



Homeless EU citizens in Amsterdam

HOMELESS EU CITIZENS IN FOCUS, WHO IS ENTITLED TO EQUAL TREATMENT?

IN BRIEF

This report highlights the growing number of homeless EU citizens. It also shows that part of the homeless EU citizens are entitled to equal treatment: they qualify for facilities under the Social Support Act (WMO) in the same way as Dutch citizens. Using the Right to Equal Treatment Checklist, drawn up by the Ministries of VWS, SZW and J&V, this study looked at how many homeless EU citizens in Amsterdam, who are in the view of De Regenboog Groep, are entitled to equal treatment. This report is thus an initial assessment for the municipality and other agencies in the care chain to determine how many homeless EU citizens there are and what proportion are entitled to social support.

Foreword

This foreword was written by Dion Kramer, associate professor of European law at the Vrije Universiteit Amsterdam

Equal treatment under EU law is obviously not a panacea for solving homelessness. Equal treatment means that the EU citizen should be treated the same as a national citizen in the same situation. It therefore does not say much about the content and form of homelessness support. For example, if the Netherlands chooses not to provide Wmo services to 'self-reliant' Dutch citizens, it therefore does not have to do so to EU citizens either (although such a choice may, of course, conflict with other European and international human rights).

However, equal treatment is a means of preventing people from being discriminated against on illegitimate grounds. The Right to Equal Treatment Checklist, which is central to this research report by De Regenboog Groep, could therefore be seen as a serious attempt to break with the widespread assumption that the entire group of homeless EU citizens would be 'disenfranchised' because of their nationality. Indeed, in the European Union, discrimination based on nationality is in principle prohibited. With a passport from an EU member state, a person has the right to travel to other member states to live, work, study or fall in love. All these activities would be made more difficult or practically impossible if you have different rights and obligations from the locals.

However, there have always been fears (especially among the richer Member States) that too extensive a right to free movement would lead to what in later discussions would be called 'benefit tourism': that EU citizens would move to other Member States purely to take advantage of social benefits. To curb the spectre of 'benefit tourism', the European Union reached a compromise in Directive 2004/38: EU citizens wishing to reside in other Member States for long periods of time must either have a job(s) or sufficient means of subsistence there. In return, they are given the right to equal treatment, a right that is retained temporarily or permanently if they become unemployed. As this report shows, the right to equal treatment is therefore not the same for every EU citizen: only half of the cases would be entitled to equal treatment because of their (former) activities in the Netherlands.

The Checklist is not a binding legal document. Rather, it appears to be direct advice from the Ministry of Health, Welfare and Sport to municipal officials on how to apply Article 1.2.2 of the Social Support Act (Wmo) and thereby determine whether an EU citizen should be 'equated' with a Dutch citizen under that Act. However, the Board of B&W remains responsible for making a legally sound decision under the Wmo and issuing a decision against which the EU citizen can lodge an objection and appeal. Should the Board believe that the EU citizen is not entitled to equal treatment because this person is not lawfully resident in the Netherlands, it must first obtain clarity on this from the IND. Indeed, according to the Central Appeals Council, the municipality may not simply sit on the chair of the State Secretary for Justice and Security, who is primarily responsible for assessing the right of residence.

A checklist is, by definition, a simplification of rights, and this checklist too contains elements where legal opinions may differ. However, it follows from research in other EU Member States that the very existence of guidance such as the Checklist can make a difference in whether EU citizens get what they are entitled to. Proper implementation of the Checklist can thus prevent EU citizens from being unfairly labelled as 'non-beneficiaries' and being almost entirely dependent on socio-legal aid workers who have to go to great lengths to argue for an exception to the norm. Moreover, the .

Checklist creates more clarity on the division of competences between municipalities and the IND, which can prevent EU citizens from being sent from pillar to post.

Finally, the research report also cautiously discusses the potential consequences of the Checklist for the Amsterdam municipality. It follows from the study that from the sample of 176 cases, only 9 to 31 EU citizens would actually gain access to shelter (MO) and that this could have implications for pressure on the entire Wmo chain, which may consist of a trajectory of several years. In that case, how to deal, for example, with EU citizens who only temporarily retain their right of residence? While justified, however, this discussion also distracts from the social and humanitarian consequences of the other side of the coin: that 145 EU citizens would apparently be denied access to the MO. As 'economically homeless' or 'non-beneficiaries', they will remain on the streets, become dependent on local schemes and 'pilot projects' or, in an extreme case, subject to costly and sometimes pointless removal measures. The growing group of homeless EU citizens in Amsterdam and other European cities therefore forces us to reflect doubly: on the merits of our own homelessness policy and how homelessness is fundamentally linked to the structural abuses in our housing and labour market as already extensively named in the now famous Roemer report. In a Europe of open borders and multiple layers of government, it is obviously unreasonable to place the public burden of these abuses solely on cities.

Summary

This report gives a better picture of homeless EU citizens in Amsterdam and examines which part of this group is entitled to equal treatment, according to the 'Checklist equal treatment EU citizens'. File research was conducted on a sample of 176 homeless EU citizens who are in the picture in Amsterdam. This led to the following findings.

Target group in view

- Between 01-10-2023 and 01-04-2024, De Regenboog Groep (DRG) helped 1463 EU citizens. It is estimated that DRG has been in contact with between 62.5-80% of all homeless EU citizens, who use winter shelters. This would put the total number in Amsterdam at 1800-2400;
- of the sample is 86% male and 14% female;
- the most common nationalities are Polish (35%), Romanian (26%) and Hungarian (7%);
- the majority stay in public spaces (51%), some in temporary shelters (21%) and some have unstable accommodation such as staying in network (11%);
- in 39% of the cases, social workers say there is only addiction, 11% only psychiatry and 12% both.

