is determined. Such decisions go against the values and mission of the homelessness sector - and of social services as a whole - as well as risk contravening the legal framework for reception in countries where the principle of unconditional reception guarantees that a person's distress takes precedence over their administrative status, as is the case in France. This is also not compatible with social work principles that require a trust relationship between beneficiaries and social workers and pushes people away from homelessness services, forcing them to hide and put their lives in danger through rough sleeping. The French homelessness sector and other social service providers have unanimously condemned this development (Press Release Fondation Abbé Pierre, 18/12/2017, *Recensement des étrangers dans les centres d'hébergement : les associations saisissent le Défenseur des droits*)

Organisations are being asked to exclude irregularly residing migrants, including rejected asylum seekers, asylum seekers who undertake secondary movement, migrants in transit, children, or women victims of domestic violence who have fled the household. Many remain on European territory in a state of limbo since they will neither be returned due to a situation beyond their control, nor be regularised. This situation thus effectively leaves people in undignified situations, with no access to services, to social benefits, to the labour market and to the housing rental market. What would be needed instead are multi-agency emergency programs, funded by the state or municipal councils, negotiated in a way to provide social services to the persons in distress notwithstanding their status without fearing arrest or deportation.

Unfortunately, recent European Commission recommendation (of 7.3.2017 on making returns more effective when implementing the Directive 2008/115/EC) can be interpreted by Member States to encourage pressure on social services to facilitate return procedures. The recommendation to Member

States to increase the use of their resources to locate and apprehend irregularly residing third-country nationals and to coordinate actions with medical and social services is particularly problematic in this respect (Rec. 2b and 4).

We therefore urgently ask you to:

- Involve the homelessness sector and other relevant services to define their role in migrants' social inclusion and not in activities that jeopardise their solidarity and human rights principles, such as providing information that might lead service users to provide data that would lead to deportations or to refuse people who are residing irregularly.
- Call on Member States to guarantee access to basic services and facilities, regardless of administrative status. These basic services should include food, healthcare, accommodation and other homeless services, such as hygiene facilities, laundry and storage. National and local authorities must put the necessary financial and human resources at the disposal of organisations working with homeless people in order to enable them to work effectively with all people experiencing homelessness, including immigrants.
- Call on the Member States to protect organisations managing social and community health services as well as their employees, who should not be implicated in policies that compromise their principles of solidarity and respect for human rights. Those services cannot be subject to external checks concerning the profile of beneficiaries they are supporting.
- Ensure Member states do not automatically apply the Dublin Regulation without examining people's individual situation and considering their vulnerability, and develop a system that does not sanction people in need for international protection who undertake secondary movement.
- Design coherent and balanced migration policies that take into account all perspectives, particularly those of people who for several reasons might be irregularly residing in the EU and should be granted an administrative status. The administrative status of migrants who find themselves in a limbo situation where they cannot be returned due to a situation beyond their control should be regularised as quickly as possible.

We are confident that you support the right of all individuals to be treated in a humane and dignified way and that no service is prevented from guaranteeing humanitarian support.

We would appreciate to engage in dialogue with you on the issue and would be happy to arrange a meeting to further discuss these issues.

We thank you for your kind assistance in this matter and look forward to your response.

Yours sincerely,

Frederik Spinnewijn
Director
FEANTSA



On behalf of the following signatories:

Eric Yapoudjian, Chief Executive, Armée du Salut France

Dominique Manière, Chief Executive, Association des Cités du Secours Catholique (ACSC)

Jorge Nuño Mayer, Secretary General, Caritas Europa

Luk Zelderloo, Secretary General, European Association of Service Providers for Persons with Disabilities (EASPD)

Heather Roy, Secretary General, EURODIACONIA

Sébastien Cuny, Chief Executive, Fédération des Associations et des Acteurs pour la Promotion et l'Insertion par le Logement (FAPIL)

Florent Gueguen, Director, Fédération des Acteurs de la Solidarité

Christophe Robert, Executive Officer, Fondation Abbé Pierre

Médecins du Monde / Doctors of the World

Michele Levoy, Director, Platform for International Cooperation on Undocumented Migrants (PICUM)