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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Towards a just approach to the global housing crisis and migrants

Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Balakrishnan Rajagopal

Summary

In the present report, submitted in accordance with Human Rights Council resolution 52/10, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Balakrishnan Rajagopal, elaborates on the challenges faced by migrants crossing international borders, including refugees, asylum-seekers and victims of trafficking in persons, in exercising their right to adequate housing.

While everyone is entitled to enjoy the right to adequate housing on equal grounds regardless of migration status, migrants continue to experience housing conditions that are worse compared with those of nationals, as they are victims of discriminatory anti-migrant policies, racism and xenophobia that push them farther to the margins of society. The report challenges political and popular narratives that scapegoat migrants for worsening the global housing crisis. Far from being responsible for the housing crisis in countries around the world, migrants are often victims of the same crisis, which has other, unrelated root causes.

Recalling international standards at the intersection of housing and migration, the Special Rapporteur elaborates on the barriers faced by migrants, and points to strategies that have proven successful in overcoming many of those barriers. The report contains recommendations for improving access to adequate housing for all migrants and a call for a global political response, building on recent international commitments, without which very little progress is possible.



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I. Introduction

1. The world continues to experience a worsening global housing crisis: more people are inadequately housed today than at any time in recent history due to conflict, a cost-of-living crisis and unaffordable housing, as well as inequality, increasing homelessness, the worsening impacts of the climate crisis and increasing displacement due to development, conservation and climate-related measures taken by Governments, leading to a loss of land and housing rights. Indeed, the inability of most working people to afford adequate housing has led to the emergence of housing as a core political issue in elections in democracies, while the impact of the lack of affordable housing creates instability even in countries that do not hold elections regularly. An unfortunate and divisive tendency witnessed in recent elections in many countries is to blame migrants for the housing crisis.¹ It is often said that migrants, whether they are asylum-seekers, refugees, economic or labour migrants or international students and whether they have or do not have legal status, contribute to rising housing prices, worsening social services and an increase in homelessness and crime. Meanwhile, migrants continue to experience housing and living conditions that are often worse compared with those of nationals. In the present report, the Special Rapporteur on the right to adequate housing offers an analysis of the situation concerning migrants and proposes a more just approach to non-nationals and the right to adequate housing that can improve the housing conditions of all, both nationals and non-nationals, without discrimination.

2. The Special Rapporteur aims to build on past work by his predecessors regarding migrants² and proposes an approach that meets the challenges of the current moment. He is particularly concerned with the widespread anti-immigrant policies, racism and discrimination that have a negative impact on the enjoyment of the right to adequate housing by people crossing international borders. Anti-migrant discourse contributes to resentment towards foreigners, leading to a spiral of discrimination, hate speech and hate-motivated crimes. It also leads to anti-immigrant and inhumane policies aimed at imposing penalties for renting housing to migrants, erecting barriers in access to essential social services and placing migrants under constant threat of surveillance and deportation or removal.

3. The Special Rapporteur is grateful to those who participated in the consultations held on 29 November and 4 December 2024 and those who sent written submissions, including representatives of States, international organizations, human rights bodies and civil society.

II. Overview, definitions and data

4. While there have been many instances of large-scale migration in history, the trans-Atlantic migration from Europe during the heyday of colonialism, when tens of millions of Europeans migrated to non-European territories in the Americas, Africa, and Asia, including Oceania, should be recalled. Labour demands due to European imperialism, industrialization and global conflicts resulted in millions of enslaved or indentured workers from Africa, China and such colonized countries as India and Indonesia being shipped to colonies elsewhere. Between 1846 and 1940, around 150 million people moved across continents – about 9 per cent of the world's population in 1900. About 48 million persons left Europe during colonialism between 1846 and 1924, amounting to about 12 per cent of the European population in 1900.

5. Today's migration trends show little evidence of a "migration crisis" of that scale, contrary to political sloganeering. International migration as a share of the world's population has remained fairly steady, between 2.7 and 3.5 per cent since 1960.³ In addition, the rate of emigration from Asian and Latin American countries today as a percentage of their

¹ See <https://www.politico.com/news/2024/10/04/jd-vance-illegal-immigrants-housing-00182391>; <https://www.theguardian.com/news/article/2024/may/06/fix-europe-housing-crisis-risk-fuelling-far-right-un-expert-warns>; and <https://theconversation.com/election-2024-migrants-arent-to-blame-for-britains-housing-crisis-222931>.

² E/CN.4/2002/59 and E/CN.4/2002/59/Corr.1, A/65/261 and A/HRC/43/43.

³ World Bank, *World Development Report 2023: Migrants, Refugees, and Societies* (Washington, D.C., 2023), p. 45.

populations is much lower than was the case for European countries during colonialism: 7.5 per cent of the population of Mexico lived abroad in 2017 compared with the emigration of no less than 50 per cent of the population of Italy between 1869 and 1940.⁴ What has changed is the direction of the demographic flow, along with the political economy of migration. Today's migrants move largely from the global South to the global North, whereas migrants during the colonial era were Europeans leaving for countries of the global South or settler colonial countries, including Australia, Canada and the United States of America. The anxieties about the so-called migration crisis, along with blatantly racist and nativist appeals to exploit that sentiment, are largely due to the nature of the global racial order on which the international system rests. In the light of that history and politics, it is fair to ask: who benefits from a manufactured crisis about migration and what has that to do with the housing crisis?

6. To clarify the terminology used in the report, the following can be noted: the term “migrants” is used as a broad category to include all individuals whose habitual residence in their country of citizenship has changed across international borders, irrespective of motive or legal status. Thus, the report does not focus on internal migrants. “Habitual” does not refer to “permanent” but to a substantial period of time, whether continuous or intermittent, that is dependent on access to more permanent housing and associated services as well as employment. “Migrants” as used in the report includes asylum-seekers and refugees, people admitted through administrative or other temporary protected status, labour or economic migrants, international students and those who have been trafficked across borders, with due regard to the differences in the regimes of international law that apply to those groups. The domestic legal status of migrants, often denoted by the terms “regular” and “documented” and “irregular” and “undocumented” is not material to the analysis and recommendations in the report, unless otherwise noted. The main focus in the report is on the right to adequate housing for all, irrespective of status, and the impact of migrants on the right to the adequate housing of nationals. Specific terms, such as “asylum-seeker” or “refugee”, are used in accordance with existing definitions under international law, including by international organizations such as the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM).

7. A note about data on migration and housing: Of the various categories of migrants as defined in the report, the clearest data available on refugees and asylum-seekers are from UNHCR.⁵ Country-level data on refugees often turn out to be inaccurate because asylum-seekers and refugees often are not fully captured in national statistical or census surveys. There are also many millions of individuals who are, in fact, refugees but categorized administratively as holding a special status, such as “temporary protected”. As elaborated in the report, Ukrainians in other European countries or Syrians in Türkiye belong to that category. For economic and labour migrants and all other categories of international migrant, such as those with family union status, the Population Division of the United Nations collects data based on national census data.⁶ The limitations of such data are obvious, as many census surveys are not allowed to gather data about migration status, which equate international migrants with “foreign born”, whereas in the World Bank migration database, citizenship status is used as a marker of international migration. The Institute for Statistics of the United Nations Educational, Scientific and Cultural Organization provides data on international students by country of destination and origin for over 100 countries.⁷ Data on individuals trafficked across borders are collected at the global level by the United Nations Office on Drugs and Crime.⁸

8. Overall, the fragmented nature of those efforts, with widely differing goals, assumptions and methods, means that it is very hard to determine an accurate number for migrants taking up habitual residence in a foreign country. The problem is exacerbated by the highly informal nature of many forms of migrant flows where, due to fear of negative

⁴ Hein de Haas, *How Migration Really Works: 22 Things You Need to Know about the Most Divisive Issue in Politics* (United Kingdom of Great Britain and Northern Ireland, Penguin Books, 2024), p. 18.