Equal treatment checklist

- Of the 176 cases, according to the checklist, 54.5% (96 people) are entitled to equal treatment, and 45.5% (80 people) are not entitled to equal treatment;
- of those with a right to equal treatment, half (51%) have this right because the person - despite being homeless - works or has sufficient means of support, and a large proportion (43%) have this right on the basis of employment history.

Reason for homelessness and work

- Of those with work or a work history, 51% became homeless due to a link between work and home and 26% after coming/returning from abroad;
- of those with work or work history, the last/current employer was almost as often within (53%) as outside Amsterdam (47%), and of those for whom linking work/housing was the reason for homelessness, 69% involved an employer outside Amsterdam;
- overall, the current or last job of homeless EU citizens is low paid work in industry (19%), cleaning (14%), logistics/warehousing (13%), delivery (10%), construction (7%) or hospitality (6%);
- here, cleaning, hospitality and delivery are generally jobs within Amsterdam and agriculture or logistics/warehousing are more often outside Amsterdam.

Consequences in practice

- Of the sample, it is estimated that between 9 and 31 homeless EU citizens are both entitled to equal treatment and have access to shelter (MO);
- Extrapolating to the whole target group in view at DRG, there are then between 75 and 266 homeless EU citizens entitled to equal treatment and potentially accessing MO;
- the group not entitled to equal treatment is around 665 people and the group entitled to equal treatment but not accessing the MO is between 532 and 723 people.

Want to know more about this research? Email Annie Berendsen: aberendsen@deregenboog.org.

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Introduction

This report was compiled by De Regenboog Groep. The research discussed was done in cooperation with the Youth, Care and Diversity Directorate (JZD) of the Amsterdam municipality. The purpose of the report is threefold:

- Mapping the current situation and rights of homeless EU citizens;
- Offer more insight into the reason for homelessness and the role of the (former) employer;
- estimate the implications for practice.

In other words, this research report is a first step for the municipality and other agencies to get clear on how many and which homeless EU citizens are entitled to which social services. In addition to existing (national) reports on EU citizens, the report's input consists of a dataset of EU citizens queried from social workers at De Regenboog Groep. De Regenboog Groep has been committed to helping homeless EU citizens for years. In this, we work together with partners in the city, including the municipality of Amsterdam, GGD Amsterdam, perMens, HVO-Querido and the Salvation Army. We see the group of homeless EU citizens increasing in number and make every effort to shelter and support them. In 2024, at the request of the municipality of Amsterdam, De Regenboog Groep started expanding its drop-in centres and formed street team Dobre020, which goes out on the streets to offer help to homeless EU citizens. De Regenboog Groep works from practice: it responds to what is going on on the streets, in the drop-in centres and what is going on according to volunteers and social workers. This report is largely written from that pragmatic perspective: testing theory against practice. This report has also been presented to a focus group of social workers and others to ensure that everything written down here is in line with everyday practice.

Reading guide

This report is structured as follows. It first describes the context through (1) the national policy surrounding homeless EU citizens, (2) the rights of homeless EU citizens and (3) the current situation in Amsterdam. Next, (4) the research in Amsterdam is described, where we gain more insight into the group of homeless EU citizens and then an estimate of how many people in this group are entitled to equal treatment. In addition, we focus on (5) the reason for homelessness and (6) the consequences in practice. Finally, (7) a brief reflection on this research and (8) a thank you.

1 National policy

1.1 National Homelessness Action Plan: a Home First

The emergency shelters opened for homeless people during the corona crisis showed that the group of homeless EU citizens was vulnerable and large. The corona crisis was followed by several (national) surveys and measures to improve the situation for these people.

In December 2022, the Ministry of Health presented the National Action Plan Homelessness: First a Home. This report paid special attention to special target groups, including homeless EU citizens (action line 6): 'Where for special target groups the generic approach is insufficient, additional efforts are made, and additional vulnerable groups are adequately assisted' ('National Action Plan Homelessness First a Home', 2022). This extra commitment is presented in the Plan of Approach to Vulnerable Homeless EU Citizens (2022), which complements Emile Roemer's Aanjaagteam Bescherming Arbeidsmigranten (2020) that made concrete recommendations to improve the position of labour migrants in the Netherlands and combat abuses.

1.2 Plan of action for vulnerable homeless EU citizens

The Ministry of Health writes the following in the Plan of Approach to Vulnerable Homeless EU Citizens (2022): 'It is still too common for an EU citizen who has come to the Netherlands to work to slip very quickly into a situation of homelessness and any additional problems after a drop-out. If an EU citizen loses his job; then sometimes also his place of residence. Once homeless, he is usually ineligible for help due to no - or insufficient proof of - rights accumulation in the Netherlands. By many authorities, homeless EU citizens are treated as one homogeneous group. The moment a migrant worker loses his job and home and is seen as a "homeless EU citizen", this immediately causes many doors of possible help to close, while this should not really be the case, especially for the group that has recently had work in the Netherlands. It is often unknown that these EU citizens must be treated as lawfully residing "worker" for at least another six months after losing work on the basis of regulations when they register with the UWV.' (Ministry of Health Welfare and Sport, 2022)

The Plan of Action for Vulnerable Homeless EU Citizens was compiled by the ministries of VWS, SZW and JenV in cooperation with the VNG and the G4. This plan describes how homeless EU citizens should be helped and who is responsible for this. The plan proposes to differentiate the group into subgroups with their own tailor-made approach: depending on whether and how long ago they performed some form of paid work in the Netherlands. The plan provides municipalities and other (care) agencies with guidelines for facilities and assistance (towards employment or return to country of origin).

1.3 Short-term care pilots

From the Plan of Action on vulnerable homeless EU citizens, funds were made available, by VWS, to six municipalities (Amsterdam, Rotterdam, The Hague, Utrecht, Eindhoven and Venlo) to realise a pilot for short-term shelter for homeless EU citizens. The following (tentative) success factors emerged in the interim evaluation report on the six short-term shelter pilots (Jongebreur et al., 2023, p. 19 - 21):

1. 24-hour shelters provide a stable base and give homeless EU citizens space to take steps towards shaping their future;
2. combining shelter with activation and participation of homeless EU citizens is a prerequisite for success;
3. language and cultural recognition from implementing professionals helps to better understand the context of homeless EU citizens;
4. an honest and clear story creates realistic expectations about future prospects;
5. good cooperation between the various field parties is essential;
6. a positive side effect of the shelter is less visible nuisance on the streets.

