



POLICY PAPER

SOCIAL SERVICES AND MIGRATION

Migration is a phenomenon of a globalised world. The UN predicts that based on current trends, the number of people migrating worldwide will increase by 40 per cent over the next 40 years.¹ The situation of European countries and their individual migratory flows are diverse, as well as their history of the integration of migrants. However, migrants across Europe are today among the most vulnerable groups in society² and are often socially excluded through lack of access to rights, employment, education and social services. Members of Eurodiaconia, as major providers of social and health care services witness increasing social exclusion and poverty experienced by people of a migrant background which they say have only been exacerbated by the financial and economic crisis and the consequent austerity measures. We believe that social rights, including universal access to quality social and health care services is essential to prevent social exclusion and poverty of migrants in Europe and we are concerned that these rights are not being fully respected or protected by the European Union and the Member States.

This paper highlights the impact migration has had on social services in Europe, and outlines some of the major obstacles migrants face in accessing their social rights. We also make recommendations for the EU and member states to improve migrants' access to social rights and to prevent situations of social exclusion and poverty of migrants. In this paper we have focussed mainly on intra-EU and undocumented migrants since our members see these as particularly vulnerable groups in society.

Migration: the impact on social services

Although a majority of members report an increase in migrants from countries outside of the EU, many members have also reported an increase in the number of migrants from within the EU. **Intra-EU migration** has increased due to greater freedom of movement, and whilst this is an important achievement of the EU, it poses challenges to social welfare systems and service providers. Intra-EU mobility is often the result of poor socio-economic conditions, meaning that people are moving to other EU countries in search of a better life, better schools, better health care etc. in hope of a better future. However often in the new country of residence, many migrants may find themselves falling through the gaps in the system when they lose their jobs. As freedom of movement is only guaranteed if the person has employment or sufficient resources, they do not dare to officially request support in order to avoid losing their residence permit. The result is that social service providers of the hosting member state are under pressure to care for more people who may not be eligible for social benefits. Our members say that with increased demand for social services, the funding they receive is not usually increased accordingly and therefore their resources are being stretched and in some cases, they are forced to stop services altogether or they are forced to refuse service users³.

In some cases, members say that there is a greater need for reintegration and repatriation services for those who have unsuccessfully attempted labour migration and returned to their country of origin. For example our

¹ United Nations, 'Trends in total migrant stock: The 2005 revision', 2006.

² <http://www.socialsituation.eu/monitoring-report/poverty/migrants-and-risk-of-poverty>

³ http://www.eurodiaconia.org/files/Financial%20crisis/3rd_report_fin_crisis_website.pdf





members observe in particular an increasing need for psycho-social help. The country of origin must alleviate the repatriation process and meet the needs of their repatriated citizens with inclusion measures so that they do not end up in the same situation of poverty and exclusion that they left. Furthermore, embassies must provide migrants with information about their rights in their country of origin since long-term migrants can easily lose touch with the reality in that country. Moreover, there is greater need for human rights and social services to be improved in the countries of origin to ensure an adequate standard of living is possible in the first place and to prevent forced migration caused by poverty, discrimination and hopelessness.

Here the question of returnees is also important. In the process of readmission there are many violations of human rights, especially economic and social rights, in both EU countries and in candidate and potential candidate countries. Sustainable return is the key question in the process, and the responsibility lies largely with the EU countries assisting the return and the countries of origin (especially in terms of reintegration services).

Our members also say that they have received an increasing number of **undocumented migrants** in recent years. Undocumented migrants are often seriously deprived of basic needs; frequently they have little or no access to education, social welfare, housing, healthcare and employment leading to situations of destitution. Migrants in such situations turn to diaconal organisations for support in meeting their basic needs, but also to access information and advice about their rights. Members have noticed growing demand in emergency care needs such as food and clothing banks, debt counselling and accommodation services. Members also say that the number of unaccompanied minors is increasing in certain countries and therefore there is a growing need for tailor made accommodation services.