⁵ See <https://www.unhcr.org/refugee-statistics>.

⁶ See <https://www.un.org/development/desa/pd/content/international-migrant-stock>.

⁷ See <http://data.uis.unesco.org>.

⁸ See https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf.

consequences, many migrants may not report or be visible to data collection efforts. Finally, there has been almost no effort to correlate data on migration with trends on rental affordability, housing prices, homelessness and other dimensions of the right to adequate housing. Such correlation efforts require a much greater investment of time and resources by States and researchers.

III. International standards for housing and migration

9. Citizenship is often seen as the foundation of all rights in a world of sovereign States – the “right to have rights”, in the words of the philosopher Hannah Arendt in *The Origins of Totalitarianism*. International human rights law, however, offers a framework of universality by expanding the ambit of most rights to everyone, irrespective of citizenship status, including the right to adequate housing under article 11 of the International Covenant on Economic, Social and Cultural Rights.

10. International human rights law is thus clear that the right to adequate housing should be enjoyed by all, free of discrimination, including on the basis of national origin and migration status: article 25 (1), read in conjunction with article 2, of the Universal Declaration of Human Rights; article 11 (1), read together with article 2 (2), of the International Covenant on Economic, Social and Cultural Rights; article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination; and article 27, read in conjunction with article 2, of the Convention on the Rights of the Child. That standard is universally recognized, given that all States have ratified or acceded to at least one of the above treaties. In paragraph 30 of its general comment No. 20 (2009), the Committee on Economic, Social and Cultural Rights further clarified that the Covenant rights applied to everyone, including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking in persons, regardless of legal status and documentation, and in a 2017 statement the Committee confirmed that those obligations applied even in the case of large movements. In paragraph 32 of its general recommendation No. 30 (2004), the Committee on the Elimination of Racial Discrimination reinforced the same notion, calling on States to avoid segregation in housing and ensure that housing agencies refrained from engaging in discriminatory practices. Through becoming parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 60 States so far have agreed that migrant workers shall enjoy equality of treatment with nationals in relation to access to housing, including social housing schemes, and protection against exploitation in respect of rents.

11. The Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) of the International Labour Organization (ILO) stipulate that migrants in a regular situation should not be treated less favourably than nationals regarding accommodation. The ILO Workers’ Housing Recommendation, 1961 (No. 115) further requires competent authorities to give special attention to the particular issue of housing migrant workers and their families, with a view to achieving as rapidly as possible equality of treatment between migrant workers and national workers in this respect.

12. International refugee law, specifically article 21 of the Convention relating to the Status of Refugees (1951 Convention), requires that recognized refugees be accorded treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances in the territory of a contracting State, especially with regard to leases (art. 13) and the choice of their place of residence (art. 26). Asylum-seekers are also entitled to all rights under refugee law, including those mentioned above.⁹ In addition, as underlined by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees and clarified by the Committee on Economic, Social and Cultural Rights, applicable international human rights law and

⁹ Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees (2019), document HCR/1P/4/ENG/REV.4, para. 28.

standards play a central part in the development and implementation of reception policies,¹⁰ which means that the right to adequate housing, among others rights, is central to those policies.

13. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, establishes that States parties shall implement measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including the provision of appropriate housing, taking into account the special needs of children (art. 6).

14. The Global Compact on Refugees emphasizes the need for shared responsibility in providing safe, dignified and sustainable housing solutions for refugees and the Global Compact for Safe, Orderly and Regular Migration focuses on protecting the human rights of all migrants, regardless of their status, and includes commitments to ensure that migrants have access to basic services.

15. The Sendai Framework for Disaster Risk Reduction 2015–2030 promotes housing solutions that reduce the vulnerabilities of displaced populations and building more resilient, sustainable housing systems in disaster-prone regions.

16. In humanitarian settings, the Humanitarian Charter and Minimum Standards in Humanitarian Response underscores that people affected by disasters or conflict must have access to at least the minimum requirements for life with dignity and security, including adequate water, sanitation, food, nutrition, shelter and healthcare. The Sphere Minimum Standards for Shelter and Settlement (2018) remain the internationally recognized quantifiable minimum standards for humanitarian response and establish that adequate shelter should, in addition to providing protection from weather, also promote health, support family and community life and ensure dignity, security and access to livelihoods. Nevertheless, it must be emphasized that those remain minimum standards and that it is imperative to consider the next stages of the sheltering process as early as possible in the emergency response. In protracted situations, an approach that is able to breach the division between emergency, transitional and durable shelter and links relief, rehabilitation and development should be sought to ensure that a rapid transition towards the full protection of the right to adequate housing is possible.¹¹

17. The New Urban Agenda, adopted in October 2016 at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), recognizes that, while the movement of large populations into urban areas may pose challenges, it can also bring significant social, economic and cultural benefits. Urban planning should, therefore, incorporate the housing needs of migrants, ensuring that they are not marginalized or excluded from essential services. In December 2018, at the fifth Mayoral Forum on Human Mobility, Migration and Development, the Marrakech Mayors Declaration on cities working together for migrants and refugees was adopted; it has been signed by 104 local and regional governments to date. The Mayors Mechanism identified the support of reception, including shelter arrangements for new arrivals, as one of eight priorities that connect the Mayors Declaration to the objectives of the Global Compact for Migration, the Global Compact on Refugees and the 2030 Agenda for Sustainable Development.¹²

18. While there is no specific reason to elaborate a new human rights instrument at the international level affirming the human rights of international students, the Special Rapporteur notes with interest efforts at the national level to reinforce the notion that international students are equally entitled to human rights, such as the publication of the

¹⁰ See Executive Committee of the High Commissioner's Programme, conclusion No. 93 (LIII) on reception of asylum-seekers in the context of individual asylum systems and [E/C.12/2017/1](#).

¹¹ Huma Gupta, Internal Displacement Monitoring Centre and Massachusetts Institute of Technology Displacement Research Action Network, *Home Sweet Home: Housing Practices and Tools that Support Durable Solutions for Urban IDPs* (Geneva, Internal Displacement Monitoring Centre, 2015), available at <https://api.internal-displacement.org/sites/default/files/publications/documents/20150325-global-home-sweet-home-en-full-report.pdf>.

¹² See <https://localaction.mayorsmechanism.org/index.php/marrakech-mayors-declaration>.

International Student Principles¹³ by the Australian Human Rights Commission. Notably, principle 1 demands the elimination of barriers to affordable and safe housing.

IV. Overcoming challenges to fulfilling the right to adequate housing for migrants

19. Migrants experience vulnerabilities depending on the host country's policies, their migration stage and their status and encounter different housing and shelter challenges. In the present section, the Special Rapporteur examines key barriers to the realization of the right to adequate housing of migrants and explores some promising practices that can be used to advocate for better housing outcomes.

A. Shelter in transit settings

20. Migrants in transit often endure extremely precarious living conditions, such as residing in informal camps, makeshift settlements, forests, fields, abandoned buildings, train stations and other public spaces. Such settings are marked by limited access to food, safe drinking water, sanitation, healthcare and livelihood opportunities.¹⁴ Unfortunately, many countries fail to recognize migrants' right to housing, including basic shelter, while they are transiting within their territories. For instance, various human rights mechanisms have warned about inadequate conditions in temporary migrant reception centres hosting migrants crossing the Darien Gap between Colombia and Panama.¹⁵ Similarly, concerns about inadequate shelter conditions at a camp near Lipa, Bosnia and Herzegovina, have been expressed by the special procedures of the Human Rights Council.¹⁶

21. **Promising practices.** Along migratory routes from Central America to the United States, a network of humanitarian aid organizations, often managed by local non-governmental organizations, has emerged to provide shelter, assistance, protection and advocacy for migrants.¹⁷ For example, La 72, near the border between Guatemala and Mexico, offers comprehensive support.¹⁸ Mexico also provides shelter and emergency services for people in transit, particularly during crisis situations near the border between Mexico and the United States.¹⁹

B. Shelter and settlements in emergency settings

22. In crisis settings, short-term shelter provision must meet minimum standards despite the challenges of delivering long-term housing solutions.²⁰

23. Early decisions about emergency settlements and shelter often lead to entrenched and costly challenges that hinder humanitarian assistance, including housing provision years later.

