

Migrants' access to decent work and housing in the EU

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Summary

- **Migrant workers** play a vital role in European economies but **often face significant challenges in accessing decent work and housing in the EU**. COVID-19 not only highlighted their positive contribution to sectors like agri-food, social care and health services but also exacerbated existing inequalities and vulnerabilities in relation to work and housing.
- Although often treated separately, **access to decent work and accommodation are closely interrelated**. [Decent work](#) puts people in “conditions of freedom, equity, security and human dignity” and provides them with fair income, safe working conditions and equal opportunities. [Adequate housing](#) is affordable, safe, and close to services and employment. In practice, access to adequate housing depends on a worker's income and status. In turn, employment opportunities are contingent on affordable accommodation nearby.
- The combined effects of inadequate employment and housing policies are especially serious for migrants. However, addressing inequalities in these policy areas would help achieve the EU's objective of putting the well-being of all workers at the centre of its economy. **A better quality of jobs and social protection would not only benefit migrants but all workers and the societies in which they live.**
- The scope of this Policy Insights paper covers standards for non-EU nationals in an overarching way, irrespective of their residence status. Due to word limitations, it does not examine the framework applicable to specific categories (e.g. applicants for international protection). The analysis also does not include legal pathways to employment in the EU. The Additional resources section provides a list of studies covering these topics.
- This paper highlights the need to address problems in the EU employment and housing sectors, particularly in the pandemic context. It examines EU competences in these areas before analysing the relevant EU legislative, policy and financial frameworks.
- This paper ends with action-oriented **recommendations for civil society organisations (CSOs)**. They aim to strengthen cross-sectoral and transnational collaborations between CSOs, policymakers, trade unions and the private sector, among others. They transcend silos approaches, improving the well-being of *all* persons by working across different policy areas (i.e. migration, employment, homelessness, digital, health).
- Emphasis is placed on **the need to close transposition and implementation gaps and shape ongoing and future legislative initiatives in a way that does not leave any blind spots** for specific categories of non-EU nationals (e.g. undocumented migrants).
- To the extent possible and where this is not already the case, **CSOs should consider adopting a participatory approach**. This means ensuring that actions are centred on the needs and lived experiences of migrants and persons with a migrant background by involving them in research and advocacy.

1. State of play

Despite their steadily [growing contribution](#) to European economies and societies, foreign workers still face obstacles in accessing decent working and living conditions in the EU. In 2019, prior to the outbreak of the COVID-19 pandemic, [non-EU nationals](#) were more likely to be unemployed or employed temporarily than nationals and mobile EU citizens. They were also at greater risks of poverty and social exclusion. The median annual income of non-EU nationals was €13,000 as opposed to €18,000 for nationals, in line with a trend of [rising wage inequalities](#). Limited access to affordable accommodation impacted living standards in the context of a growing [European housing crisis](#). In 2018, migrants in the EU were twice as likely to live in [overcrowded conditions](#), while shrinking investments in social housing and rising rent prices resulted in [growing homelessness](#) among all vulnerable groups.

COVID-19 brought renewed attention to precarious work and living conditions. On the one hand, the pandemic has pushed [migrant workers'](#) essential role in European economies to the forefront, especially in the agri-food, social care and healthcare sectors. On the other, it also exposed and exacerbated their vulnerability, revealing inequalities [beyond the labour market](#). [Foreign-born workers](#) are not only more likely to be on temporary contracts and earn low wages but are often employed in sectors where [social distancing and hygiene measures](#) are not enforced. Moreover, at a time when working from home has become the 'new normal', many migrant workers face challenges in accessing adequate housing or have jobs that are incompatible with [teleworking](#).

Although housing and employment policies are often discussed separately, access to adequate living conditions and work are highly interdependent.

