



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

# Undocumented migrants: Access to housing, health and education

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# The antinomies of international migration

- Increasing awareness of the importance of migration for economic growth strategies.
- Transition from 'zero' to 'managed migration' policies.
- Increased complexity of migration schemes.
- Reduction of state capacity to manage this complexity.
- Consequent growth of undocumented migration.

# Characteristics of undocumented migrants

- Points of entry into irregular status diverse (smuggled and trafficked persons, unremovable refused asylum seekers, student and visitor overstayers, workers in breach of conditions, family breakdown, etc)
- Largely dependent for livelihoods on informal economy
- Under-utilisation of skills
- Absence of rights, and consequent vulnerability to abusive labour conditions

# Ambiguities of the undocumented migrant's position

- Function as a reserve army, allowing labour markets to operate flexibly
- Contribute to growth by providing low cost services in 'global city' environments
- Potentially removable at times of economic downturn
- Through regularisation programmes, also reducing adverse demographic effects – ageing population, reduced labour market participation rates, etc.

# Social conditions: 1) housing

- Housing is one of the facets of an “adequate standard of living” and as such is a human right (UDHR art. 25(1) and ICESCR art. 1(1)).
- The Convention on Migrant Workers Rights states: *Migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to [...] (d) Access to housing, including social housing schemes and protection against exploitation in respect of rents.*”
- Other international conventions relevant to housing include CEDAW (women art. 14(2)(h)); CRC (children, arts. 16.1 and 27.3) and CERD (art. 5 (e) (iii)).

# Protection in law

- Generally, the right to housing is one of the most developed ESC rights, with its constituents (non-discrimination in access, standards, rent protection, security of tenure) protected in law in most countries.
- Monitored through UN-Habitat.
- Global campaigns for secure tenure and urban governance.

## Enforcement of rights in respect of undocumented migrants

- Access to state-run housing schemes difficult because of residence status.
- Role of the NGO-run voluntary housing centre crucial in most countries.
- Mechanisms for providing housing aid will include providing tenancies (when managing properties); nominating to housing lists; actions against bad standard housing and high rents.

## Examples of housing work in supported of UDMs

- *Antwerp Minority Centre* (Belgium): Provides housing for 90 asylum-seeking families and advises on ways to obtain housing.
- *Unita Cittadini Seza Territorio* (Genova, Italy): Mediates on behalf of unaccompanied minors and provides temporary shelter.
- *Squat* (Vienna, Austria): Provides accommodation for refugees in its organised squats.
- *Projekt Illegalitat* (Germany): Church network committed to supporting UDMs. Churches and church members enrolled into providing assistance.
- *Red Acoge* (Spain): Federation of 25 organisations helping immigrants throughout Spain.

## PICUM's work

- See *Report on the Housing Situation of Undocumented Migrants in Six European Countries: Austria, Belgium, Germany, Italy, the Netherlands and Spain* March 2004

## Social conditions: 2) health care issues

- Art. 12(1) of ICESCR, amongst other sources for health care as a human right, at the “highest attainable standard.”
- Art. 28 ICMW requires health care “that is urgently required for the preservation of life or the avoidance of irreparable harm” to be provided on the basis of equality with citizens.

## Practical protection of health care rights

- Provision of health care increasingly dependent immigration status. Full-entitlement frequently only available to citizens and others with long-term residence status.
- Types of health care, even when urgently needed, such as psychological help, is often excluded from urgent services.

# Issues arising

- Assumption of responsibility by co-nationals.
- Lowering of health standards of communities affected.
- Reduction in public health standards for wider communities.
- Erosion of public service principles in health services
- Growth of discrimination by primary health care providers.

## Social conditions: 3) education

- Art. 13 of ICESCR requires primary education to be compulsory and free to all, and secondary to be generally available and accessible.
- Art. 30 of ICMW requires the children of migrant workers to have education on the basis of equality of treatment.

# Practical protection

- NGOs report difficulties in some areas with regard to the registration of children in schools on grounds that the child will not complete their education.
- 'Linking' measures require education authorities to report migrant use of services to immigration control authorities.
- Additional problems for adults re language and vocational training.

# Consequences

- Danger of social exclusion
- Emergence of self-help solutions in relation to the needs of children
- Erosion of public service standards
- Growth of solidarity between professionals and UDM

# Conclusions

- Provision of public services increasing seen as an instrument of immigration control.
- Yet immigration management is generally poor and with little sign of improvement.
- Result: increases in UDM populations and problematic situations regarding public service providers and migrants.
- Urgent need for new thinking!