However, bottlenecks to the reception and guidance of EU citizens also emerged from the pilots:

1. The rights of homeless EU citizens are not always granted;
2. the biggest cause of homelessness among EU citizens is the operation of temp agencies;
3. Addiction and multi-problems are a difficult problem to solve within the target group;
4. the governing role in the reception of homeless EU citizens is not always clearly invested;
5. tightness in the Dutch housing market also impacts homeless EU citizens;
6. in some municipalities, the lack of a one-stop shop or hotline for homeless EU citizens is a bottleneck.

The 'Right to Equal Treatment Checklist' can contribute to bottleneck 1. The Checklist enables municipalities to more easily determine whether an EU citizen is entitled to equal treatment, although it is not a binding judgment. This report translates the Checklist into practice, enabling municipalities and other care agencies to make informed moves towards policies that are in line with the rights of homeless EU citizens. Rutger Groot Wassink, alderman for shelter for the municipality of Amsterdam, took the lead in this, saying: 'As a college, we think it's important that this group of EU citizens gets what they're entitled to', but also: 'However, we do see risks such as extra pressure on the current shelter chain, which is already overburdened, and extra pressure on the supply of transitional housing. This group cannot simply be added within existing resources and opportunities.' (AT5, 2024).

2 Rights of homeless EU citizens

In the Netherlands, we have the coupling principle: the right to social benefits for foreigners is linked to a lawful residence permit (Kramer, 2023, p. 91). Individuals who are allowed to be present in the Netherlands are - in principle - entitled to social benefits. Thus, to determine whether homeless EU citizens, like Dutch homeless people, are eligible for Wmo-funded services, it is important to know whether their right of residence falls under the Citizenship Directive 2004/38EC (Kramer, 2023). The Ministry of Health, Welfare and Sport's Plan of Action states that having a job and being self-sufficient are criteria for lawful residence (Ministry of Health, Welfare and Sport, 2022). The equal treatment checklist makes it clear that there are more options. The reasoning for this is briefly described below.

EU citizens' right of residence derives from EU law: according to the Citizenship Directive, the (exercise of the) right to free movement does not depend on administrative procedures. In other words, municipalities may require EU citizens to register within the framework of the Citizenship Directive, but correct registration may never determine the right of residence or right to equal treatment (Kramer, 2023).

It is also incorrect that EU citizens must be self-supporting at all times: 'EU citizens who are to be classified as "workers" or "self-employed" have, by definition, a right of residence and thus a right to equal treatment' (Kramer, 2023, p. 89). In other words, an EU citizen retains his right to equal treatment as long as this person is classified as a 'worker'. The classification 'worker' has been broadly defined by the ECJ to include anyone who 'performs real and actual work' under the direction of another for remuneration'. The amount, origin and form of this remuneration is irrelevant to the classification as 'employee'. Nor does it matter if, because someone works part-time, for example, the remuneration is supplemented by financial support from public funds. But what does the Netherlands understand by 'real and actual' labour? The Netherlands implements this criterion with '40% of working time or 50% of the usual working week'. This means that EU citizens are entitled to equal treatment - and thus entitled to social benefits - if they work part-time but earn below welfare level (Kramer, 2023, p.89).

However, there is a distinction between two groups of EU citizens based on the length of their employment history: 'If the EU citizen has worked for less than one year and becomes involuntarily unemployed, the right of residence is retained for a minimum of six months. If the EU citizen has worked for more than one year consecutively, the right of residence remains in principle indefinitely' (Kramer, 2023, p. 90).

What about the right of EU citizens who are economically inactive (not working)? These EU citizens also have the right to free movement and may reside freely in another EU Member State for the first three months, although the host country may refuse social assistance on the basis of explicit exception to the right to equal treatment. What happens when an economically inactive EU citizen does apply for social assistance? 'Following the early citizenship jurisprudence, the Citizenship Directive seems to invoke various "mitigating" circumstances: for instance, checks may not be systematic, recourse to social assistance may not automatically lead to an expulsion measure, and individual circumstances should play a role in determining whether an EU citizen constitutes an "unreasonable" burden on the social assistance system' (Kramer, 2023, p. 90).

The general rule that continues to apply is that municipalities, based on the Participation Act, may directly refuse economically inactive EU citizens residing in the Netherlands for less than three months on the basis of their nationality. For all other categories of EU citizens, social benefits should be provided until the IND decides to terminate the right of residence (Kramer, 2023, p. 93). Municipalities should therefore always assume lawful residence, and thus provide entitlement to equal treatment, unless the EU citizen does not have the status of 'employee' or 'self-employed person' and resides for less than three months (or the IND has already terminated the right of residence).

In conclusion, EU citizens lawfully residing in the Netherlands have access to the same facilities (e.g. day and night shelters) as Dutch homeless people in similar circumstances. Note that a homeless EU citizen may still not qualify because they do not meet the general access requirements that also apply to Dutch nationals, such as self-reliance or bonding criteria, for example: 'However, it is clearly contrary to the principle of non-discrimination to exclude lawfully residing EU citizens who meet the general access requirements because they are registered with 'code 30' in the BRP or because they are, in the eyes of the municipality, 'non-beneficiary', a 'different target group' or simply EU citizens' (Kramer, 2023, p. 93).