This Policy Insights paper examines the relevant EU policy and legal frameworks and identifies advocacy opportunities to ensure fair working and decent housing conditions for all migrants.¹ Although housing and employment policies are often discussed separately, access to adequate living conditions and work are highly interdependent. From a financial perspective, [low wages](#) can be a barrier to decent housing. Spatially, proximity to a workplace can be difficult to pair with affordable housing. In turn, longer commuting distances can reduce employment opportunities. Specific groups of migrant workers also face additional challenges with housing. For instance, the lack of a regular status can lead to higher renting prices for undocumented workers. [Seasonal workers](#) tend to depend on their employer for accommodation, which increases the risk of [exploitation](#), overcrowding and sub-standard sanitary conditions.

The combined effects of inadequate employment and housing policies are especially serious for migrants, as they can hinder their long-term inclusion prospects. Nevertheless, the risk of marginalisation exists for *all* workers. For this reason, even pre-pandemic, the European Commission made fair employment and access to decent housing two of the [top priorities](#) in its agenda. In this context, addressing inequalities across different policy areas (e.g. employment, housing, digital, health) would help achieve the EU's objective of putting the [well-being](#) of all workers at the centre of the [future EU economy](#), irrespective of their background and nationality. A better quality of jobs and social protection would not only benefit migrants but also create fairer and more inclusive European societies for all.

This Policy Insights paper first outlines EU competences in the policy areas under review before examining existing and proposed EU legislative instruments, as well as non-legal initiatives that impact the working and living conditions of non-EU nationals. It then highlights shortcomings and opportunities for improvement. Finally, this paper provides recommendations for civil society organisations (CSOs) to maintain and strengthen protection standards for migrant workers.

1.1. EU COMPETENCES AS A LIMITING FACTOR

[EU competences](#) relating to social and employment policy as well as housing are limited. As far as [employment policy](#) goes, national governments are primarily responsible. Nevertheless, the EU has taken action to address widening inequalities, increased precariousness and less stable forms of work. Several [EU directives](#) set minimum standards and improve overall working conditions (see section 2.1). These protections target all workers, but some protect migrant workers more specifically.

Migrant workers are 'workers', regardless of their residence status. Immigration considerations should not hinder the implementation of employment law and connected protection standards.

In addition, decisions by the Court of Justice of the EU (CJEU) have limited [member states'](#) discretion to define who is a 'worker' under national law and expanded the protective scope of EU employment legislation. In the [Tümer](#) ruling, for example, the CJEU held that employment law also applies to third-country nationals (TCNs) who do not hold a regular residence permit. This decision is

particularly important as it clarifies that migrant workers are ‘[workers](#)’, regardless of their residence status, and that immigration considerations should not hinder the implementation of employment law and connected protection standards.

In contrast to employment policy, the EU has no competence to legislate on housing. As a result, the [European housing landscape](#) is very diverse. Legal protection standards, public investments, and policies to tackle concrete problems (e.g. homelessness, lack of adequate housing) vary from country to country. Yet the EU has shaped and supported national policies through soft law initiatives: action plans, communications and other instruments that are not strictly binding but serve to coordinate actions between member states and social partners.

In addition to the specific competences in the domains of employment and housing, the EU’s general (i) fundamental rights and (ii) anti-discrimination frameworks, as well as (iii) the European Pillar of Social Rights (EPSR) are relevant to this topic.

First, in both employment and housing matters, the application of existing instruments and the adoption of new EU legislation and policies must comply with the [EU Charter of Fundamental Rights](#) and its articles on [equality](#), [dignified working conditions](#) and [social protection](#).

Second, employment and housing policies fall under the [EU’s anti-discrimination legislation](#). The [Racial Equality](#)

[Directive](#) prohibits discrimination based on racial and ethnic origin [in several areas](#), including employment, social security and healthcare, and access to housing. The [Employment Equality Directive](#) requires that [workers](#) are treated equally, regardless of their religion or belief, disability, age or sexual orientation. Although these instruments have set some minimum standards, [implementation reports](#) underline that breaches often happen ‘under the radar’ and [discrimination](#) based on ethnic and/or immigrant backgrounds in employment remains especially widespread.