"Our social services of the church have had to react in the last three years when the effects of the economic and financial crisis impacted our work: services designed for integration of migrants and community development have had to go back to emergency assistance to meet people's immediate basic needs." (Acción Social Protestante, Spain)

Accessing social and fundamental human rights in the EU

There is in fact international and EU legislation in place to protect the human and social rights of migrants. The European Social Charter (ESC) guarantees social and economic human rights, such as the right to housing, health care, education, legal and social protection nationals and anyone lawfully resident or working regularly (articles 18 and 19 refer to migrant workers specifically). The European Charter of Fundamental Rights (which the Lisbon Treaty makes legally binding) affirms the universal nature of rights and thus for the most part, accorded to everyone regardless of nationality or place of residence, including undocumented migrants (unless specified otherwise). The Universal Declaration of Human Rights (UDHR), the European Convention of Human Rights⁴ and the International Convention on Economic, Social and Cultural Rights (ICESCR⁵) also stipulate rights that **apply to everyone, including undocumented migrants**.

In reality, however, there is often a gap between law and its implementation and practice at national level. Restrictive provision of welfare and socio-economic rights at national level is making migrants victims of social exclusion and increases their vulnerability.

⁴ http://europa.eu/legislation_summaries/justice_freedom_security/combating_discrimination/l33501_en.htm

⁵ <http://www2.ohchr.org/english/law/cescr.htm>



One example of this gap between law and implementation is the right to **adequate standard of living**, stipulated in the ICESCR as well as UDHR. However many migrants live in insecure accommodation or housing conditions that are harmful to their health due to low financial resources and limited social housing. Whilst children may be entitled to accommodation under national law, undocumented families are not thus family unity may be at risk. Barriers to accessing housing for families are often related to the lack of access to work or lack of residence permit. Access to adequate and affordable housing and living conditions is a basic human right that member states need to grant universally. Eurodiaconia stresses that providers of accommodation services should be supported financially by the state.

With an increase of **labour related migration**, members witness that many migrants are not aware of their rights to social and health care services and suffer from bad working conditions in their new country of residence. Often migrant workers face discrimination in the labour market and endure precarious working conditions and as a result of temporary and short term contracts, they face periods of unsecured social protection. Furthermore the economic and financial crisis is making the situation of unemployed migrants even worse with reduced access to the labour market and lack of job opportunities in major parts of Europe. Those without work or residence permits also risk violations to their labour rights. Global social protection coverage (access to healthcare, education, social security) – a main pillar of decent work, is crucial to creating societies where people can live decently⁶. We strongly believe that labour rights for all migrant workers, regular or irregular, must be ensured.

There are also **practical obstacles that prevent migrants from accessing their rights**. Many times migrants are not aware they even have rights, they are fearful of being found and reported or there are administrative or financial hurdles that prevent them accessing their rights. For many, lack of identity documentation means that they cannot access any of their rights. Another common obstacle for migrants accessing services is communication difficulties with public servants and health care professionals due to language barriers. Furthermore, financial support for, e.g. integration courses is often restricted to “third country nationals” and thus exclude intra-EU migrants. Eurodiaconia members provide educational and vocational courses to help migrants integrate such as language courses; however our members’ efforts need to be supported by the state educational system to be fully effective. We would encourage all member states to follow examples of Belgium, Italy, France and Spain who facilitate access for adults to free language courses and literacy courses to aid migrants’ ability to access their rights and eventually for better social integration.

Health care

The UN’s ICESCR is a legal instrument which recognises that everyone has the right to ‘the enjoyment of the highest attainable standard of physical and mental health’. In the Council of Europe, the European Committee on Social Rights stresses that “health care is a prerequisite for the preservation of human dignity, which is a fundamental in European human rights law”. However, while international law is in place, the reality at national and local level in practice does not reflect it. This is particularly the case for undocumented migrants. Practical obstacles prevent undocumented migrants accessing or even seeking medical care, such as the requirement to provide documentation proving their ability to cover hospital expenses, the lack of information about their right to health care, the duty of health care professionals to report them to the authorities in some member states, and also lack of translation services and cultural mediators. In many member states, emergency care is given freely to all; however the interpretation of ‘urgent care’ differs from country to country. Also in many cases health care professionals are unsure of care entitlements of undocumented migrants.