¹³ See https://humanrights.gov.au/sites/default/files/ahrc_international_student_principles_21th_jan2022.pdf_0.pdf.

¹⁴ [A/HRC/43/43](#), para. 54. See also [E/C.12/2017/1](#) and Committee on the Elimination of Racial Discrimination, general recommendation No. 30 (2004).

¹⁵ See <https://www.ohchr.org/en/stories/2023/09/darien-gap-risky-path-search-safer-life>.

¹⁶ See communication BIH 4/2021. All communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

¹⁷ Alejandro Olayo-Méndez, "La 72: an oasis along the migration routes in Mexico", *Forced Migration Review*, 2024, available from <https://www.fmreview.org/olayomendez>.

¹⁸ Heather Wurtz and Olivia Wilkinson, "Local faith actors and the Global Compact on Refugees", *Migration and Society*, vol. 3, No. 1 (June 2020).

¹⁹ See https://migrationnetwork.un.org/sites/g/files/tmzbd1416/files/docs/provision_of_essential_services_-_good_practices.pdf.

²⁰ UNHCR, "Emergency shelter solutions and standards", 30 January 2024, available at <https://emergency.unhcr.org/emergency-assistance/shelter-camp-and-settlement/shelter-and-housing/emergency-shelter-solutions-and-standards>.

For instance, in the 1970s, the initial efforts of Tanzania to house refugees from Burundi in camps far from water sources resulted in a costly 40-year reliance on water trucking.²¹

24. In Bangladesh, Rohingya refugees live in temporary shelters in a highly congested camp setting in Cox's Bazar and on the island of Bhasan Char. Like many host countries, Bangladesh stated, from the outset, that the refugee situation was temporary and placed significant limitations on the shelter materials and services that could be delivered to the refugees and host communities.²²

25. **Promising practice.** In humanitarian settings, an integrated settlement approach from the outset can reduce prolonged or secondary displacement and enable access to basic services alongside shelter. Resource shortages are a major reason for why better policies are not adopted. The World Bank has opened an important funding window for refugees and host communities for adjustment to refugee inflows, which operates in partnership with the United Nations High Commissioner for Refugees.²³

C. Protracted stays in refugee camps

26. Refugee camps, initially established as temporary solutions, often become long-term residences as displacement becomes protracted. Two thirds of refugees worldwide have been displaced for over five years.²⁴

27. Despite provisions in the 1951 Convention granting freedom of movement to refugees, some 22 per cent live in camps, where they are often subject to significant restrictions on their movements, such as being barred from leaving the camp or having to submit an administrative request to do so.²⁵ In Ethiopia, most of the over 900,000 refugees reside in camps, although recent government policies have facilitated out-of-camp options, allowing more refugees to move to towns and cities. Refugees in the Aysaita camp, depending mainly on humanitarian aid, struggle with a lack of adequate shelter and employment as well as hunger.²⁶ In Jordan, which hosts over 600,000 Syrian refugees, residents of the Zaatari camp face inadequate shelter, limited mobility and insufficient healthcare and food, despite humanitarian aid efforts.²⁷ In addition, Palestinian refugees in the Al Mahatta camp in Jordan have faced repeated eviction threats since 1976, culminating in eviction notices served in 2024 in due to a road expansion project, with inadequate warning and insufficient compensation.²⁸

28. The operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) have faced reputational attacks and operational restrictions and have been affected severely by the deaths its staff members during the past year. Despite such challenges, UNRWA remains vital in providing services to Palestinians in Gaza and other parts of the Occupied Palestinian Territory as well as in Jordan, Lebanon and the Syrian Arab Republic, who still live in refugee camps after more than half a century.

29. **Promising practice.** The Shirika Plan in Kenya promises to prompt a paradigm shift in refugee policy. By transforming traditional camps into integrated urban settlements, the plan is aimed at supporting the socioeconomic inclusion of refugees and host communities while reducing aid dependency. If effectively implemented, with full respect for human rights, especially freedom of movement, it could serve as a model for other countries.

²¹ World Bank, *World Development Report 2023*, p. 215.

²² See <https://shelterprojects.org/shelterprojects8/ref/A11-bangladesh180821.pdf>.

²³ World Bank, *World Development Report 2023*, p. 214.

²⁴ UNHCR, "Mid-year trends", available from <https://www.unhcr.org/uk/mid-year-trends>.

²⁵ World Bank, *World Development Report 2023*, p. 217.

²⁶ See <https://www.iied.org/sites/default/files/pdfs/2023-10/21856iied.pdf>.

²⁷ See <https://www.iied.org/sites/default/files/pdfs/2023-12/22211iied.pdf>.

²⁸ See communication JOR 2/2024.

D. Initial reception during asylum procedures

30. The way migrants are initially received significantly influences their capacity to integrate into host communities or reintegrate upon return. In some contexts, refugee status is granted *prima facie* to individuals from specific countries, while in others, asylum-seekers undergo lengthy procedures that may take years. During that time, reception conditions are often seriously deficient. In some cases, asylum-seekers are housed in *de facto* detention centres, ships, repurposed military bases or isolated facilities. Deficient reception capacities, exacerbated during crises, often result in inadequate shelter, with some individuals provided only sleeping bags.

31. Reception centres in Poland were criticized in 2022 for their “disastrous” conditions.²⁹ Similarly, before its destruction by fire in 2020, the Moria camp in Greece hosted 19,000 asylum-seekers in a space designed for 3,000, resulting in severe overcrowding.³⁰ The 2024 Pact on Migration and Asylum of the European Union raises concerns about potentially inadequate housing during lengthy screening and assessment procedures at or near borders and articles 19 and 20 permit temporary lower-standard housing solutions when housing capacity is unavailable or exhausted.

32. Due to a lack of agreement with enough municipalities, some countries are forced to rely on temporary reception facilities to supplement asylum reception capacity. Such temporary facilities often have logistical issues, as the Special Rapporteur found when visiting a large temporary reception facility in the Kingdom of the Netherlands. He was approached by detainees with numerous complaints, mostly relating to safety, sanitation facilities and the provision of safe, varied and nutritious food. The increasing privatization of accommodation services, as seen in Germany and the United Kingdom of Great Britain and Northern Ireland, has also raised human rights concerns.³¹

33. **Promising practices.** The Special Rapporteur visited a centre hosting Ukrainian families in Rotterdam, Kingdom of the Netherlands, where housing conditions met adequate standards and residents were treated with compassion. The city of Ghent, Belgium, has fostered community engagement by organizing exchange sessions, creating a “refugee welcome kit” and involving asylum-seekers in cultural and volunteer activities, which promote integration into the host society.³²

E. Transition from temporary accommodation to longer-term housing

34. Finding stable housing remains a significant challenge for refugees transitioning out of temporary accommodation. In some countries, recognized refugees gain access to social housing, although long waiting periods are common. In other contexts, support is entirely lacking.

35. **Promising practices.** In Belgium, refugees receive a time-limited rehousing allowance to facilitate their transition to private housing.³³ In Greece, the HELIOS project provides rental contributions and connects refugees with landlords.³⁴ In Manaus, Brazil, Venezuelan families receive housing assistance for three months along with basic household items.³⁵

²⁹ See <https://ecre.org/eu-eastern-borders-disastrous-reception-conditions-in-poland-and-lithuania-pushbacks-denounced-uptick-in-arrivals-to-latvia-amid-fears-of-war-in-ukraine>.

