



**Report on Destitute Forced
Migrants
“We Are Dying Silent”
Prisoners of Destitution**

Executive Summary

This report describes the social and legal situation of migrants living in destitution in the following European countries: Belgium, Germany, Italy, Malta, Portugal, Romania and the United Kingdom. The report shows the links between the laws and policies adopted by the State and the destitute situation of the migrants whose cases were studied.

JRS Europe is highly concerned about the fate of destitute migrants staying within the European borders who are forced to live in abject poverty having limited or no entitlements to social support by the State. These destitute migrants have difficulties even meeting the most basic needs such as housing and food.

This report gives an insight into the meaning of destitution and its effects on migrants who find themselves in such a situation. First hand information is provided by those who fell victim to destitution, as well as by NGOs and organisations active in this area.

Destitution: A European Wide Phenomenon

Destitution is experienced by a wide variety of migrants with different legal backgrounds. The analysis among migrants in the selected countries identified extremely diverse groups of migrants who have become victims of destitution. This includes migrants in the possession of residence rights. Roughly, there are three categories of destitute migrants: asylum seekers in the appeals phase (either with or without residence rights), rejected asylum seekers and irregular migrants.

Several common threads regarding destitution can be discerned throughout Europe. States have adopted laws and policies that to a large extent exclude destitute migrants. Destitute migrants have no or very limited access to public goods and services under law in terms of health care, employment, housing, financial support and material assistance such as food and clothing. Even if access to goods and services is guaranteed under law, it is often denied in practice due to complex administrative procedures, unclear laws and lack of knowledge of the service providers. Furthermore, many destitute migrants who stay illegally on the territory fear detention and removal and for this reason do not access state support.

Destitute migrants rely on charity for their survival; families, community members, religious organisations and NGOs provide support. NGOs and other civil society actors have taken up typical state tasks such as the provision of shelter, medical care and material assistance, including food, hygiene products and clothing.

Migrants become more and more stuck in a downward spiral of destitution. It affects the physical and mental health of migrants living in such a situation. The risk of

being pushed into depression or ending up on the streets is very high. For many destitute migrants return is no option. Many rejected asylum seekers or asylum seekers in appeal would rather live in abject poverty than be returned and risk persecution or loss of life. Human rights concerns, medical reasons, or practical reasons, such as the unwillingness of the embassy to provide the necessary travel documents prevent people from returning. National laws often recognise a very limited number of grounds upon which a third-country national may not be removed, but even within this limited number of grounds either no legal durable solution is offered (i.e. a residence permit with social rights) or, if a durable solution exists, it is not always applied in practice. The issuance of a “toleration”, a growing practice in Europe, contributes greatly to the creation of prolonged situations of destitution. The “toleration” does not provide legal status and only permits the stay on the territory without attributing sufficient social rights.

The Walls of the Prison of Destitution

Destitution is a prison with no exit. The prison consists of the following six walls: fear, vulnerability, isolation, dependency, incapacitation and degradation. Destitute migrants with a precarious stay not only live in constant fear that one day they will be removed to their country of origin: they fear that their destitute situation will never end. Furthermore, destitute migrants are extremely vulnerable, since they are separated from friends and families and live in abject poverty in a foreign country. Vulnerability also concerns situations of depression, homelessness and exploitation when the rare opportunity to work for one or two days comes up. Destitution means isolation: most destitute migrants live on the extreme margins of society with limited or no social contacts and excluded by state’s laws and policies. Not only are they isolated, they are almost entirely dependent on the goodwill of others for their survival since no or insufficient state support is received and in most cases access to the formal labour market is prohibited. As a consequence a destitute migrant loses the sense of being an autonomous person and, moreover, the entire control over his or her life. They are no longer in a position to take important decisions. A final prison wall is degradation: migrants living in destitution gradually lose their human dignity.

Please find below a summary of the Policy Positions from the report.
There are recommendations on Human Rights, on Return and on Social Inclusion.

Policy positions flowing from the report

- JRS Europe recalls that human rights apply to every person, regardless of nationality or legal status. These rights include: right to health care, right to adequate housing, right to a minimum subsistence, right to fair working conditions, right to social security, and the right of equality before the courts (see *at the end of the full study: JRS Europe Policy Positions no 1 – 2*).
- Illegally staying third-country nationals should never be penalised for their personal choices made regarding return, by imposing destitution through the withholding of basic rights. (PP 6)
- JRS Europe urges States to eliminate long periods of time spent living in limbo which directly and instantly affect the persons’ dignity. Destitute migrants who are left in uncertainty regarding the right to stay are especially exposed to degrading treatment. (PP 7)



- It is an illusion to believe that irregular migration can be completely tackled and that all illegally staying third-country nationals can be removed in due time. Return policies at the national and the European level have their limitations in terms of success of actual removals and encouragement of return. (PP 8)
- Forcing persons into destitution by withholding legal entitlements to access goods and services does not encourage return. JRS Europe advocates on the basis of this study that forced destitution is counterproductive to return. (PP 11 – 12)
- When return policies are not fair and efficient, alternatives for return should be sought. (PP 13)
- A fully-fledged residence permit should be granted to third-country nationals who cannot be removed. JRS Europe believes that toleration to remain on the territory is under no circumstances a durable solution in cases where return is not possible. (PP 15 – 16)
- JRS Europe advocates that the state has a duty of care for destitute migrants with an irregular or tolerated stay up until the moment of return. JRS Europe is highly critical of practices through which the state shifts this responsibility onto civil society actors. (PP 17)
- Destitution of illegally staying third-country nationals should be addressed within the social inclusion policies at the European and national level. Society is missing out on the skills of destitute migrants by not offering them the right to enter the formal labour market. (PP 18 -19)
- Destitution leads to an alienation from society of a large group of migrants who are living in abject poverty and are excluded from accessing public goods and services. The creation of a group of third-class citizens should be avoided. (PP 20)

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