⁶ SOLIDAR: International migration: the search for decent work



Members of Eurodiaconia say that there is a need for political change and changes in laws to ensure that migrants including undocumented migrants have fair access to mainstream services including education and health care. Service providers should be able to provide their services to all without the risk of legal uncertainties or difficulties with government officials and the police. Eurodiaconia denounces the criminalisation of helping undocumented migrants and asks that member states refrain from punishing those who care for undocumented migrants and stress that access to health care is a basic human right. Humanitarian and social assistance ought to be respected and never be regarded as facilitation of illegal stay.

"In France for example one of the biggest challenges of social service providers is the contradiction between the law which states that undocumented migrants should have access to emergency aid and the actions taken by the government and police against these migrants but also the social service providers who are helping them. The police put pressure on the providers to report undocumented migrants and the government threatens the providers by saying that they will cut down their subsidies if they continue to help the undocumented migrants." (Fédération de l'Entraide Protestante, France)

What is the role of the EU and member states?

Eurodiaconia is convinced that addressing the issue of destitution, exclusion and poverty of migrants must be made a priority for the EU. The EU and its member states need to recognise that all migrants are holders of social rights. National governments must respect European and international conventions they have agreed to and then transpose the laws nationally. Furthermore they must ensure people have information about and access to their rights. The EU must recognise its responsibility in guaranteeing some basic social rights for vulnerable migrants. These guaranteed rights should include access to social and health care services guaranteed including the minimum of a right to accommodation, nourishment and personal hygiene and basic health care. The EU could for example earmark funding to support both the host country and the country of origin in the provision of services for vulnerable migrants for a stipulated period of time until the migrant is able to support him/ herself and a permanent solution is found.

Diaconia bridging the gaps

Diakonal organisations provide and care for many migrants who are at risk of falling through the gaps in social welfare systems across Europe. Our members provide a holistic and personalised care from an integrated approach, going beyond meeting only material needs, which we consider essential when empowering people in complex life situations. However meeting initial basic needs of destitute migrants with material provisions such as clothes; food and short term accommodation is not the ideal or a sustainable solution. Long term solutions should be sought to prevent situations of destitution. We must empower and invest in people in order for them to provide for themselves, their families and eventually to contribute to the wider society. We call on member states to first and foremost prevent creating those gaps by designing inclusive rather than exclusive migration policies. In the mean time, diaconal organisations will continue to care for those at the margins of society and those in need and therefore we ask for support in caring for these people and meeting their needs.

Diakonal organisations and churches also play an important role as the broker in communities, creating spaces for interfaith dialogue, participation and community involvement which promote social cohesion, such as volunteering. We believe that also migrants should be enabled to volunteer. When the host community



sees that migrants can contribute to society and gain useful skills, feelings of hostility are soon dissipated and social cohesion is promoted.

As Christian value-based service providers, our service and care for migrants and those in need is motivated by our faith and is an expression of our identity according the Biblical tradition of diaconia. Diaconal organisations can thus lead the way as role models in society in loving one's neighbour as God commands us to do:

'When a foreigner resides among you in your land, do not mistreat them. The foreigner residing among you must be treated as your native-born. Love them as yourself, for you were foreigners in Egypt.' (Leviticus 19:33-34)

Solidarity and dignity

Migration is often portrayed as a threat in the media and in politics. European and national migration policies focus predominantly on security measures, such as preventing illegal immigration. However if we want to be a truly social Europe, based on the principle of solidarity, we will need to embrace migration and *include* migrants in our societies. At the same time, migration policy should not contradict development goals of preventing conflict and relieving poverty in developing countries that pushes people to migrate. However, that many people seek refuge in Europe is a reality that we need to recognise, and it calls for a response not only from governments, but EU citizens and diaconal organisations alike.