The third relevant instrument is the [EPSR](#), adopted in 2017 to define a new ambitious EU social policy agenda. The EPSR sets out [20 principles](#) to support [fair](#) and [well-functioning](#) labour markets as well as [social protection and inclusion](#), including in housing matters. To achieve these objectives, the EU commits to using all available instruments, including the revisions of legislation, financial support and country-specific recommendations. [Actions under the EPSR](#) could improve working and living conditions for [non-EU nationals](#), including undocumented workers. Yet [most proposals](#) are still in the early stages of their implementation.

Finally, it is also important to mention [integration policies](#), a domain closely interlinked with both employment and housing policies. Integration mainly remains a national competence, but the EU can provide support and coordination. A relevant example is the Action Plan on Integration and Inclusion (see section 2.2.1).

2. Relevant EU legislative and soft law instruments

2.1. PROTECTING MIGRANT WORKERS THROUGH EU EMPLOYMENT LAW

EU legislative instruments relating to migrant workers can be divided into those targeting workers generally, and those including specific protections for non-EU nationals.

2.1.1. Protection standards for all workers

[Directive on Temporary Agency Work](#): [Temporary agency workers](#) face many uncertainties. The duration of their employment is, on average, less than three months. Their wages are also typically low despite a high workload. This 2008 Directive stipulates that temporary workers have a right to treatment equal to that of regular employees in terms of pay and working conditions. However, the [latest European Commission assessment report](#) from 2014 revealed that the [equal treatment provisions](#) suffer from poor implementation and are still the object of derogations in some member states, exposing temporary agency workers to potential abuse.

Although the Directive covers all workers irrespective of nationality, it is particularly relevant for non-EU nationals because [many migrants](#) cannot find [secure employment](#)

and instead have [temporary jobs](#) found through employment agencies and other intermediaries. This is especially the case in sectors like agriculture and domestic work. Research by the [Fundamental Rights Agency](#) (FRA) reveals that migrant workers in these sectors are more likely to work overtime without pay, perform extra-contractual tasks and live in degrading conditions. The risk of exploitation is amplified by their dependence on [recruitment agencies](#) or other intermediaries for visas and/or accommodation.

[Directive on Transparent and Predictable Working Conditions](#): As a result of economic changes and technological innovations, new types of [atypical and precarious work](#) have emerged (e.g. domestic, voucher-based and platform workers). In atypical work relations, there are cases of persons registered as self-employed but actually fulfilling the conditions characteristic of an employment relationship. This Directive was adopted in 2019 as a direct follow-up to the EPSR to provide [such persons](#) with greater safeguards against possible abuses. The Directive obliges employers to inform their workers about essential aspects of their contractual relation, thus improving protection through clearer employment rights and working conditions.

In line with other legislative instruments in this area, [member states](#) remain responsible for determining the categories of workers and employees to which the Directive applies. Yet the Directive also emphasises that member states should follow the CJEU's jurisprudence in the Directive's transposition and implementation. Accordingly, [domestic](#), voucher-based and platform workers could benefit from the Directive if they meet the CJEU's criteria for determining a worker's status. Although the Directive does not explicitly state that it applies to [undocumented migrants](#), the *Tümer* ruling suggests that workers without a residence permit are covered implicitly (see section 1.1).

Member states have until August 2022 to transpose this Directive into their national legislation. This presents a window of opportunity to advocate for its inclusive transposition and the implementation policies that put the protection of [undocumented migrants](#) and other migrant workers in atypical work relations centre stage.

2.1.2. Targeted protection standards for migrant workers

Employers' Sanctions Directive: Among the EU instruments that concern migrant workers specifically, this 2009 Directive is one of the most relevant. It prohibits the employment of undocumented migrant workers and lays down minimum standards on sanctions to be respected by national law. It also puts in place a protective framework against abuses and exploitation. Undocumented workers can seek to retrieve any outstanding payments from their employers and lodge complaints against their employers. The Directive also envisages the possibility of national governments granting temporary residence permits to workers who have been subjected to particularly exploitative working conditions.

