



**Ad-Hoc Query on HOUSING CONDITIONS OF MIGRANT WORKERS**

**Requested by SI EMN NCP on 4<sup>th</sup> March 2009**

**Compilation produced on 30<sup>th</sup> March 2009**


**Responses from AT, BE, BG, CY, CZ, DE, EE, ES, FI, GR, HU, IE, LT, LV, MT, NL, PL, PT, RO, SE, SI, SK, UK**  
**(23 in Total)**

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**1. Background Information**

Migrant workers in Slovenia are currently facing problems in relation to their accommodation, such as overcrowding, overcharging and poor quality living conditions. In this regard the Slovene government is in the process of setting up common housing standards, which would in our opinion improve living conditions of migrant workers and strengthen the control of inspection services. In this context we would like to examine existing good practices of the member states in the field of their housing arrangements for migrant workers.




**2. Responses**

		Wider Dissemination?	<b>Does your Member State in any way regulate housing conditions of migrant workers when they live in the facilities, so called "tied housing arrangements", which are provided by employers? Has your Member State set any basic housing standards at national level regarding the living conditions which have to be respected by employers?</b>
	<b>Belgium</b>	<b>Yes</b>	No specific regulations apply to housing provided to migrant workers. Each regional authority sets the standards to be met by rental property in a regional 'Housing Code.' (Housing is competence of the Regions, with the exception of the law on rental agreements which is federal). All properties put on the rental market have to comply with standards set in the regional code. The right of each citizen to decent housing is the central idea in the regional housing codes, be it rented or occupied by








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			foreigners or Belgian nationals. In addition, abusing of financially or socially deprived individuals (foreigners or Belgians) to sell or rent them property at an abnormally high price and in conditions which are not compatible with human dignity is a penal infraction in Belgium (Law of 10.08.2005). The property can be confiscated if the landlord is found guilty of such crime (Law of 09.08.2006).
	<b>Bulgaria</b>	<b>Yes</b>	At the moment in Bulgaria there are no legal provisions particularly regulating housing conditions for migrant workers. The subject must be settled by a clause in the contract which the Bulgarian employer submits to the National Employment Agency. That clause should define the responsibility for accommodation and subsistence expenses. Either the employer provides for accommodation and cuts the salary down or the employee shall be paid higher salary, taking the responsibility for his own accommodation. National Employment Agency refuses work permission in cases of low salary and no accommodation provided by the employer.
	<b>Czech Republic</b>	<b>Yes</b>	The situation is mostly similar (overcrowding, overcharging, poor quality) in the Czech Republic, even though there is some legal regulation of the issue. According to the <i>Act on the Residence of Foreign Nationals in the Territory of the Czech Republic</i> , a provider of accommodation shall be obliged to provide foreign national accommodation which is not apparently inadequate to the level of accommodation provided by other providers of accommodation in similar premises in the municipality, district, or region respectively. The adequacy shall be assessed, in particular, by comparing sanitary conditions and the number of accommodated persons. More generally, the <i>Act on protection of public health</i> sets standards of accommodation facilities.
	<b>Denmark</b>		
	<b>Germany</b>	<b>Yes</b>	The majority of migrant workers in Germany are employed within individualised employment relationships and therefore live in the private rented sector. Beyond general legal provisions relating to the housing sector such as the German Civil Code ( <i>Bürgerliches Gesetzbuch</i> ), the Federal Building Code ( <i>Baugesetzbuch</i> ), the building regulations of the Federal States ( <i>Bauordnungen der Länder</i> ) as well as several laws and ordinances on construction, Germany does not regulate housing conditions for migrant workers by specific act of law. There are, however, groups of migrant labourers whose accommodations are commonly arranged by the employer or an agency, or who are referred to collective accommodation arrangements by their employers. Namely in the case of seasonal workers (primarily for harvesting in agriculture), workers for private domestic help and private caregivers the Federal Employment Office (which oversees the recruitment procedures) provides terms of reference on accommodation for employers. Thus, employers are obliged to either provide appropriate accommodation or to refer the worker to such. Appropriateness refers to the kind, qualitative state and reasonable price of the accommodation; the rent needs to be specified beforehand. Furthermore, accommodation needs to comply with the local regulations on building and fire protection. The same applies to the erection of housing containers for the accommodation of seasonal workers. It is not allowed to accommodate seasonal workers in tents or mobile homes. In particular, accommodation has to meet certain requirements as to size and occupancy; e.g., minimum ceiling height is 2.30