2.1 Right to equal treatment: the Checklist

The section above made it clear that EU citizens are entitled to equal treatment in certain cases. Equal treatment means that municipalities must test whether an EU citizen has access to certain municipal and national facilities (such as social assistance benefits or Wmo-financed offers) in the same way as a Dutch citizen. The regulations surrounding equal treatment of EU citizens, as described above, are complex. Therefore, the ministries of VWS, SZW and JenV have developed an equal treatment checklist ("Checklist Right to Equal Treatment for the Individual EU Citizen", 2024). With this checklist, municipalities can more easily assess whether an EU citizen is entitled to equal treatment. However, this is not a binding assessment: the municipality may, under Article 1.2.2 Wmo, make a positive assessment for equal treatment, but may not independently (without a decision from the IND) determine that no right of residence exists. In case of doubt or a negative assessment, the IND's advice should therefore always be sought. The Right to equal treatment checklist consists of the eight questions below.

Checklist Right to equal treatment for the individual EU citizen:

1. Can EU citizens reasonably prove their identity and nationality?
2. Did the EU citizen enter the Netherlands more than three months ago?
3. Does the EU citizen work in the Netherlands or have sufficient means of support?
4. Does the EU citizen have a demonstrable employment record?
5. Is the EU citizen registered with the UWV and is involuntary unemployment?
6. Did the EU citizen become unemployed less than six months ago?
7. Did the EU citizen work in the Netherlands for one year or more prior to becoming unemployed?
8. Do EU citizens have job prospects?

2.2 Entitlement to the Wmo

The Checklist indicates who is entitled to equal treatment and thus can make claims under the Wmo. Before proceeding with the research on applying the Checklist in Amsterdam, it is important to have a clear understanding of what the Social Support Act (Wmo) entails.

The Wmo is broad and includes municipal support to people who cannot manage independently. This could include domestic help or day care. Wmo also covers social care, such as homeless shelters. Homeless shelters are described as 'general provision' in the Wmo, which must be available and accessible to 'all residents, without prior investigation of personal circumstances' (VWS, 2024). Wallege (2022), for instance, describes in its 'Notitie opvang EU-onderdanen' that 'EU citizens residing in the Netherlands have access to Wmo facilities - such as homeless shelters - without further ado, as long as they meet the general entry criteria - as municipalities should assume the lawfulness of their residence. [...] With regard to the general facilities under the Wmo, no application needs to be made to the municipality and an enquiry into an EU alien's residence status thus does not come into play at all. These cases involve, for example, generally accessible passer-by accommodation.' (Wallege, 2022).

Each municipality organises access to Wmo in its own way. There is a range of services that homeless people receive support from, depending on accumulated rights. In Amsterdam, this distinguishes between 'self-reliant' and 'vulnerable' and looks at 'attachment', looking at where someone is most likely to be successful.

3

Current situation

In this chapter, we describe what we know about the current situation surrounding homeless EU citizens, with a focus on Amsterdam.

3.1 Figures in Amsterdam

In the first quarter of 2024, the municipality of Amsterdam produced a fact sheet on homelessness in Amsterdam. In doing so, the municipality applied the Ethos-light approach: 'European Typology of Homelessness and Housing Exclusion'. This approach uses a definition in which homelessness is seen as a lack of adequate housing, which includes not only actual homelessness but also a potentially very large group of people who do not have a safe (t)home. The Ethos-light categories (CBS, 2024) are:

1. Outdoor sleepers: people who live in public spaces, such as on the street, in the park or forest, with no fixed abode.
2. Unconventional places to live: people staying in unconventional places to live such as camping, boats or cars.
3. Bench sleepers: persons who necessarily live with friends, acquaintances and relatives.
4. Emergency shelter: persons with no fixed abode sleeping in night shelters or other low-threshold shelters.
5. Temporary shelter: persons in shelter for short-term stays.
6. Deferred departure: individuals who will soon leave an institution for whom housing is not available, such as mental health or PI.
7. Imminently homeless: persons facing imminent eviction.

According to the Ethos-light definition, there are (estimated) a total of over 15,000 homeless people in Amsterdam. This is a preliminary estimate and the actual Ethos-light count will take place in 2025 ("Homelessness in View Q1 2024", 2024).

3.2 The vulnerable position of migrant workers

Within the EU, there is a common market. Within it, there is free movement of goods, services, capital and people. The European free movement of persons is supposed to contribute to the improvement of living conditions, working conditions and social position of EU citizens: 'This picture may be true for the so-called "Eurostars"', writes Dion Kramer in his article EU citizens without a (t)home (2023), 'the young, highly educated professionals with successful, cross-border careers, but the reality is diametrically different for the growing group of EU citizens living a homeless existence elsewhere in the Union'. Kramer's research focuses, among other things, on posted workers and homelessness within the European Union: there are an estimated 6,000 homeless migrant workers in the Netherlands (Van Leijen, 2024).

The vast majority of this homelessness is due to job loss in the Netherlands (Jansen Lorkeers et al., 2022, p. 49). It cannot therefore go unnoticed that homelessness among EU citizens is linked to labour migration (across Europe) and the shade in which it takes place in Dutch society and the labour market (Kramer, 2023). The Netherlands is one of the major users of posted labour migrants: in 2022, almost 90,000 posted labour migrants worked in the Netherlands (Ministry of Justice and Security, 2024).

In an EU secondment, rules apply from the country of work and rules from where they are sent: for labour law protection of migrant workers, the rules in the Netherlands apply and for social security rights, the rules of the other, sending European country apply. This confusing and unclear legal context, combined with flexible and irregular employment contracts, exclusion from the housing market, administrative invisibility and poor enforcement, puts many EU citizens in extremely vulnerable situations (Kramer, 2023). Also, (posted) migrant workers are often dependent on their employer for housing: the (temporary) contracts are linked to a place to sleep. Losing your job then automatically means losing your home. Research shows that not all EU citizens, after losing their job, choose to return to their country of origin due to feelings of shame and frustration: they prefer a life on the street in another member state to avoid confrontation with family or friends in the country of origin (Kramer, 2023).