Although this [legislative instrument](#) constitutes a tool for immigration control, it also contributes to protecting the rights of undocumented workers. But tackling abuses depends on their detection. In this respect, reports by the [FRA](#) and [European Trade Union Confederation](#) (ETUC) found major transposition and implementation gaps in the Directive. Exploited migrant workers rarely use the existing complaint systems, as they risk retaliation from employers, the loss of income and deportation. The studies also underlined that a third of EU countries do not issue residence permits to victims of labour exploitation. When they are issued, residence permits tend to last only for the duration of the judicial proceedings. In addition, few member states grant residence permits for the purpose of workers claiming outstanding wages.

The [European Commission](#) acknowledges these shortcomings and has committed to improving the Directive's implementation. In this context, [FRA](#), [ETUC](#), the [Platform for International Cooperation on Undocumented Migrants](#) (PICUM) and other organisations have called for migrant workers' easier access to residence and wage recovery, as well as safer reporting protocols against abuses. Creating a "[firewall](#)" system would also ensure that undocumented workers detected during [inspections](#) are not referred to immigration authorities.

Seasonal Workers Directive: Seasonal workers are among the groups of migrants most likely to face [exploitation](#) and sub-standard working and living conditions. The [agricultural and horticultural sectors](#), in particular, are heavily dependent on migrant workers, who in turn are at a higher risk of abuse. Under this 2014 Directive, seasonal workers are entitled to equal treatment with respect to working conditions, including pay and dismissal, working hours, as well as occupational health and safety measures. If accommodation is arranged by the employer, it must be adequate and affordable and meet health and safety standards.

Although the Directive strengthened the [protective framework](#) on paper, seasonal workers still remain vulnerable to [labour exploitation](#) and poor living conditions due to implementation shortcomings, the temporary nature of their work and their often precarious situation. [Reports](#) highlight that employers often use accommodation needs to circumvent minimum wage requirements by, for example, increasing rent prices. [Overcrowded and unsanitary workplaces](#) are also reported. [COVID-19](#) highlighted these dangers and abuses. In response, the Commission recently acknowledged the need to improve the Directive's implementation. It issued [guidelines](#) for member states to ensure, among others, adequate working and living standards, reasonably priced accommodation, and information campaigns to improve seasonal workers' knowledge of their rights.

Single Permit Directive: This 2011 Directive equips third-country workers with [a set of rights](#) similar to that enjoyed by nationals, such as access to social security and public services (i.e. housing and employment advice). These equal treatment clauses are considered essential for migrant workers' integration into the host society, but their [added value](#) remains limited. Notably, the Directive does not cover seasonal workers, beneficiaries of international protection or the self-employed. Moreover, a 2019 [European Commission report](#) highlights implementation gaps and problems in transposing the equal treatment provisions.

[Litigation](#) before the CJEU has played an important role in strengthening the Directive's protective framework. In cases [C-449/16](#), [C-302/19](#) and [C-462/20](#), the Court held that single permit holders cannot be excluded from the provision of social benefits made available under national law. The third case, argued by a group of [Italian CSOs](#), illustrates how [strategic litigation](#) can align domestic practices with EU standards.

Long-Term Residents Directive: Under this 2003 Directive, non-EU nationals residing in an EU country for an uninterrupted period of five years can acquire a more secure 'long-term' residence status. Long-term residents enjoy treatment equal to that of nationals in terms of access to employment and working conditions, social security, public services (i.e. housing) and freedom of movement.

Generally, this Directive is seen as a '[mixed bag](#)', as it is difficult for non-EU nationals to qualify. On top of the five-year waiting period, eligibility criteria include a stable and regular income, health insurance and, when

required by national authorities, ‘integration conditions’. In addition, member states can set [‘labour market tests’](#) for moving within the EU for work purposes. The 2019 [Commission implementation report](#) also found that many member states continue to issue national long-term permits almost exclusively, which grant a lower set of rights. This situation is worsened by [TCNs](#) having little awareness of their rights under the Directive.

