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NOVEMBER
2020

POLICIES OF DESTITUTION Homeless Asylum Seekers in Europe*

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* Article written under the auspices of the NIEM (National Integration Evaluation Mechanism) project, which is co-funded by the European Union AMIF Fund and supported by "la Caixa" with assistance from the Catalan Association of Public Universities (ACUP), in accordance with the Agreement 2017ACUP00030.

Finding refuge is first and foremost about having a home. However, access to housing is one of the major problems of reception systems.

The European Union obliges member states to ensure that material reception conditions are available to applicants as soon as they present their request for international protection but the number of asylum seekers in situations of destitution and homelessness has been rising in the EU since 2015.

The most flagrant case is that of the Greek islands but not only. The main consequence of this deficiency is that many asylum seekers have had to seek help from relatives or friends and, in extreme cases, have been sleeping in centres for the homeless or illegal camps.

These situations of destitution are a means to an end. They represent a policy in themselves, a policy of destitution aiming to remind new arrivals that they are not welcome.

Refugees do not simply flee. They also seek a breathing space in which they can start their lives anew. In the legal domain, this breathing space materialises when they are finally recognised as beneficiaries of international protection. On a vital level, finding refuge is first and foremost about having a home. As Kissoon (2010: 32) says, not having a home—as happens when one is a refugee—is an interruption of one's life path, sense of security, personal relationships, routines, and family geographies. Despite the importance of having a home, or feeling at home again, access to housing is one of the major problems of reception systems. For example, it is calculated that, for all Toronto's long history of giving refuge and asylum, 20% of asylum seekers in the city will have spent time in a homeless shelter at some point after arrival.

In the European context, "[Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013](#) laying down standards for the reception of applicants for international protection (recast)" obliges member states to ensure that material reception conditions are available to applicants as soon as they present their request for international protection. This entails conditions that will "provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health" (Article 17.2). The details of how this is to be done are left to each member state. In some cases, emergency camps or centres have been organized, while in others accommodation has been provided in the form of hotel or hostel rooms and temporary apartments. In

several countries, reception is directly controlled by the state and, in others, it is managed by social entities and even private companies. Some member states guarantee reception places depending on where the request for asylum is processed, while others have a system of territorial distribution by quota.

In spite of the minimum standards established by European (and international) law, the material conditions of reception are not always guaranteed. On several occasions, the European Council on Refugees and Exiles (ECRE) has condemned the fact that the number of asylum seekers in situations of destitution and homelessness has been rising in the EU since 2015. The matter of homeless asylum seekers does not only refer to refugees (too many) who have been sleeping rough at

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some point since their arrival, but also to those who are living in centres without proper facilities, or in substandard housing. In this article, we describe what these circumstances are and how they have come to this point. In doing so, we identify conditions of indigence faced by asylum seekers before entering the reception system, within the system itself, and after they have left it. Given that the EU receives only a small proportion of the world's displaced persons, that the public resources of its member states are not scant, and that its own directives establish the obligation of guaranteeing the material conditions of reception, we cannot but wonder why this has happened.

Before entering

Although, according to Eurostat, the number of people seeking asylum in the EU has plummeted in recent years (from 1,282,690 in 2015 to 676,250 in 2019), some countries still have more asylum seekers than reception places. In cases like Belgium and Ireland, this shortfall in reception capacity is explained by a reduction in the number of available places after the peak in 2015. In countries like France, Spain, and Greece, the deficit is a direct result of rising numbers of requests for asylum in the last few years. In France, for example, the number of requests grew by 22% in 2018 as compared to 2017. Since there was a total of 122,743 annual requests for asylum and 86,510 reception places, it is estimated that, this year, one out of every two asylum seekers will be excluded from the system.

The main consequence of this deficiency is that many asylum seekers have had to seek help from relatives or friends and, in extreme cases, have been sleeping in centres for the homeless or illegal camps. Once again, France is paradigmatic in this regard. It is estimated that, in Paris alone, between 1,300 and 1,400 people were sleeping in these makeshift camps in 2018, and the figure rose to 3,000 in 2019. Among them, besides undocumented immigrants, there were asylum seekers, people who were waiting for their request to be formalized, asylum seekers who, rejected by other European countries, had come to France to try again, and others who were on their way to the United Kingdom. Corinne Torre, Head of Mission in France, Médecins Sans Frontière, denounced the situation as a “shame”, adding “We have allowed families and children, including unaccompanied minors, to live in the streets, which is not acceptable” (*France24*, 25 April 2019).