3.3 Malicious employment agencies

From the above, it can be concluded that a major cause of homelessness among EU citizens stems from the practice of abusive employers: the Ministry of Social Affairs and Employment's Annual Report on Migrant Workers 2023 indicates that migrants with agency contracts in low-skilled jobs and in non-self-employed housing are particularly in very vulnerable positions. This is because they are extremely dependent on their employer, live in poor conditions, are not proficient in the Dutch (or English) language and have a limited network. The earning model of these employment agencies, the Dutch Labour Inspectorate presented in a report in 2021, consists of constructions based on exploitation such as:

- Mandatory rental of a small living space: 10-15 per cent extra income for the employment agency
- Failure to pay overtime: 25-50 per cent extra revenue for the agency
- Piece rate¹ and not paying out hours worked (25-40 per cent more)

Social workers at De Regenboog Groep say their clients regularly cite a rogue employer and the 'boss and bed' construction as reasons for their homelessness.

¹ Piece rate is wage paid per piece of work (and not per period of time) (Labour Foundation, s.d.)

4 Research in Amsterdam

4.1 Research design

Homeless EU citizens are, under certain circumstances, entitled to Wmo support, including shelter. This has long been unclear and has led to a parallel process specifically for EU citizens. Amsterdam, together with other large cities, tested the national Right to Equal Treatment Checklist (and thus the right to Wmo-funded offerings). The Checklist is useful, but in March 2024, the Amsterdam municipality decided to do more research on the size of the target group of homeless EU citizens in order to set up a route to Wmo services for this target group as effectively and appropriately as possible.

De Regenboog Groep and the Directorate JZD of the City of Amsterdam jointly conducted this research by taking a random sample of 176 homeless EU citizens who had been on the radar of De Regenboog Groep between 1 October 2023 and 1 April 2024. Data on registration, demographics, work history, housing and an assessment of vulnerability were collected through interviews with 10 social workers, who anonymously went through a number of cases from the caseload.

An additional query was then made for those with work or an employment history. This was done for 81 homeless EU citizens. Here, we asked more specifically about the nature of the work, whether it is or has been inside or outside Amsterdam. We also asked people who currently have insufficient income from work whether they might have done so in the past. In addition, the reason for homelessness was asked for this group.

4.2 Target group in view

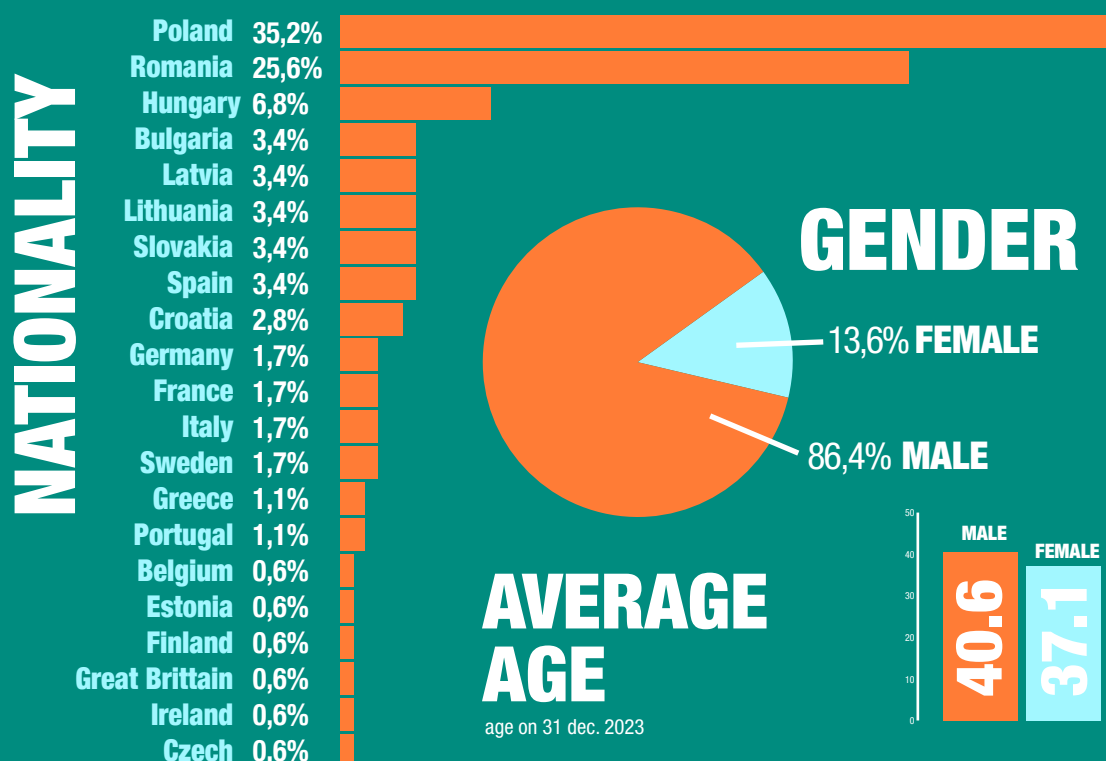
The sample is extrapolated to say something about the entire Amsterdam municipality. In other words, the figures from the sample can be 'scaled up' to the entire target group.

- Between 01-10-2023 and 01-04-2024, De Regenboog Groep helped 1463 EU citizens. Of these, 937 people had been on the radar of De Regenboog Groep for some time. The remaining 526 people (36 per cent) were in view for the first time in the last six months. The group of homeless EU citizens on the radar of De Regenboog Groep continues to grow steadily.
- There is a higher number of new registrations in the winter months (October to March) than in the summer months (April to September).
- Based on a comparison of visitors to the 2023/2024 Winter Shelter with an EU nationality and visitors to De Regenboog Groep, it is estimated that De Regenboog Groep has between 62.5 - 80 per cent of the entire target group in view. An estimate of the total group of homeless EU citizens in Amsterdam is thus 1800 - 2400 people.
- 25 percent of all homeless EU citizens in Amsterdam, stay in the Netherlands for up to 1 year. 33 per cent stay up to 3 years and 60 per cent stay up to 5 years.