³⁰ See <https://media.un.org/unifeed/en/asset/d253/d2533411>.

³¹ See <https://www.tagesschau.de/investigativ/monitor/fluechtlinge-unterbringung-unternehmen-102.html> (in German); and <https://www.opendemocracy.net/en/home-office-not-monitoring-asylum-seekers-accommodation-providers-billion-pound-contracts-clearsprings-serco-mears>.

³² See https://unece.org/sites/default/files/2021-02/Housing%20for%20Migrants_compressed_0.pdf.

³³ *Ibid.*

³⁴ See <https://migrant-integration.ec.europa.eu/system/files/2024-04/EWSI%20analysis%20-%20Migrants%E2%80%99%20access%20to%20medium-%20and%20long-term%20housing%20in%20the%20EU%20-%20barriers%2C%20governance%20and%20good%20practices.pdf>.

³⁵ See https://www.acnur.org/br/sites/br/files/legacy-pdf/WhatCitiesAreDoing_final.pdf.

F. Employer-provided accommodation

36. Employer-provided housing, while sometimes necessary, often leads to exploitation, particularly for live-in domestic workers. The Workers' Housing Recommendation, 1961 (No. 115) of ILO advocates for housing provision by public or autonomous agencies rather than employers. National laws should ensure reasonable housing costs, protections against arbitrary eviction and compliance with safety standards.

37. In the Kingdom of the Netherlands, European Union nationals employed through temporary employment agencies face exorbitant fees for housing and workplace transport and fall into homelessness upon the termination of employment.³⁶ In many countries, employers are required by law to provide housing, including under the *kafalah* (sponsorship) system in the Middle East, which has long faced criticism.

38. **Promising practices.** The Inter-Ministerial Committee of Singapore oversees regulatory standards for migrant worker housing. Since 2021, the Ministry of Manpower has conducted random inspections of domestic workers' homes,³⁷ although it should be highlighted that the Committee on the Elimination of Discrimination against Women has noted an absence of penalties imposed on employers for failing to provide adequate housing.³⁸

G. Access to social housing

39. In most countries, access to social housing is limited to citizens and long-term residents, excluding migrants on temporary visas or those in irregular situations. The lack of access to social housing often relegates migrants to inadequate housing in overcrowded, underdeveloped urban areas, perpetuating segregation and exclusion.³⁹ In 2023, special procedures of the Human Rights Council raised concerns with Ireland over the alleged conditioning of the provision of public housing for a victim of trafficking in persons.⁴⁰

40. **Promising practices.** São Paulo, Brazil, operates the Centre of Reference and Services for Migrants to connect migrants with temporary accommodation and social housing.⁴¹ The 2014 National Strategy for Migration and Asylum of Morocco prioritizes affordable housing for migrants, including through social housing.

H. Student housing

41. International students, whose numbers include those attending language schools or completing internships abroad, often face additional challenges beyond affordability in securing housing in host countries. They are frequently discriminated against in terms of access to adequate housing and are forced to live in overcrowded conditions, with limited security of tenure, and often far from universities and academic facilities. In some instances, international students find themselves homeless and resort to living in tents or other substandard conditions. In the private market, unscrupulous landlords may charge inflated rents or impose unfair terms.⁴² International students with children may face additional challenges, as sometimes student housing is designated for singles only. International students may also be unaware of tenant protection laws and unable to read lease agreements written in local languages. They may be vulnerable to forced evictions and, especially, homelessness. It is particularly egregious that universities in the global North have sought to expel students from university housing as a punitive measure for protesting against the

³⁶ See [A/HRC/55/53/Add.1](#).

³⁷ See https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40asia/%40ro-bangkok/documents/publication/wcms_838972.pdf.

³⁸ [CEDAW/C/SGP/CO/6](#).

³⁹ [A/HRC/49/48](#).

⁴⁰ See communication IRL 1/2023.

⁴¹ See https://capital.sp.gov.br/web/imigrantes_e_trabalho_decente/crai/ (in Portuguese).

⁴² See [A/HRC/55/53/Add.1](#).

ongoing genocidal war in Gaza and the complicity of their universities through their endowments.⁴³

42. **Promising practice.** To address housing challenges for incoming international students, some universities provide guaranteed accommodation for first-year international students. For example, the University of Edinburgh offers first-year international students priority access to university-managed housing.⁴⁴ Students are assured a place to live near the campus before arriving in Edinburgh, which helps them to settle into the new environment.

I. Access to private housing markets

43. Discrimination in private rental housing is a significant barrier faced by migrants. Such discrimination can be direct, such as when housing advertisements explicitly state that nationals are preferred or that individuals from certain countries are unwelcome. Migrants may also experience indirect discrimination, where factors such as residence permits, credit scores, guarantors, employment history or rental history can disadvantage newly arrived migrants or migrants in irregular situations or with temporary status who lack full records in the host country. Language barriers can further complicate the situation, making it difficult for migrants to understand housing laws, contracts and other obligations or to obtain available governmental or community housing support.

44. When migrants do manage to secure private rentals, they often face high rents and demanding advance payment requirements. Without adequate legal protections, they are vulnerable to predatory practices by landlords and the fluctuations of the housing market. Late or non-payment of rent can lead to eviction, placing migrants at a high risk of homelessness or subjecting them to exploitation and abuse to avoid eviction. Furthermore, several countries penalize landlords for renting to migrants in irregular situations and may require landlords to report irregular migrants, complicating access to housing even further.

45. **Promising practice.** The Inter-American Development Bank supports Venezuelan migrants' urban integration in Colombia, including through rental subsidies and a rent guarantee fund.⁴⁵

J. Informal settlements

46. Across the globe, many migrants settle in or create their own informal settlements, where they often face substandard housing conditions and are at high risk of forced evictions, sometimes accompanied by home demolitions. Such evictions are frequently carried out by authorities under the guise of measures to combat irregular migration.

47. In the Bahamas, for example, the authorities have sought to demolish informal settlements primarily inhabited by individuals of Haitian origin or descent as part of efforts to deport undocumented Haitian migrants.⁴⁶ Similarly, in Mayotte, France, authorities carried out forced evictions and demolished informal settlements primarily occupied by irregular migrants during the so-called Wuambushu operation.⁴⁷

48. In Spain, the informal settlement of Cañada Real Galiana, home to approximately 1,812 children, many of whom are migrants or members of the Roma minority, has raised significant concerns. Residents have endured prolonged electricity cuts, particularly during the winter months, leading to hazardous living conditions.⁴⁸

49. Irregular or undocumented migrants often seek safety and anonymity by settling in areas with significant populations from their home countries. Such neighbourhoods provide

⁴³ See communication USA 12/2024.

⁴⁴ See <https://www.ed.ac.uk/studying/undergraduate/applicants/accommodation#:~:text=We%20guarantee%20accommodation%20for%20all,year%20that%20they%20are%20studying.>

⁴⁵ See <https://www.iadb.org/en/news/colombia-foster-migrants-urban-integration-idb-eu-backing.>

⁴⁶ See communication BHS 2/2021.

⁴⁷ See communication FRA 10/2023.

⁴⁸ See communication ESP 6/2020.

mutual support networks, cultural familiarity and assistance from family or friends. This can unintentionally foster spatial segregation through ghettoization, however, where migrants are segregated from the broader society.⁴⁹ In Denmark, residents of such areas may be subjected to additional negative impacts by being defined as “non-Western” and are subject to harsher penalties for crimes committed in such so-called increased punishment zones.⁵⁰ Homes in those areas are also targeted for demolition.