2.1.3. Upcoming initiatives

In addition to the above instruments, the following proposals to extend protection standards for workers are currently under discussion.

Proposal for a Directive on Minimum Wages: Proposed in October 2020, following the EPSR, this Directive would define procedural elements that member states must respect when implementing wage policies. Its stated goal is to ensure adequate minimum wages across the EU while also considering national economic and social conditions. It could therefore improve the [working and living standards](#) of those employed in [low-skilled and low-paid positions](#), including migrant workers.

In November 2021, the [European Parliament](#) introduced [several revisions](#) to the initial Commission proposal, requiring national authorities to take full account of their respective country’s cost of living to ensure that minimum wages effectively allow for decent living conditions. The original proposal and [these amendments](#) will be [negotiated](#) between the [Parliament](#) and the [Council](#).

Proposal for a Platform Work Directive: As far as labour law is concerned, the scope of EU rules is mostly limited to [traditional forms of employment](#) and often excludes self-employed or atypical workers. This December 2021 proposal was made in the context of the rapid [expansion of platform business models](#) under COVID-19, as exemplified by food delivery services. This proposal is particularly relevant since the [low entry barriers](#) in the platform economy make it possible for migrants, including [those undocumented](#), to work through platforms and secure an income. Conversely, gig economy work tends to lack social security, while platform workers are more easily [exploited](#) due to their off-precarious situation.

Of the [28 million](#) estimated to currently work through digital labour platforms, up to [5.5 million](#) may be ‘falsely’ self-employed and therefore deprived of the protection under existing EU labour law instruments. To close this gap, the [Directive](#) would introduce [control criteria](#) to determine whether the platform is actually an ‘employer’. Those reclassified as workers would be entitled to minimum wages, collective bargaining, health protection, and unemployment and sickness benefits, among others.

The [proposal](#) will be negotiated within and between the European Parliament and the Council. Both institutions will first have to adopt their respective positions before looking for a mutually acceptable compromise.

Revisions of the Long-Term Residents and Single Permit Directives: This brief overview of legislative initiatives would be incomplete without including these two upcoming revisions, expected for the first half of 2022. Although the contents of the revisions are still unknown, they will likely address the Directives’ implementation and transposition gaps. As far as the Long-Term Residents Directive is concerned, a key battleground could be the duration of the minimum stay to obtain the status, as shown by the [Parliament’s request](#) to reduce it from five to three years. [Experts](#) also indicate that targeted changes could improve TCNs’ access to intra-EU mobility and prospects to find employment in other member states. This would, however, require simplifying eligibility conditions.

2.2. IMPROVING MIGRANTS’ ACCESS TO HOUSING AND EMPLOYMENT THROUGH SOFT LAW

To complement the existing legislative instruments and increase coordination among member states, the EU has also taken several soft law initiatives. EU funding tools reinforce and complement these actions further.

2.2.1. EU soft law initiatives and action plans

The implementation of the EPSR was supported in 2021 by the [Action Plan](#) which outlines EU instruments that can support social rights. Among others, it recognises the need to increase access to housing to improve social inclusion and defines a series of concrete objectives. One of its [headline targets](#) is to end homelessness in the EU by 2030. To strengthen coordination and exchange [innovative practices](#), in June 2021, EU institutions, member states and social partners launched the [European Platform on Combatting Homelessness](#). Its [activities](#) can benefit migrants struggling to access affordable housing. The [Action Plan](#) also recognises the need to support labour market participation, such as supporting the unemployed through improved [skills recognition](#), training and reskilling.