5 Homeless EU citizens and rights

5.1 Demographics

The survey asked about nationality, gender and age. This provides an initial insight into the group of homeless EU citizens. The demographics of the group of homeless EU citizens within the sample are as follows:



From Table 1 (see below), it can be concluded that the sample is representative in terms of nationality, gender and age.

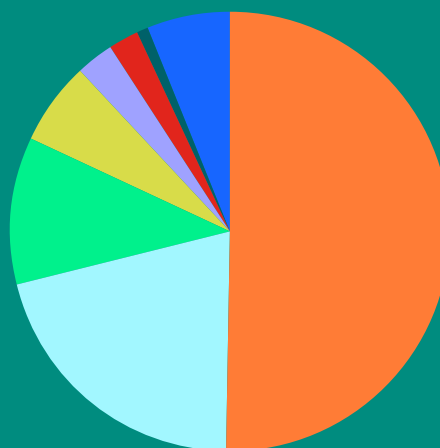
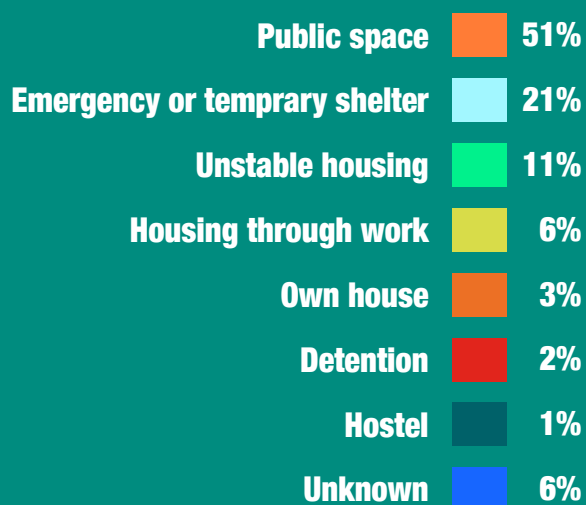
	Sample (N=176)	Entire target group DRG (N=1463)
Average age (in years)	Male: 40,6 Female: 37,1	Male: 38,6 Female: 39,8
Gender (in percent)	Male: 86,4 Female: 13,6	Male: 89,5 Female: 10,3
Most common nationality (in percent)	Poland: 35,3 Romania: 25,6 Hungary: 6,8	Poland: 31,2 Romania: 19,2 Hungary: 8,7

Table 1: representation of the sample across the entire target group who used De Regenboog Groep's walk-in centres between 01-10-23 and 01-04-2024

5.2 Housing

In addition, for the sample, we asked about the form of, or lack of, accommodation. This refers to the last moment of speaking, so for some, e.g., the winter shelter was still the place of residence. The places of residence are as follows:

RESIDENCE OR ACCOMODATION



Most of the homeless EU citizens on the radar of De Regenboog Groep thus reside on the streets, in public spaces. After that, most stay in temporary shelters or unstable housing, including in the network.

5.3 Demand for care

To get a picture of mental health care needs or problems within the group of homeless EU citizens, the questionnaire asked whether there was any psychiatry and/or addiction. It is important to mention that this is (again) what is known to the social worker.

Psychiatry and/or addiction	number	%
Both psychiatry and addiction	21	12%
Psychiatry	19	11%
Addiction	68	39%
Neither	68	39%

In addition, many cases indicated (severe) physical complaints, with a wide variety of types of complaints and underlying pathologies. This increases with age.

5.4 Right to equal treatment

Below is a visual representation of the Equal Treatment Checklist (Figure 1). For each case in the sample, it has been determined whether someone is presumably entitled to equal treatment and also on what basis.