50. **Promising practice.** In Latin America, the TECHO Foundation has worked with communities living in informal settlements, many of which are home to Venezuelan refugees and migrants. The foundation provides emergency housing and more permanent and progressive housing for people in informal settlements or those facing immediate risks due to natural disasters.⁵¹

K. Homelessness

51. Migrants experience homelessness at disproportionately high rates, including street homelessness. In addition, migrants often face discrimination when trying to gain access to emergency or homeless shelters. They may also lack access to information about such shelters due to language barriers and a lack of social networks, further complicating their already precarious situation. Those who end up living on the streets are exposed to various vulnerabilities, including the risk of being targeted in encampment sweeps, which repeatedly leave them without shelter.

52. Migrants often live in unsafe and hazardous conditions in informal housing, exposing themselves to great risk. A tragic example occurred in Johannesburg, South Africa, where a devastating fire broke out in a neglected five-story building, killing at least 76 people out of around 400 residents; many were migrants living in unsafe, informal housing. Special procedures expressed concern that many similar informally occupied buildings in South Africa could face similar dangers, endangering the lives of migrants.⁵²

53. Moreover, studies have shown that migrant groups, especially those in irregular situations and asylum-seekers, are disproportionately criminalized for life-sustaining activities, such as sleeping or performing other life-sustaining tasks in public spaces. The enforcement of laws relating to homelessness and poverty can have severe consequences for migrants, including deportation, permit restrictions and harsher criminal penalties due to their immigration or refugee status.⁵³

54. In 2023, special procedures raised concerns with Belgium over the deteriorating conditions for asylum-seekers, where thousands, including families and children, were reported to be living on the streets or in informal settlements in precarious and unsanitary conditions.⁵⁴ Similarly, in 2021, concerns were raised regarding the homelessness of irregular migrants in Iquique, Chile, where they faced harsh conditions, violence, and harassment.⁵⁵

55. **Promising practice.** In Finland, the Moniheli network runs the Katto programme, which focuses on preventing homelessness among migrants by helping them to find housing. The network has also published recommendations for eradicating homelessness among migrant populations.⁵⁶

⁴⁹ See [CERD/C/ATG/CO/9](#).

⁵⁰ See [E/C.12/DNK/CO/6](#).

⁵¹ See <https://venezuela.techo.org/sobre-techo> (in Spanish).

⁵² See communication ZAF 6/2023.

⁵³ See [A/HRC/56/61/Add.3](#).

⁵⁴ See communication BEL 1/2023.

⁵⁵ See communication CHL 8/2021.

⁵⁶ See <https://migrant-integration.ec.europa.eu/system/files/2024-04/EWSI%20analysis%20-%20Migrants%E2%80%99%20access%20to%20medium-%20and%20long-term%20housing%20in%20the%20EU%20-%20barriers%2C%20governance%20and%20good%20practices.pdf>.

L. Immigration detention

56. International human rights standards clarify that the detention of migrants should be used only as an exceptional measure of last resort, regardless of the person's immigration status. Children should never be detained due to their or their parents' migration status.⁵⁷ Instead, States are required to provide non-custodial alternatives to detention that fully protect the human rights of migrants.

57. Despite such clear legal standards, many countries continue to rely heavily on immigration detention,⁵⁸ often under misleading names such as "hotspots" in Greece and Italy or "tender age shelters" in the United States.⁵⁹ Often, people in immigration detention lack the ability to challenge the legality of their detention, and detention may occur without a clear time limit.

58. Everyone is entitled to adequate housing, including people in detention. The Special Rapporteur has previously pointed out that inadequate detention conditions may amount to a violation of the right to adequate housing and, in extreme cases, ill-treatment.⁶⁰

59. **Promising practice.** Access to adequate housing is an essential element of alternatives to detention. If a person does not have an appropriate place to live, they will have difficulty focusing on and addressing the requirements of their immigration procedures and will be at risk of detention.⁶¹

M. Return

60. Migrants and refugees returning to their countries of origin may face housing challenges, such as housing unaffordability or usurpation of their houses, in places where land tenure is not strong or property registries are unreliable.

61. **Promising practices.** The National Housing Fund of Mexico offers loans to returning migrants for housing purchases, while Honduras guarantees returning nationals the right to recover their homes or receive compensation for dispossession under Decree No. 154-2022.⁶²

V. Impact of migration on the enjoyment of the right to adequate housing

A. Facts vs. rhetoric

62. Migrants, whether they are refugees, asylum-seekers or economic or labour migrants, are often cumulatively referred to as "foreigners" or worse and are frequently blamed by politicians and in public culture for worsening housing conditions in destination countries. Politicians often exploit such narratives for political gain, feeding anti-migrant and anti-refugee rhetoric that influences laws and policies at the regional, national and local levels. Such rhetoric has contributed to a marked increase in hate speech and hate crimes against migrants, negatively affecting their right to housing. For instance, while Canada has been a global advocate for balanced migration narratives, some politicians have blamed immigrants for the country's housing crisis, which has reportedly fuelled hate crimes against visible minorities.⁶³ Leading politicians from India have called migrants from Bangladesh

⁵⁷ See joint general comment No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 23 of the Committee on the Rights of the Child (2017).

⁵⁸ See [A/74/136](#).

⁵⁹ See <https://omnibook.com/view/e0623280-5656-42f8-9edf-5872f8f08562/page/468#omnibook-highlight-8a617f-0>.

⁶⁰ See, for example, communication AUS 2/2022.

⁶¹ See <https://www.fmreview.org/ar/amaral>.

⁶² See <https://www.tsc.gob.hn/web/leyes/Decreto-154-2022.pdf> (in Spanish).

⁶³ See <https://www.reuters.com/world/americas/backlash-against-immigrants-challenges-canadas-welcoming-image-2024-09-06>.

“termites”,⁶⁴ with such language contributing to the creation of a climate of hate speech, mob attacks, lynchings, punitive demolitions of homes and general lawlessness against Muslim minorities in India. In some countries, including the Kingdom of the Netherlands and the United States, anti-migrant rhetoric has been used by leading politicians to win elections, which often turn on campaigns focusing on how to address housing crises.⁶⁵ Mass detention, expulsion and the forced return of migrants, including refugees, are now under way or planned in countries that are ignoring their basic obligations under international law.

63. Migration and housing markets are deeply interconnected. Migration can indeed influence housing availability, home values and rents, both in the short and long term. The extent and nature of such impacts remain ambiguous, however. It is largely agreed in academic literature that high levels of migration lead to higher housing prices and rents in the short term due to increased demand and insufficient housing supply. For example, a rise in rental prices of 5.5 per cent in Türkiye was correlated with migration from the Syrian Arab Republic, with similar patterns observed in Jordan.⁶⁶

64. Rather than being the cause of housing crises, however, migrants, refugees and asylum-seekers are usually among those most vulnerable to their effects. In Poland, rents increased by 16.5 per cent in Krakow and 14 per cent in Warsaw in the wake of the Ukrainian refugee crisis in 2022.⁶⁷

65. Conversely, some studies indicate that migration can exert downward pressure on housing and rental prices in specific contexts, resulting from perceived declines in neighbourhood quality, including crime perception, or the outmigration of residents from those areas.⁶⁸ It is important to note research disproving claims that migration inherently leads to higher crime rates.⁶⁹ When refugees enter host countries in large numbers over a short period of time, housing supply often struggles to adjust, leading to short-term availability issues. Over the long term, however, migrant influxes have been shown to stimulate residential housing construction, thereby increasing housing availability.⁷⁰

66. **Promising practices.** Targeted incentives and measures can help to address the challenges of sudden migration while increasing housing availability for both local residents and migrants. In Jordan, financial incentives and technical support were provided to landlords to complete semi-constructed housing, bringing new adequate and affordable units to the market. Vulnerable Syrian refugee households were then offered rent-free accommodation for 12 to 24 months.⁷¹ Similarly, Czechia funded local authorities to refurbish unused municipal buildings, creating medium-term accommodation for refugees and eventually integrating those units into the general social housing stock.⁷² The Solibail initiative in France enables private property owners to rent to associations hosting refugees at lower rates, offering owners tax advantages, incentive payments and guarantees of rental payments and refurbishment at the end of the lease.⁷³

⁶⁴ See

<https://www.ohchr.org/sites/default/files/Documents/Issues/Religion/Submissions/CSOs/11.barak-huma-rights-protection-committee.pdf>.