Efforts to implement the EPSR principles go hand in hand with other initiatives specifically dedicated to migrants. To this end, in November 2020, the European Commission launched the [Action Plan on Integration and Inclusion 2021-2027](#). It recognises that housing opportunities shape [social inclusion](#) alongside employment. It also acknowledges that non-EU nationals and EU citizens with a migrant background often face discrimination and additional challenges in the domains of housing and employment. To promote non-segregated, adequate and affordable housing, as well as full participation in the labour market, the Commission plans to promote mutual exchanges between states, cities, regions, [social partners](#) and civil society actors. Actions will also be supported via EU funding (see section 2.2.2).

Opportunities to improve equal access to housing and the labour market also emerge in connection with recent [anti-discrimination efforts](#). Among the instruments adopted to complement existing legal tools, the Commission’s [Anti-racism Action Plan 2020-2025](#) is particularly relevant

in combatting racial discrimination against migrants. In terms of concrete actions, the plan supports non-segregated housing actions and access to employment, mainly by leveraging the support of EU funding. More broadly, the plan encourages national authorities to raise public awareness of discrimination while also informing those at risk about their rights and the protective measures available to them. In this regard, the [Commission](#) acknowledges the role of national equality bodies, trade unions and CSOs in supporting victims of discrimination (e.g. engaging in strategic litigation, seeking collective redress).

While legislative and soft law instruments constitute a roadmap towards fairer access to adequate housing, [CSOs](#) generally indicate that further actions remain necessary, especially for undocumented migrants. [Many barriers](#) still exist on top of discrimination, such as restrictive requirements (e.g. residence permits). Some of these obstacles are rooted in member states' legislation and practices. The EU framework also implicitly tolerates practices that can hurt undocumented migrants. For example, under the [EU Facilitation Directive](#), renting remains a grey area that can lead to the [criminalisation](#) of those providing shelter and housing to undocumented migrants.

While legislative and soft law instruments constitute a roadmap towards fairer access to adequate housing, further actions remain necessary, especially for undocumented migrants.

2.2.2. EU funding tools supporting access to housing and employment

The implementation and success of the relevant EU initiatives depend on [adequate financial support](#). Member states have several [EU funding tools](#) at hand to support migrant inclusion. The [Asylum, Migration and Integration Fund](#) (AMIF) is the main EU funding instrument in the fields of housing and employment and supports early integration. A second key instrument is the [European Social Fund Plus](#) (ESF+), which includes [specific provisions](#) to promote migrants' integration through, for example, access to the labour market, education and training. Both funds can be used to fight discrimination with information campaigns and promote equality by building stakeholders' supporting capacity.

Other instruments not explicitly targeting migrants' inclusion can also play a role. The [European Regional Development Fund](#), for instance, can finance the expansion and renovation of (social) housing in deprived neighbourhoods and strengthen other public services (e.g. public transport) and infrastructure. [Next Generation EU](#) (NGEU), the instrument which supports member states' recovery from the pandemic, can improve living and working conditions. [InvestEU](#), the new EU's investment programme, could be used to address the [lack of affordable housing](#). In this sense, funding opportunities also exist outside EU financial frameworks. For example, the [European Investment Bank](#) provides social and affordable housing loans to various entities, such as city councils and social housing providers, to support urban regeneration and address the housing crisis.

The [European Commission](#) has, however, highlighted several challenges in the monitoring and implementation of these instruments. For one, local authorities and CSOs still face administrative barriers in accessing EU funds. Moreover, obstacles persist in meaningfully involving migrant communities when designing and implementing funding instruments.

3. Recommendations for civil society action

EU legislation has developed a protective framework that complements the rules at the national level. Yet the existing EU instruments often suffer from poor transposition and implementation and do not always extend to undocumented migrant workers. The following action points will promote greater civil society engagement in cooperation with other stakeholders (e.g. trade unions, businesses, national and local authorities).

These recommendations do not claim to be comprehensive. This section should not be interpreted as a prescriptive list but rather a series of action-oriented suggestions that CSOs could put into practice in accordance with their mission and capacity.