EQUAL TREATMENT CHECKLIST

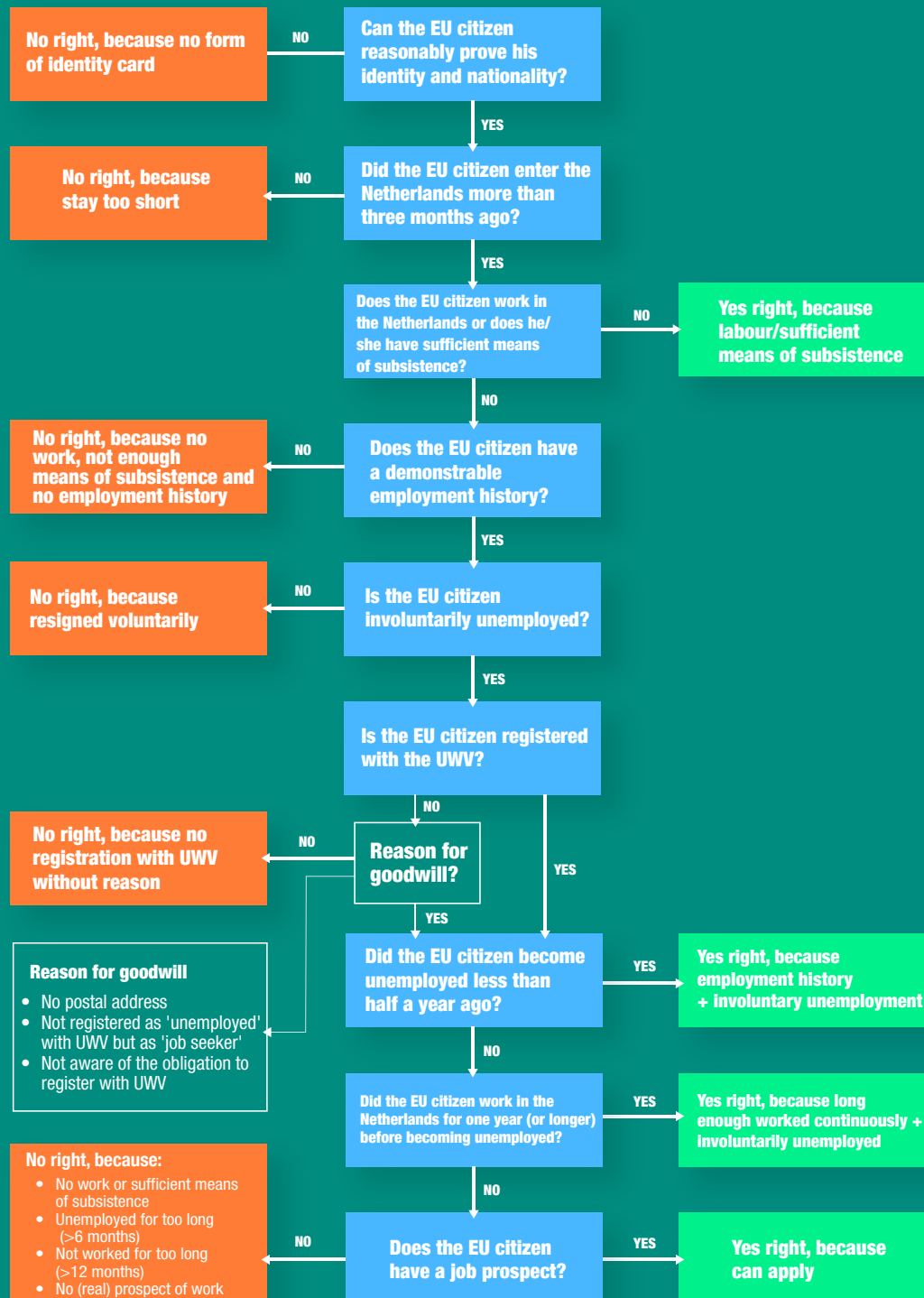


Image 1: Visual representation Checklist Right to equal treatment

We went through 176 cases using the checklist. Of this group, 6 persons, in the IND's assessment, have a right to residence (code 40) and 10 persons have no right to residence (codes 41 or 98). These 16 cases therefore did not go through the checklist any further, because their (right or not) to equal treatment has already been established by their (not) granted residence permit. The cases assessed by the IND are included in the results below: after all, the results are about the number of homeless EU citizens who do (or do not) have a right to equal treatment and not about who does (or does not) go through the checklist.

Right to equal treatment checklist	number	%
Law: familiar with code 40	6	3%
No right: known with code 41 or 98	10	6%
No right: cannot prove identity	16	9%
No right: shorter than 3 months in NL	9	5%
Right: works and/or sufficient resources	49	28%
No entitlement: no work history	19	11%
No right: voluntary resignation	6	3%
Right: unemployed for less than 6 months	20	11%
Right: worked more than 1 yr	21	12%
No entitlement: insufficient employment history	20	11%
Totaal	176	100%

The following are general conclusions about the entire sample. These percentages are calculated over all 176 cases, i.e. including those who already have an assessment from the IND about their residence permit. It was decided to include these clients with (or without) an assessment about their residence in the results. These people are in fact in the picture at De Regenboog Groep because they have a request for help.

Total	number	%
Right to equal treatment	96	54,5%
No right to equal treatment	80	45,5%

General conclusions:

- Of the 176 cases, 54.5% (96 people) come out with equality rights, and 45.5% (80 people) come out with no equality rights;
- of those with a right to equal treatment, more than half (51%) have this right because - despite being homeless - they work or have sufficient means of support;
- of those with potential equality rights, a large proportion (43%) have this right based on employment history.

Detailed explanation:

- 96 of the 176 cases come out on equal treatment rights. The following are the findings of this group:
- 49 people may be entitled to equal treatment by virtue of having employment or sufficient livelihood;
- 21 people may be entitled to equal treatment because they have worked in the Netherlands for more than 1 year;
- 20 people may be entitled to equal treatment because they are involuntary and unemployed for less than six months;
- In addition, there are 6 people already entitled to stay (code 40).

80 of the 176 cases end up with no right to equal treatment. The following are the findings of this group:

- 20 cases do not reach equality rights because they are not working now and the work history they have is not long enough or not recent enough;
- 19 cases fail to meet equal treatment rights because they are not working, do not have adequate means of subsistence and no employment history;
- 16 persons are not entitled to equal treatment because they cannot reasonably prove their identity;
- 9 persons have been in the Netherlands for less than 3 months, so they are not (yet) entitled to the social security system and Wmo-funded offerings;
- 6 people are not entitled to equal treatment because they 'voluntarily' resigned;
- In addition, there are 10 people who were already known not to be entitled (code 41 or 98).

6 Reason for homelessness and work

6.1 Reason for homelessness

In the second query, focusing on homeless EU citizens with employment or a work history, the reason for homelessness was also asked. This was done for 81 cases of homeless EU citizens.

Reason for homelessness	number	%
Work/home linkage	41	51%
Coming/returning from abroad	21	26%
Conflict co-inhabitant/relationship breakdown	10	12%
Eviction from rent debt/ nuisance	5	6%
Discharge from institution (mental health or PI)	3	4%
Illegal residence	1	1%
Totaal	81	100%

When we look at the reason for homelessness among the potentially entitled group who are working or have an employment history, we find that for just over half of the potentially entitled people (51%) it was the work/home link. 26% indicated that coming or returning from abroad was the reason for homelessness. For example, when someone, after working in the Netherlands, went to their home country and then returned to the Netherlands. Another possibility is that they never had stable housing in the Netherlands.

6.2 Work

Inside or outside Amsterdam

For all those whose current or last employer's location was known (this was the case for 85 people), 53% found that it was within Amsterdam.

Latest/current work inside or outside Amsterdam	number	%
Inside Amsterdam	45	53%
Outside Amsterdam	40	47%

Of the 41 people for whom the work/home link was the reason they became homeless, 36 knew whether the work was inside or outside Amsterdam. Of these, 25 (69%) involved an employer outside Amsterdam.