⁶⁵ See <https://www.politico.eu/article/geert-wilders-affordable-social-housing-code-immigration-dutch-far-right>. See also footnote 1.

⁶⁶ See https://www.jointdatacenter.org/wp-content/uploads/2022/10/Quarterly-Digest_September-2022_Final-4.pdf.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ See <https://cordis.europa.eu/article/id/20635-eu-research-disproves-link-between-immigration-and-increased-crime>.

⁷⁰ See https://www.jointdatacenter.org/wp-content/uploads/2022/10/Quarterly-Digest_September-2022_Final-4.pdf.

⁷¹ Norwegian Refugee Council, “In search of a home: access to adequate housing in Jordan” (2015), p. 10.

⁷² See <https://rm.coe.int/policy-brief-long-term-sustainable-housing-solutions-for-vulnerable-re/1680a8b99f>.

⁷³ European Website on Integration, “Migrants’ access to medium- and long-term housing in the EU: barriers, governance and good practices” (2024), p. 27.

67. In the long term, immigration generally boosts local economies and home values. Between 1970 and 2010, immigrants in the United States generated \$3.7 trillion in housing wealth, stabilized urban costs and revitalized less-desirable neighbourhoods without exacerbating housing affordability crises or pricing residents out of desirable communities.⁷⁴

68. Beyond economic growth, the housing construction sector in many countries relies heavily on migrant workers, often due to a lack of skilled nationals willing to take such jobs. Every housing unit built creates five jobs, highlighting the economic opportunities linked to increased housing production.⁷⁵ Consequently, nations facing housing crises could benefit from opening regular migration channels and including migrants in industries experiencing labour shortages.

69. Migration has also been used to revitalize depopulated areas, with initiatives aimed at attracting migrants to live and work in regions experiencing population decline due to economic downturns, aging demographics or other factors. For example, in Spain, a project integrates immigrant families into unpopulated rural areas while providing employment opportunities. Applicants receive detailed information about the territory, including transport options, proximity to key municipalities and available services. Municipalities committed to attracting newcomers also invest in building and rehabilitating decent, affordable housing.⁷⁶

70. The seeds of housing crises are often found in neoliberal transitions in housing markets and social housing policy decisions taken years or decades earlier, but migrants – or “foreigners” – are easier to blame. Evidence from Germany, the Kingdom of the Netherlands, the United Kingdom and the United States shows that housing crises are primarily driven by the liberalization of housing markets and the defunding and privatization of social housing, not migration.⁷⁷ In a recent report, the Special Rapporteur identified several factors driving housing affordability crises and none had to do with migrant flows.⁷⁸ Ironically, resolving housing crises often requires the strategic engagement of migrant workers in the construction sector. Globally, there is a significant gap in social housing availability, which migration helps to highlight. For instance, in Poland, 129,000 households were already on waiting lists for social housing as at 31 December 2021, before the onset of the crisis in Ukraine.⁷⁹

B. Impact of remittances on the right to adequate housing

71. In 2021 alone, global remittances by migrants amounted to over \$751 billion. In many nations, remittances represent a significant share of gross domestic product, often surpassing foreign direct investment and development aid. Remittances support basic needs and housing improvements, reduce rural poverty and mitigate rural-to-urban migration by making rural areas more liveable through better infrastructure and housing. This, in turn, balances population distribution and alleviates urban strain. Lebanon, one of the world’s most remittance-dependent countries, exemplifies the way in which remittances serve as lifelines amid inflation, discretionary capital controls and eroded purchasing power.⁸⁰ Families report improved quality of life, with over half of remittances directed towards housing costs.⁸¹

⁷⁴ See <https://www.migrationpolicy.org/article/housing-crisis-immigrants-integration>.

⁷⁵ See <https://thedocs.worldbank.org/en/doc/185371540492697571-0200022018/original/WorldBankGlobalProgramforResilientHousing.pdf>.

⁷⁶ See <https://nuevossenderos.es> (in Spanish).

⁷⁷ See Hein de Haas, *How Migration Really Works*, pp. 154–157.

⁷⁸ [A/78/192](#).

⁷⁹ See

https://www.feantsa.org/public/user/Resources/reports/2023/Energy_poverty__unfit_housing_in_Poland/Energy_Poverty__Unfit_Housing_in_Poland.pdf

⁸⁰ See <https://www.undp.org/lebanon/publications/increasing-role-and-importance-remittances-lebanon>.

⁸¹ See Choghig Kasparian, *L'Apport financier des émigrés et son impact sur les conditions de vie des libanais* (Beirut, Presses de Université Saint-Joseph, 2014).

Several countries, including Nigeria,⁸² the Philippines⁸³ and Portugal⁸⁴ and have incentivized the alignment of remittance flows with housing development to support the right to adequate housing.

72. In the absence, however, of measures to control speculation in land and housing markets or to prevent the concentration of homeownership, such measures can undermine the right to adequate housing for those with less means. In addition, barriers to remittances, such as high transfer fees and limited access to banking services, can discourage migrants from sending remittances. Innovative solutions, such as digital remittance transfers, can address such challenges.⁸⁵

VI. Towards inclusive housing policies and strategies

73. In its general comment No. 4 (1991), the Committee on Economic, Social and Cultural Rights stated that achieving the full realization of the right to adequate housing would almost invariably require the adoption of a national housing strategy that defined the objectives for the development of shelter conditions, identified the resources available to meet those goals and the most cost-effective way of using them and set out the responsibilities and time frame for the implementation of the necessary measures. The Special Rapporteur emphasizes the importance of developing national housing strategies that are inclusive of the needs of everyone present in the territory of the State, not limited to nationals or documented residents, but inclusive of all migrants, as defined in the present report, including those in irregular situations, refugees, asylum-seekers and foreign students.

A. Overcoming the penalization of housing provision

74. In some countries, homeowners who rent to migrants in irregular situations may be criminalized. In 2022, special procedures raised concerns with Peru that imposing fines on owners renting to migrants in irregular situations would result in violations of the right to housing and the prohibition of discrimination in access to it.⁸⁶ In the European Union, the Facilitation Directive, which criminalizes the assistance of irregular entry or stay in Member States, appears to have had a particular impact on housing and accommodation for migrants in irregular situations.⁸⁷

75. States have the responsibility to fulfil the right to adequate housing from the moment a person enters their territory, regardless of their status. To be able to live up to that responsibility, States must clearly separate shelter and housing provision support from immigration enforcement, as has successfully been achieved in a number of countries with regard to access to health facilities or schools for children. Establishing such firewalls between immigration enforcement and housing services and eliminating requirements for the mandatory reporting of irregular migrants by landlords or service providers are key steps that States need to undertake. The implementation of firewalls is particularly important for access to protection and justice by women on the move.

76. **Promising practices.** In 2017, Montréal, Canada, reaffirmed its commitment to protect and make services accessible to all, regardless of migration status and, in 2019, adopted the Policy for Fearless Access to Municipal Services. In States in which legislation

⁸² Sebil O. Oshota and Abdulazeez A. Badejo, “Impact of remittances on economic growth in Nigeria: further evidence”, *Economics Bulletin*, vol. 35, No. 1 (March 2015), pp. 247–258.

⁸³ Rizal Raoul Reyes, “OFWs’ remittances boosting property sector’s growth”, *BusinessMirror*, 22 February 2023, available from <https://businessmirror.com.ph/2023/02/22/ofws-remittances-boosting-property-sectors-growth>.