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			<p>meters, no more than six people may be accommodated in one room; sufficient heating must be available between 1 October and 30 March of each winter term. Other standards refer to sanitariness and, inter alia, suggest the ratio of people per toilet/shower facility. These requirements have been derived from the <i>Ordinance on the Accommodation of Foreign Workers</i> (Richtlinien für die Unterkunft ausländischer Arbeitnehmer in der Bundesrepublik Deutschland vom 29.03.1971 des Bundesministers für Arbeit und Sozialordnung, Bundesanzeiger Nr. 63 vom 01.04.1971). This legal base is referred to by the Federal Employment Agency as an addendum to the terms of reference for the recruitment of seasonal workers and foreign private care workers, and the according internal procedural instructions (confer PDF-attachment, p. 14; available in German only)</p> <p> Adobe Acrobat 7.0 Document</p>
	<b>Estonia</b>	<b>Yes</b>	Estonia doesn't regulate the housing conditions for migrant workers.
	<b>Ireland</b>	<b>Yes</b>	<p>Ireland does not have any specific regulatory arrangements regarding housing provided by employers for migrant workers.</p> <p>Migrant workers living in private rented accommodation would have the same rights and obligations as any other tenant in the private rental sector. Certain conditions which must be respected by landlords are set out in the Residential Tenancies Act 2004. Privately rented accommodation must be registered by the landlord with the Private Residential Tenancies Board which also provides a dispute resolution service to resolve disputes between landlords and tenants, instead of having recourse to the Courts.</p> <p>Minimum standards for rental accommodation are prescribed by means of regulations made under section 18 of the Housing (Miscellaneous Provisions) Act, 1992. These regulations specify requirements in relation to a range of matters such as structure repair, absence of damp and rot, sanitary facilities, heating, ventilation, light and safety of gas and electrical supply. Since 1 February 2009, the Housing (Standards for Rented Houses) Regulations 2008 govern standards for rental accommodation.</p> <p>With regard to social and affordable housing (social and affordable housing provided by housing authorities and voluntary and co-operative housing bodies), in general, an immigrant must have a legal right to remain in Ireland on a long-term basis, for example, persons granted refugee status, before they may be considered for social and affordable housing support.</p> <p>Employment permit holders who reside in Ireland are not entitled to housing supports (this does not apply to EEA nationals</p>