Our position on the inclusion and social rights of migrants is not only based on a fundamental human rights approach. Our belief that all humans are created in the image of God with equal worth and dignity forms the basis for all Eurodiaconia's work. We believe that each person has God given potential and life, regardless of nationality, social situation, status, gender or age. At Eurodiaconia, we believe that dignity is taken away from people when they are denied access to basic needs such as social and health care services. For that reason the human dignity of all people is at the heart of our service provision.

And whilst we must be careful to never value the economic argument of social inclusion too highly, many researchers and academics will confirm that the cost of exclusion is much higher than the cost of inclusion:

*'Social policies based on investments in human and social capital are conducive to higher economic efficiency for they improve productivity and the quality of the labour force. Social policy is therefore a productive factor, even though its costs are generally visible in the short term while its benefits are often only apparent in the long term'*⁷.

Migration can also present a solution to challenges brought about by demographic change such as decreasing birth rates in many countries in Europe. However we must be careful that migrants should not be treated as economic units and as "solutions" to Europe's problems: migration policy needs to take an approach based on human dignity, solidarity and fundamental human rights.

Whilst Eurodiaconia advocates for the rights of migrants, we acknowledge that with rights come responsibilities, and like all EU citizens, migrants are expected to contribute to and participate in civil life. Integration is a two way process and every individual must be empowered to be active in that process. What is vital is that we *allow* people to be included rather than resist mobility and in so doing, push people to the margins of society.

⁷ Dr Didier Fouarge (2003, January 3). Cost of non-social policy: Towards an economic framework of quality social policies — and the costs of not having them (URL: <http://www.lex.unict.it/eurolabor/documentazione/altridoc/costs030103.pdf>)



Recommendations to EU decision makers and national and local governments

Member States should

- Ensure the access to European and international social and fundamental rights of all migrants. This includes the right to work, to housing, to health, to social assistance and services of general interest.
- Respect human dignity by keeping to agreements made in International and European charters, conventions and declarations they have ratified.
- Remove barriers that prevent people from accessing their social rights (more and better information on rights to social services and health care, access to identity documents).
- Prevent a culture of xenophobia which would be detrimental to all society.
- Encourage and incentivize local authorities to support and cooperate closely with civil society and NGO social service providers who work to foster social cohesion and the integration of migrants
- Include migrants in the implementation of principles of the active inclusion strategy⁸
- Ensure relevant repatriation and reintegration services for migrants returning home
- Recognise that the cost of non-inclusion is higher than the cost of inclusion.
- Work closely with national and local media to prevent negative discourse about migration
- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

The EU should

- Recognise the need for a Europe-wide response to meet the challenges and to seize the opportunities of migration.
- Provide member states with needed support to cope with pressures of meeting changes in demand in the provision of social and health services
- Address the social inclusion of migrants in areas beyond employment policy for an integrated approach.
- Monitor how member states include migrants in the implementation the principles of the active inclusion strategy for people furthest from the labour market (The AI strategy is a priority area mentioned in the Europe2020 flagship initiative EPAP)
- Discourage member states from criminalising service providers who provide services for undocumented migrants.
- Address the rights of undocumented migrants in social policies; and not merely in terms of security, border control and trafficking.
- Support efforts of (potential) EU candidate countries as well as NGO social service providers in these countries in achieving sustainable return of their citizens whose asylum application or temporary protection in EU countries have been rejected or withdrawn.
- Harmonize the practice of the EU countries related to the assistance for people who are not anymore eligible to enter, stay or reside on the territory of an EU member state.
- Extend the European Fund for the Integration of non-EU immigrants (EIF) and the European Social Fund to include migrants irrespective of their status.

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⁸ http://cms.horus.be/files/99931/Newsletter/Recommendation_Active_Inclusion_03.10.08.pdf