In April 2019, the mayors of thirteen major French cities, led by the mayor of Paris, Anne Hidalgo, sent an open letter asking the French government to remedy the situation, and decrying the fact that “[h]undreds of men, women and children are living in dire conditions in the heart of our cities”. They requested an immediate meeting with the government to discuss the situation and find a way of providing unconditional shelter “to all those on our territory, since the law dictates that everyone, including Dublin transfers, must be cared for before their hypothetical expulsion” (*ibid.*). Similarly, in July 2020, the European Court of Human Rights ruled that France must pay economic compensation to three asylum seekers who had to live on the streets. The court concluded that the French government had failed in its obligations and that the asylum seekers were victims of “degrading treatment” because they were obliged to sleep rough, with no access to sanitary facilities, no means of subsistence, and in constant fear of being attacked or robbed at any time (*DW Akademie*).

In Spain, the numbers of destitute asylum seekers seem to be falling but the situation of many of them is no less serious. Once again, the problem lies mainly in the time they must wait before their request for asylum is formalized, and also in a chronically collapsed reception system. In Madrid, several social organizations and activists have, for some time now, been condemning the situation of helplessness in which many asylum seekers—including families—live. In Catalonia, according to data from the CASASIL survey,¹ 26.6% of the 300 people interviewed had slept in the street at some point after arriving in Spain. The figure rises to 32.8% for those who arrived

1. Carried out by CIDOB between April and September 2019.

after 2018, to 36.5% for people without support networks before arrival, and to 40.5% for people (mainly men) from countries of sub-Saharan Africa. While some ended up in the street, others found accommodation in shelters for the homeless or other emergency facilities (never sufficient) provided by local administrations.

In the system

The situations of destitution do not only apply to people who have not yet entered or have remained outside the reception systems. Despite the minimum standards established by Directive 2013/33/UE, the member states' reception systems do not always provide for asylum seekers a standard of living that "guarantees their subsistence and protects their physical and mental health", as stipulated by European law. In many cases, this is due to lack of infrastructure and the expansion of reception systems (as the numbers of requests for asylum keep rising) to include places in emergency facilities that do not comply with the minimum conditions.

The most flagrant case is that of the Greek islands. The media and the leading national and international organizations have consistently deplored overcrowding, extreme temperatures, lack of hot water and heating, unhygienic conditions, limited nutrition, inadequate medical attention, and high levels of insecurity inside the camps ([Greek Council for Refugees](#)). And all this has happened despite the fact that, as some experts point out, in 2015 and if measured in terms of cost per recipient, the largest humanitarian response in history was concentrated in Greece. In the last two years, the conditions have worsened with rising numbers of arrivals and increasingly stringent criteria for transferring the most vulnerable people to the mainland. With the onset of the COVID-19 pandemic in 2020, the situation deteriorated even more because of the effective shutting down of the camps.

But it is not only Greece. A recent ECRE [report](#) criticizes the fact that emergency facilities—originally envisaged as provisional reinforcements—have often come to be part of the structural resources of reception systems. In France, for example, they represent the most usual form of reception, especially with certain categories of people whose asylum procedures are still open under the Dublin Regulation. One example of this is that fact that, of the new reception places announced by the French Ministry of the Interior in 2019, 1,000 were stable places within the reception system, and 2,500 were places in emergency centres. In Italy, the emergency centres established since 2015 have spread to the extent that they have become the main form of reception. Needless

to say, and once again, thanks to their temporary, improvised nature, these centres usually do not comply with the requirements for the living conditions and for support stipulated by European law and its consequent transposition at the national level.

However, the situations of destitution within the reception system—where destitution is understood in the broad sense of the term, as we said—are also the result of processes of privatization. In this regard, the United Kingdom is a paradigmatic case. In 2010, outsourcing the reception system to private suppliers led to the introduction of austerity measures (aiming at maximizing profits), which ended up affecting the living conditions of asylum seekers and their psycho-social support. In January 2016, for example, a supplier in

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the town of Middlesbrough decided to paint the doors of houses of asylum seekers red in order to make monitoring and inspection easier. Unsurprisingly, this measure automatically exposed the inhabitants of these lodgings to racism, harassment, and vandalism. Several studies have drawn attention to the ways in which privatization of the reception system frequently leads to prioritization of the costs and efficiency of the system to the detriment of the protection and dignity of asylum seekers (Darling, 2016).

In Spain, conditions in the centres and accommodation provided by the state system (except for the Migrant Temporary Stay Centres (CETIS) in Ceuta and Melilla, and a few other unfortunate specific cases) seem to comply with the stipulated minimum standards. Nevertheless, shortcomings begin where the virtues of the system end. Although, unlike what happens in other European countries, this system promotes the "autonomy" of asylum seekers almost from day one, when the context is not favourable (especially in terms of access to the job market and housing) this autonomy becomes abandonment and, indirectly, precariousness (see [Garcés-Mascareñas, 2019](#)). The [CASASIL](#) survey reveals that, in the case of Catalonia, the residential experiences of asylum seekers are notable for their great uncertainty (Ribera-Almandoz et al., 2020) which is reflected in a high degree of residential mobility among the interviewees (who lived in an average of 3.3 residences and 2.4 municipalities per year since their arrival), and short-term rental agreements, so that up to 31% of interviewees had contracts of six months or less. As for the type of accommodation, most respondents (43.2%) live in rooms of shared housing and a not inconsiderable number (10%) are lodged in emergency shelters for homeless people.