As this Policy Insights paper shows, achieving decent housing and working conditions for migrants goes hand-

in-hand with a 'whole of society' approach. This means breaking silos and addressing inequalities across different policy areas (i.e. migration, employment, housing, digital, health). As such, the recommendations will encourage cross-sectoral initiatives and collaboration. At the same time, the actions of CSOs working towards the inclusion of migrant workers in EU society should be seen as complementary to the advancement of the well-being of all persons, irrespective of their nationality. The recommendations are therefore also part of a [broader ambition](#) to rethink the [future of work](#).

→ CSOs should continue to monitor proposals to introduce or review EU employment law to ensure that all workers are protected, regardless of their migration status. Following the [CJEU's Tümer jurisprudence](#), **CSOs could advocate for the explicit inclusion of undocumented migrants in**

EU employment directives. This could be achieved within the framework of EU-level negotiations by, for example, partnering up with Members of the European Parliament to advocate for their inclusion in the proposed Platform Work Directive. Moreover, CSOs should consider opportunities to include undocumented migrants in national acts transposing EU instruments. A starting point could be the Directive on Transparent and Predictable Working Conditions, whose deadline for transposition is 1 August 2022.

- **CSOs should use EU employment law as an opportunity to advocate for migrant rights.** They could focus particularly on actions relevant to all workers but that have an especially important impact on migrant workers. Key areas of action include access to information on labour rights and the applicable norms, wage recovery, access to judicial and complaint mechanisms without consequences on immigration enforcement, safe working and living conditions, and improved enforcement mechanisms and labour inspections. Opportunities for advocacy could arise in different contexts: the upcoming negotiations around the Directive on Minimum Wages and the Platform Work Directive, the revisions of the Single Permit and Long-Term Residents Directives, and the implementation of the standards already in place (see next recommendation).
 - **CSOs should collect information and report on the implementation and transposition practices that undermine protection standards for migrant workers at the national level.** CSO action can bring gaps, violations and/or good practices to the attention of the European Commission and relevant national authorities by issuing public reports or participating in dedicated consultations. To tackle implementation gaps, CSOs could also engage in [strategic litigation](#) to advance migrants' access to their rights. The next two years will be crucial for the Employers' Sanctions Directive, as the [Commission](#) will closely monitor and promote enforcement. It also announced a willingness to launch infringement procedures where necessary and that it will re-evaluate whether amending the present framework is necessary. Similarly, the implementation of the Seasonal Workers Directive also presents opportunities for action. CSOs should call on member state and local authorities to implement the existing [guidelines](#) fully while raising awareness about cases of exploitation and the destitution of seasonal workers.
 - In order to influence the negotiations and implementation of EU legislation, **CSOs active at the national and local levels should consider linking up with other organisations** across borders and sectors – even beyond the field of migration. To strengthen action at the EU level, CSOs should join forces with EU-wide advocacy networks like [PICUM](#) and the [European Federation of National Organisations working with the Homeless](#), which have also established connections with the EU institutions and play a role in the relevant European platforms.
- Cooperation could go beyond advocacy and involve different types of engagement (e.g. bigger campaigns, promoting dialogue among key stakeholders).
- **Advocacy should go beyond housing and labour policy frameworks by, for example, aiming to decriminalise undocumented migrants' access to housing.** To this end, CSOs should consider monitoring the implementation of the [Facilitation Directive](#). While the [European Commission](#) has found no need to revise the Directive, the criminalisation of those renting accommodation to migrants in an irregular situation is at member states' discretion. CSOs could therefore call on national governments to decriminalise the provision of for-profit assistance to undocumented migrants (i.e. [landlords](#)), unless done under exploitative conditions.
 - **CSOs should help improve national efforts in fighting discrimination** by, for example, encouraging the adoption of national plans under the Anti-racism Action Plan. CSOs could map the gaps in the enforcement of EU legislation on equal treatment and raise awareness about discrimination against migrants and people with a migrant background in areas covered by the Racial Equality Directive and the Employment Equality Directive. In cooperation with national equality bodies and trade unions, CSOs can help victims of discrimination through, for example, strategic litigation or collective redress.
 - **CSOs should monitor the national programming and implementation of EU funding targeted at integration** (i.e. AMIF, ESF+). In the context of [NGEU](#), advocacy groups will be critical to ensuring that opportunities to invest in ambitious interventions on employment, [housing and homelessness](#) are implemented in an [inclusive and non-discriminatory](#) manner. In line with fruitful [recent experiences](#), CSOs could help provide evidence on the effectiveness of current funding instruments by monitoring their implementation. They could also contribute to shaping the definition of annual priorities and work plans at national and local levels. CSOs could also focus on the relevant thematic areas: housing, employment and the links between the two. Moreover, CSOs that have already accessed EU funding successfully could assist migrants and migrant-led organisations in doing so too (i.e. through dedicated support and training).
 - **CSOs should support and facilitate migrant workers' mobilisation**, and in close cooperation with [trade unions](#). Examples of [migrant-led mobilisation](#), such as the [undocumented farmworkers](#) in Italy, show the importance of creating space for stronger engagement and representation of migrant workers. However, migrants often face [obstacles](#) in joining an association or a union due to their precarious working conditions, their uncertain migration status and/or language barriers. Improving the information, outreach and training for migrant workers, also through EU funding, is of paramount importance.