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			who hold work permits). Third-country nationals also need to meet the other requirements for housing supports prescribed by the State.
	<b>Greece</b>	<b>Yes</b>	According to the Greek legislation employers are obliged to ensure accommodation for the seasonal workers, who are occupied mostly in agriculture and for a period up to six months. In any other case do not have this obligation. However, basic housing standards are required for third country nationals in cases of family reunification or for the status of long term-resident.
	<b>Spain</b>	<b>Yes</b>	<p>Spanish legislation on alien affairs (Article 42.2 of Organic Law 4/2000 of 11 January, on the rights and freedoms of foreigners in Spain and their social integration, as well as Article 56.1.a of the Regulations that develop it approved by Royal Decree 2393/2004 of 30 December) sets forth the requirement of having suitable tied housing arrangements available that should be provided by employers when it governs the granting of a residence and work permit for salaried employment for seasonal or harvest work, along with for specific works and services.</p> <p>More specifically, it is set forth that “having adequate housing available that fulfils the conditions laid down in prevailing regulations on such matters, and as long as the housing's adequate dignity and hygiene are ensured” is a requirement for the issuance of the work permits in the aforementioned cases.</p> <p>Furthermore, General Additional Provision 4 of the Resolution adopted by the Cabinet Meeting (<i>Consejo de Ministros</i>) held on 19 December 2008 governing the <i>contingent of third-country foreign workers in Spain for 2009</i> sets forth that, should temporary jobs be offered, breaching the employer’s obligation of “having available suitable housing and providing it to workers” could be grounds for the refusal of subsequent requests to manage job offers during the three immediately following years.</p>
	<b>France</b>		
	<b>Italy</b>		
	<b>Cyprus</b>	<b>Yes</b>	Based on the set criteria and the procedures for the issuing of residence/work permit for third country nationals, concerning salary and work conditions, the Ministry of Labor and Social Insurance, the Cypriot employer is obliged to provide accommodation of adequate standards and conditions to the foreign worker and is allowed to deduct up to 10% of the salary for this costs. If the employers does not provide for the nutrition of the employee kitchen facilities must be provided along with housing. In case the employer provides free nutrition to the employee, the employer is allowed to deduct an added percentage of the salary, not exceeding 15%.
	<b>Latvia</b>	<b>Yes</b>	Latvia doesn't regulate housing conditions for migrant workers.
	<b>Lithuania</b>	<b>Yes</b>	Lithuania doesn't regulate housing conditions for migrant workers at the moment.

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	<b>Luxembourg</b>		
	<b>Hungary</b>	<b>Yes</b>	<p>According to the Government Decree 114/2007 (V. 24.) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals Art. 29.</p> <p>(3) The requirement of accommodation is considered satisfied if the third-country national is the owner of a residential property registered in the real estate register as a detached house or a residential suite, or if entitled to use such property under any title.</p> <p>(4) In proceedings for the issue of visas for a validity period of longer than three months and for residence permits, the requirement of accommodation may be verified by the following documentary evidence:</p> <p>a) abstract of title issued within thirty days to date, establishing the applicant's title to a residential real estate property in Hungary;</p> <p>b) a residential lease contract in proof of the rental of a residence;</p> <p>c) a valid letter of invitation with an official certificate affixed;</p> <p>d) documentary evidence to verify the reservation of accommodation and payment;</p> <p>e) a notarized statement made by a family member with the right of residence in Hungary as holding a long-term visa or residence permit, with immigrant or permanent resident status, holding a residence card or a permanent residence card in accordance with specific other legislation, or with refugee status, promising a place of abode to the applicant; or</p> <p>f) other reliable means.</p>
	<b>Malta</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Netherlands</b>	<b>Yes</b>	NL does not have regulations on this specific subject.
	<b>Austria</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Poland</b>	<b>Yes</b>	As for the moment, Poland does not regulate housing conditions offered to migrant workers.
	<b>Portugal</b>	<b>Yes</b>	Portugal doesn't regulate housing conditions for migrant workers at the moment.
	<b>Romania</b>	<b>Yes</b>	There are no special legal provisions setting out standards/conditions regarding housing conditions for migrant workers.
	<b>Slovenia</b>	<b>Yes</b>	Slovenia doesn't regulate housing conditions for migrant workers at the moment.
	<b>Slovak Republic</b>	<b>Yes</b>	The Slovak Republic doesn't regulate housing conditions for migrant workers at the moment.
	<b>Finland</b>	<b>Yes</b>	There is no regulation on housing conditions for migrant workers. One must, however, notify his/her address in Finland when applying for a residence permit. Usually the address is provided by the employer. In cases, where a migrant worker has a housing benefit, it is necessary to consider, whether the means of support are sufficient. Residence's (mentioned in application) taxable value is then required in order to estimate one's total income.

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	<b>Sweden</b>	<b>Yes</b>	No, Sweden do not regulate housing conditions for migrant workers.
	<b>United Kingdom</b>	<b>Yes</b>	The UK doesn't regulate housing conditions for migrant workers. Under the new Points-Based System, we do not expect sponsors (employers) to provide housing to their migrants. Migrants are expected to prove that they can maintain themselves and their dependants.