Leaving the system

The right pertaining to the material conditions of reception as enshrined in Directive 2013/33/UE is only valid for asylum seekers, which is to say, those people who have formalized their request (or their desire to do so) and are awaiting a decision from the host state. Yet European legislation does not regulate the living (and residence) conditions of people who have had a positive decision and are therefore entitled to international protection. In these cases, the policies are diverse. Some countries extend periods of residence in

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facilities for asylum seekers, while others require that they must leave them immediately. Some countries have special housing programmes for people entitled to international protection and, in others (the majority), it is assumed that they are autonomous and, if not, they have access to the general social services for the population as a whole.

According to ECRE, refugees who are entitled to international protection face many obstacles when seeking housing, ranging from unaffordable prices and discrimination by landlords to legal and administrative constraints, including the requisites (often related with duration of stay) for gaining access to public housing and other social benefits. For example, it is estimated that, in France, in 2017, more than 12,098 people who were entitled to international protection had to leave the reception system without having gained access to alternative housing. In Ireland and Italy there are also numerous documented examples of people entitled to international protection who are living on the street or about to be evicted. In Greece, the period during which asylum seekers entitled to international protection can stay in reception facilities was drastically cut (from six months to one) in 2020, which meant that thousands of them had to leave shelters within a few hours. Since they had nowhere to go, and had no effective access to social services (because of many obstacles, language among them), local and international organizations foresaw a truly devastating “humanitarian crisis” in Athens (*Euronews*, 2 June 2020).

As for Spain, there is little available data on the living conditions of asylum seekers who are entitled to international protection. What we do know is that leaving the reception system frequently occurs before the de-

cision concerning the request for asylum is made. This means that the material living conditions of asylum seekers are not always guaranteed or, better said, are not always guaranteed throughout the whole period of the asylum-seeking procedure. Moreover, Spain is among the EU countries with the lowest rates of recognition. Hence, most asylum seekers end up having their request denied, which means that, from one day to the next, they can be shunted into a situation of administrative irregularity. With or without recognition of humanitarian or international protection, with or without documents, most people who have sought asylum end up in situations that are very similar to those of the rest of the immigrant population: exposed, on the one hand, to a precarious job market with high levels of structural unemployment and, on the other, to a saturated housing market that expels the most vulnerable people. For those with few qualifications (or with qualifications that are not approved) and with weak social support networks, constructing a life in Spain (with decent housing and employment) is a major challenge, and even more so in the current pandemic.

Indigence as policy

How might one explain so many situations of destitution among asylum seekers and people who are deemed to be entitled to international protection? It might be argued that lack of resources is an essential element. But we are talking about a relatively small number of asylum seekers compared with the European population as a whole, and also with the peak number of requests for asylum in 2015. Moreover, EU countries are not failed states and it is not as if their governments have little capacity for social intervention. Then, if the problem is not lack of resources, the explanation that remains is lack of priority. But priorities are first established by law and, here, European legislation (and its national derivatives) undeniably exists that obliges member states to guarantee the living conditions of asylum seekers.

Another explanation is that, rather than being a more or less unintended outcome, the situations of destitution we have described are a means to an end. It could be argued that, instead of being bad practice, they represent, in fact, a policy in themselves, a policy of destitution aiming to remind new arrivals that they are not welcome. For those who might come later it is, therefore, a reminder that Europe is not the El Dorado they dreamed of, and perhaps asylum seekers would be better off where they are, either in their countries of origin or transit. Moreover, besides the aim of deterrence, such a policy would seek to receive, process, rank, and classify asylum seekers while also ensuring that they

do not put down roots along the way. Only then—or so the argument would go—are they returnable when their requests for asylum are rejected. This is a policy that would tend (especially in some cases and places) to produce homeless asylum seekers. At the end of the road, some would be repatriated while others, a minority, would receive international protection as a prize (more than as a right) at the end of an arduous journey.

However, policies of indigence overlook the fact that such misery cannot possibly be contained. Cities are a reminder of this. While migration policies are justified by opposition to the Other and defending one's own security over and above the security of others, cities know from experience that long-term security can only be attained by including both one and the Other. In brief, there is no city (regardless of political hue) that can afford the destitution of anyone. The present situation of the pandemic also reminds us of this. Only by including the totality of the population will it be possible to implement public health and social inclusion policies. Here too, contrary to what the far right claims, "our" security depends on "their" rights. But beyond these reminders, there is an incontrovertible fact, namely that when migration policies push life to unbearable extremes, no wall will work. We have seen this recently in Moria. When there is nothing to lose, setting fire to the little shelter that is offered ends up being the only possible form of resistance.

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