⁸⁴ IOM, *Engaging Diasporas as Development Partners for Home and Destination Countries: Challenges for Policymakers* (Geneva, 2006).

⁸⁵ IOM Regional Office for Asia and the Pacific, “Nepal on the right track to achieve cost-effective remittance transfers”, 14 June 2024.

⁸⁶ See communication PER 6/2022.

⁸⁷ European Union Agency for Fundamental Rights, *Fundamental Rights of Migrants in an Irregular Situation in the European Union* (Luxembourg, Publications Office of the European Union, 2011).

currently prevents the provision of housing assistance directly to people without regular migration status, there still may be strategies available for indirect provision, such as through housing vouchers provided via civil society organizations.

B. Promising practices in regularizing stay

77. **Regularization.** In the Global Compact for Migration, States committed to facilitate access for migrants with irregular status to an individual assessment that might lead to regular status, on a case-by-case basis and with clear and transparent criteria. Recent initiatives of States to facilitate access to regular status have had a significant effect on reducing barriers to access to adequate housing. Brazil, Colombia, Ecuador and Peru have undertaken temporary regularization processes, which facilitate Venezuelan refugees' and migrants' access to services, including access to adequate housing and to employment.⁸⁸ Morocco undertook two regularization campaigns, in 2014 and 2017, and helped nearly 50,000 irregular migrants to gain access to residency permits, granting them access to housing, healthcare and other public services.⁸⁹ Notably, 24 European Union Member States implemented regularization programmes or mechanisms between 1996 and 2008, some several times.⁹⁰

78. **Temporary protection.** The response by States to large-scale arrivals of Ukrainians in Europe and Syrians in Türkiye and States of the Middle East and North Africa demonstrates the improvements that can be achieved through an inclusive approach.

79. The 2001 Temporary Protection Directive, invoked by the European Union for the first time in 2022 in relation to the large-scale arrivals of Ukrainians, includes an obligation to ensure access to suitable accommodation or, if necessary, to provide the means to obtain housing. Millions of Ukrainians have been speedily accommodated using several housing and accommodation options in parallel.⁹¹ Their integration was supported by allowing access to services and, very importantly, to the job market.

80. Türkiye has extended temporary protected status to the almost 4 million Syrian refugees and migrants it hosts, 96 per cent of whom live in urban areas.⁹² They are granted access to healthcare and education and the right to work, subject to government permits, but access to adequate housing is still a challenge due to a broader crisis of affordable housing, while refugees also face xenophobia, ill-treatment and detention.⁹³

81. Temporary protected status offers many advantages in the short term, including in terms of access to adequate shelter and housing and access to employment. It is not a long-term solution for refugee protection, however, and does not replace existing international obligations. Temporary protection should not be used to discourage or prevent people from seeking asylum, nor be used when it is feasible to recognize refugees through a prima facie approach or through individual procedures.

82. **Protection in disaster contexts.** People crossing international borders in the context of disasters and climate change can be left without protections in the absence of a legal framework that addresses their protection needs. Through the Nansen Initiative, at least 50 countries have been identified that, in recent decades, have received or refrained from returning people in the aftermath of disasters. There is ample scope to build on these and other effective practices at the national and regional levels.⁹⁴ Such humanitarian protection

⁸⁸ See <https://www.iom.int/news/iom-unhcr-commend-ecuadors-efforts-regularize-venezuelan-refugees-and-migrants>.

⁸⁹ See <https://migration4development.org/en/about/our-programmes/morocco>.

⁹⁰ See <https://picum.org/wp-content/uploads/2023/08/FAQ-Regularisation-EN-2.pdf>.

⁹¹ European Migration Network Inform, "Arrangements for accommodation and housing for beneficiaries of temporary protection" (Brussels, 2022).

⁹² See <https://www.americanprogress.org/article/turkeys-refugee-dilemma>.

⁹³ See <https://www.hrw.org/news/2022/10/24/turkey-hundreds-refugees-deported-syria>.

⁹⁴ See https://disasterdisplacement.org/wp-content/uploads/2014/08/EN_Protection_Agenda_Volume_I_-low_res.pdf.

measures are generally temporary and may be based on regular immigration law, exceptional immigration categories or provisions relating to the protection of refugees.

83. **Amnesty.** In May 2022, Honduras adopted a law that provided a waiver of the administrative penalty for persons who entered the country irregularly. That immigration “amnesty” has had a positive impact on the living conditions of migrants in transit. Before the amnesty, undocumented migrants faced barriers when trying to gain access to governmental or non-governmental shelters due to a fear of deportation or punishment for entering the country illegally.⁹⁵

C. Opening up regular migration channels

84. **Regular migration pathways.** In the Global Compact for Migration, States committed to adapting options and pathways for regular migration, with a view to expanding and diversifying their availability. The United Nations Network on Migration has produced guidance notes on regular pathways for admission and stay for migrants in situations of vulnerability⁹⁶ and on bilateral labour migration agreements,⁹⁷ which highlight the importance of including provisions for adequate housing and for the supervision of living conditions.

85. Migrant labourers should be entitled to employer-provided housing or other workers’ housing, especially if the labour contracts are short term or seasonal, which makes it hard to conclude a regular lease agreement for an apartment. Given the sharp increase in cost of living, especially housing costs, in all middle-income and high-income countries, labour migration policies must pay urgent attention to access to adequate housing.

86. **Family reunification.** While global data on family reunification is not available, it is estimated to be one of the most important regular migration channels. For example, in Organisation for Economic Co-operation and Development (OECD) countries, family migration constitutes almost 40 per cent of the total immigration flow.⁹⁸ Despite this and despite the historic commitment in the Global Compact for Migration towards pathways for regular migration, there has been little focus by States on the importance of family unity as a key driver of migration. Moreover, while the right to family reunification is widely recognized for refugees, although often not fulfilled in practice, and for highly skilled migrants, most other migrants face greater challenges and more restrictive requirements to reunite with their families.

D. Specific vulnerabilities faced by certain groups

87. **Undocumented, or irregular, migrants.** Undocumented migrants face numerous legal, economic and social vulnerabilities stemming from their irregular status. Their exclusion from social protection mechanisms, such as subsidized housing and income security, compounds the risks they face, including in-work poverty, destitution, violence, exploitation and homelessness. Such challenges are intensified in countries where landlords are penalized for renting to migrants without valid residence permits. This not only lowers housing standards but also fosters suspicion towards migrants, leaving undocumented people to choose between substandard, high-priced rental accommodations or be at risk of forced evictions, home demolitions and homelessness. Undocumented migrants are usually barred from access to complaint mechanisms in private housing markets or emergency accommodations. This creates a vicious cycle where inadequate housing contributes to their broader social and economic exclusion.

⁹⁵ See https://archivos.latribuna.hn/2022/10/27/segun-el-conadeh-crisis-migratoria-estaria-a-punto-de-agravarse-si-no-se-amplia-amnistia/#google_vignette (in Spanish).

⁹⁶ See https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/docs/guidance_note-_regular_pathways_for_admission_and_stay_for_migrants_in_situations_of_vulnerability_final.pdf.

⁹⁷ See https://migrationnetwork.un.org/system/files/resources_files/220426_BLM_Guidance_CLI.pdf.

⁹⁸ See <https://www.unicef.org/media/58341/file/Family%20unity%20issue%20brief.pdf>.

88. **Migrant workers in tertiary sectors.** Migrant workers employed in agriculture, fisheries, animal husbandry, construction, care work and other tertiary sectors often struggle with inadequate housing. In OECD countries, housing for such workers is frequently considered temporary, even though many remain in the same accommodations for decades, often returning seasonally to the same locations. Despite working in sectors with permanent labour demands, they are categorized as temporary, which justifies the provision of substandard, camp-like housing conditions that fail to meet adequate housing criteria.