Reason for homelessness link work/home	number	%
Inside Amsterdam	11	31%
Outside Amsterdam	25	69%

Focus groups with social workers reveal that of the homeless EU citizens currently working in Amsterdam, some had previously become homeless after working outside Amsterdam. Possibly it is easier to have work and an unstable form of housing within Amsterdam than outside Amsterdam.

Sector

Generally, the current or last job of homeless EU citizens is low-paid work in industry, cleaning, logistics in a warehouse, as a delivery driver, in construction or hospitality.

Sector	number	%
Industry	18	19%
Cleaning	13	14%
Logistics/warehouse	12	13%
Delivery driver	10	10%
Construction	7	7%
Hospitality	6	6%
Agriculture	5	5%
SME	3	3%
Physical work	2	2%
Employment agency	2	2%
NGO	1	1%
Supermarket	1	1%
unknown	16	17%
Total	96	100%

Here, cleaning, hospitality and delivery work are generally jobs within Amsterdam and agriculture or logistics/warehousing are more often outside Amsterdam. A job in industry or construction is both inside and outside Amsterdam.

7 Consequences in practice

If a homeless EU citizen is entitled to equal treatment, shelter (MO) is one of the provisions within the Wmo that a person can apply for. Dutch municipalities are mandated under the Wmo2015 to provide shelter to those who cannot provide it themselves (are not self-reliant). In Amsterdam, the GGD assesses whether the applicant is considered 'self-reliant' or 'vulnerable'. In this study, we asked social workers whether they estimated that the homeless EU citizen would be granted access to MO by the GGD on the basis of self-reliance/vulnerability. This is therefore an assessment by the social workers, there has been no actual assessment by the GGD.

With these percentages, we can also say something about the total numbers of homeless EU citizens who have used De Regenboog Groep's drop-in centres.

Estimate access MO	number of sample	%	extrapolation DRG 1/10/23-1/4/24
No right to equal treatment	80	45,5%	± 665
Right to equal treatment	96	54,5%	± 798
+ of which possible access MO	9-31*	5% -18%	± 75-266
Total	176	100%	± 1463

*: social worker's assessment that the person is vulnerable and may be eligible for MOBW (or BVBT) is difficult, hence a range (the lowest number is those the MW is convinced of, the highest number includes those he/she considers likely).

From the sample, we estimate that between 9 and 31 homeless EU citizens have access to the MO. If we extrapolate this to all EU shelter visitors at De Regenboog Groep, it tells us that of these, between 75 and 266 homeless EU citizens are entitled to equal treatment and would potentially access the MO. This does not yet include 'bonding', which looks at where someone is most likely to be successful. It is also important to note that we suspect that this number will be lower in the coming years, as today's numbers are built up by years of little or no inflow of this group into the MO. Looking further at the extrapolation to the entire group in view at De Regenboog Groep, we see the following figures. The group of homeless EU citizens entitled to equal treatment is around 798 people, so 75-266 of them may have access to the MO. The group entitled to equal treatment but not to the MO is around 532 and 723 people. The group of homeless EU citizens not entitled to equal treatment is around 665 people.

8 Reflection

During the study, certain trade-offs were made. We also came across discussion points as we went along. Below, we describe the main points of reflection.

- Among other things, by estimating a person's work history and dismissal process, it is determined whether the person is entitled to equal treatment. Persons not registered with UWV were also included in the sample, as this is a relatively low-threshold action to perform for someone who otherwise meets the conditions. The focus group with social workers revealed that many are not registered with the UWV because basic administration such as a letter address is not yet in place.
- Like many things we try to capture in language through laws and regulations, discussions arise over definitions. So too in this study: what is official (demonstrable) work? How do we deal with the temporal factor in the right to equal treatment? This still raises difficulties or ambiguities for how to deal with it in practice.
- The research was done by surveying social workers on files of homeless EU citizens. While this is often a good assessment of someone's situation, not all information is known or it is sometimes an assessment made by the social worker. This is certainly also true when estimating the degree of vulnerability and thus access to the MO, which is an assessment done in Amsterdam by the GGD.
- A query was made about mental health care issues, specifically psychiatry and addiction. Besides being common, physical complaints - often combined with older age - were also common. The care needs of the group of older homeless EU citizens have so far been understudied.
- This study focused on shelter (MO) and not on other Wmo facilities. The possibility of, for example, day care or other Wmo facilities may also be relevant for this target group.
- It becomes clear that there is a large group that is entitled to equal treatment, but where the expectation is that they will not qualify for the MO. And an even larger group who are not entitled to equal treatment. All these people also have a need for help, and for this there is currently little to offer.
- It is important to note that this is not a one-off group, but people will join every year. Therefore, it is extremely important to prevent EU citizens from becoming homeless. Not only in Amsterdam, but also elsewhere in the country.
- This research was done by file research of EU citizens who are in the picture at De Regenboog Groep. It is estimated that 62.5-80% of homeless EU citizens who use winter shelters are on the radar with this. This is expected to leave a very large proportion of homeless EU citizens or EU citizens with other types of help out of sight.

Acknowledgements

Many thanks to everyone who contributed to this study. Thanks to the social work team for EU citizens of De Regenboog Groep, especially Cristi Vasilescu and Michael Sprokkereef for thinking and reading along. In addition, thanks for the data analysis by GGD Health and Life, in particular Marcel Buster. Thanks for the municipality of Amsterdam, for interviewers Roy Egharevba and Annemijn Meijer and for the pleasant cooperation with Janet Vloothuis. And thanks to Mare Roelfsema of Hieroo for a great contribution to the policy research and the writing of this report. Thanks to the Street Alliance and, in particular, to Teake Damstra of Belangenvereniging Drugsgebruikers MDHG (drug users' advocacy group), for his tireless advocacy for the rights and interests of this group. And finally, special thanks to Dion Kramer, for legal expertise.

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