→ **CSOs should also engage with trade unions and employers in the private sector to explore opportunities for migrants' social inclusion through decent employment and better housing.**

Partnerships could be built across multiple sectors, such as agri-food, care, hospitality and transport. Such cooperation could be leveraged through EU support, as was the case in the AMIF-funded, multistakeholder [LABOUR-INT](#). This project convened actors from the public, private and non-profit sectors to identify the challenges experienced by asylum seekers and refugees in accessing the labour market. Opportunities for cooperation between civil society, businesses and local authorities could also emerge under the Action Plan on Integration and the Anti-racism Action Plan, both encouraging a multistakeholder approach.

→ **Last but not least, CSOs should engage people with a migrant background and living in the EU who are affected by the issues examined in this Policy Insights in their research and advocacy activities.**

For example, [involving migrant workers](#) can shed light on working conditions in different sectors, such as the platform economy, [agriculture](#) and [domestic work](#). Adopting a [participatory approach](#) will help CSOs and researchers generate knowledge that reflects the experiences and needs of migrant workers, involving them in the development of advocacy strategies and policy solutions that bring change on the ground. This would also allow CSOs to identify regulatory gaps, and problems linked to the transposition and implementation of existing standards at the national level. Migrants' specific perspectives should also be brought to the attention of thematic platforms active at the EU level, such as the European Labour Authority, the [European Platform tackling undeclared work](#), and the [European Platform on Combatting Homelessness](#).

¹ This Policy Insights paper reviews legal standards for non-EU nationals in an overarching way, irrespective of their residence status. It does not examine the framework applicable to specific categories, such as applicants for international protection or refugees. Legal pathways to employment in the EU are also not covered.

Additional resources

Special frameworks applicable to refugees and applicants for international protection:

- Orav, Anita (2021), [Labour market integration of asylum-seekers and refugees](#), PE 690.651, Brussels: European Parliamentary Research Service.
- Mouzourakis, Minos; Kris Pollet; and Jean-David Ott (2019), [“Housing out of reach? The reception of refugees and asylum seekers in Europe”](#), Brussels: European Council on Refugees and Exiles.

The EU legal migration acquis and intra-EU mobility for third-country nationals:

- de Lange, Tesseltje and Kees Groenendijk (2021), [“The EU’s legal migration acquis: Patching up the patchwork”](#), Brussels: European Policy Centre.
- Camilli, Eleonora; Giulia Laganà; Gemma Pinyol-Jiménez; and Jan Schneider (2020), [“Towards an EU Toolbox for Migrant Workers. Labour mobility and regularisation in Germany, Italy, and Spain in 2020”](#), Brussels: Open Society European Policy Institute.

Inclusion of migrant workers in the EU labour market:

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