89. For many migrant workers, employer-provided accommodations are the norm. While that arrangement may ensure shelter, it also enforces de facto segregation, often physically isolating migrant workers from the majority population. Such segregation risks fuelling xenophobic attitudes, stigmatization and social exclusion. A clear example can be seen in Doha, where national and municipal laws prohibit low-wage migrants from renting properties in designated “family zones”. The policy effectively marginalizes migrant workers, confining them to overcrowded, makeshift accommodations.⁹⁹

90. In agricultural sectors, housing conditions can be particularly hazardous. Migrants may reside in garages, barns, sheds or on worksites, exposing them to fertilizers, chemicals and dangerous equipment. Women migrant workers face additional gender-related challenges, such as a lack of privacy, separate bathrooms and secure housing, all of which are essential to their safety and dignity.¹⁰⁰

91. **Risks under the *kafalah* system.** The *kafalah* system severely restricts labour mobility and compromises housing security. Workers often face dire living conditions but are reluctant to report abuses due to fears of deportation, termination or other reprisals. This perpetuates a cycle of exploitation and substandard housing. Although some States have implemented reforms to regulate workers’ accommodations, they mostly fall short of the requirements of adequate housing, including with regard to spatial segregation.

92. **Risks of mass detention and expulsion.** Countries have been proposing or resorting to mass detention, expulsion and forced removal of migrants who are long term-residents, asylum-seekers or refugees as part of a disconcerting change in attitudes towards migrants. In 2021, special procedures criticized the expulsion of migrants by Tunisia to the Libyan border, where they were left stranded without shelter, food or medical assistance.¹⁰¹ In Pakistan, the Illegal Foreigners’ Repatriation Plan, announced in 2023, has put 1.4 million Afghan refugees at risk of expulsion to Afghanistan and led to harassment, detention, unlawful deportation and the demolition of homes in which recognized refugees had lived for many years.¹⁰² Special procedures have expressed their alarm at this development, which is a blatant violation of international refugee and human rights law and a specific risk to women and children migrants.¹⁰³

93. In the United States, the incoming administration has proposed the mass detention of over 11 million undocumented migrants, which would require sweeping detentions.¹⁰⁴ In addition to recalling dark periods from its past, such as the mass detention of Japanese Americans during the Second World War, the proposed mass detentions, if carried out, could split almost 4 million mixed-status families and lead to a humanitarian catastrophe,¹⁰⁵ including grave violations of the right to adequate housing. The stock prices of private prison

⁹⁹ OHCHR Regional Office for South-East Asia, “‘We wanted workers, but human beings came’: human rights and temporary labour migration programmes in and from Asia and the Pacific” (Bangkok, 2022).

¹⁰⁰ See A/78/180.

¹⁰¹ See communication TUN 8/2021.

¹⁰² See communication PAK 11/2023; and <https://www.amnesty.org/en/latest/news/2024/04/pakistan-government-must-halt-deportation-of-afghan-refugees/>.

¹⁰³ See communication PAK 11/2023.

¹⁰⁴ See https://assets.aclu.org/live/uploads/2024/06/Memo_Trump_Immigration_Final.pdf.

¹⁰⁵ See <https://www.nbcnews.com/news/trumps-mass-deportations-split-4-million-mixed-status-families-one-get-rcna181318>.

companies, which are expected to gain if the plan is implemented, have soared since the presidential election concluded in November 2024.¹⁰⁶

94. **Women migrants.** Women migrants encounter unique barriers in securing adequate housing. For example, in some countries, women are more likely to live in overcrowded or substandard collective housing, which increases their vulnerability to exploitation, including trafficking in persons and sexual violence.

95. **Child migrants.** As of 2020, 36 million out of 281 million migrants globally were children.¹⁰⁷ Child migrants are at significant risk of unsafe housing conditions, particularly when placed in unsupervised adult accommodations due to inadequate age assessments in asylum and immigration processes.¹⁰⁸ Such practices fail to align with the principle of the best interests of the child, which requires individualized procedures to safeguard the child's welfare.

96. For unaccompanied children, the Guidelines for the Alternative Care of Children encourage family-based care over institutional settings, except in cases where residential care is necessary, appropriate and beneficial to the child's best interests. Large institutional facilities are discouraged, with a call for deinstitutionalization strategies to provide more nurturing environments.¹⁰⁹ There is a major challenge before the international community to regularize pathways for family reunification, which is critical for the rights and welfare of children, especially those migrating alone.

97. **Promising practices.** In the European Union, family-based care models have been adopted in some countries, including Belgium, Germany, Greece, Italy and the Kingdom of the Netherlands.¹¹⁰ Another promising model is supported independent living, as seen in Cyprus, France, Greece and Spain, which allows older children to live independently in supervised accommodations, such as group homes or hostels, while receiving support services to prepare for adulthood.¹¹¹

98. **Young single men.** Young single men on the move are often scapegoated as security threats and cultural risks,¹¹² making them less likely to have access to housing support, which is typically prioritized for women and families with children. Their experiences of trauma, forced labour, physical violence and degrading treatment during transit are often overlooked,¹¹³ as a result of which they face disproportionately high rates of homelessness and detention.

99. In 2019, the "Be Assured" campaign in Kuwait targeted unaccompanied male migrants (so-called bachelors) living in residential areas. Hundreds of low-income migrants were forcibly evicted, with the authorities cutting off electricity and water to their accommodations to compel them to leave. This led to widespread homelessness and severely worsened living conditions for the affected individuals.¹¹⁴

100. **Other groups.** The Special Rapporteur recognizes the multiple vulnerabilities and discrimination encountered by migrants who are older persons, persons with disabilities, victims of trafficking in persons, Indigenous Peoples and minorities, stateless persons or lesbian, gay, bisexual, transgender and queer persons. In that regard, he recalls the findings

¹⁰⁶ See <https://www.bloomberg.com/news/articles/2024-11-07/private-prison-stocks-soar-after-trump-win-on-deportation-plans?embedded-checkout=true>.

¹⁰⁷ See <https://data.unicef.org/topic/child-migration-and-displacement/migration>.

¹⁰⁸ See communications GBR 5/2024 and GRC 1/2023.

¹⁰⁹ See <https://www.unicef.org/media/58341/file/Family%20unity%20issue%20brief.pdf>.

¹¹⁰ See https://globalofficebrussels.iom.int/sites/g/files/tmzbd12636/files/documents/2024-08/fab-umc-video-stories_en.pdf.

¹¹¹ See <https://www.unhcr.org/media/safety-and-dignity-refugee-and-migrant-children-recommendations-alternatives-detention-and>.

¹¹² See <https://www.cambridge.org/core/journals/american-political-science-review/article/abs/public-attitudes-toward-young-immigrant-men/9422A0C5998C5196444582553E4A41E8>.

¹¹³ See https://www.unodc.org/documents/human-trafficking/2021/Aggravated_SOM_and_Gender.pdf.

¹¹⁴ See https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_844072.pdf.

of other international human rights mechanisms on the issues faced by specific groups regarding the barriers to the enjoyment of the right to adequate housing.¹¹⁵

VII. Conclusions and recommendations

101. The Special Rapporteur expresses his grave concern about the current rise in misinformation and disinformation against migrants in many countries and the instrumentalization of the ongoing housing crisis, which has very different causes, against them. Ironically, it is refugees, asylum-seekers and other migrants who are among the groups most likely to suffer violations of the right to adequate housing, far from being those who contribute to creating housing crises.

102. The world needs a global political response, a multilateral strategy to address migration, based on inclusive housing policies that protect the rights of all persons, whether or not they are citizens. The ground for that was laid in 2018 with the adoption of the Global Compact for Migration and the Global Compact on Refugees. All efforts must be made to build on those gains, consistent with international human rights standards and the Sustainable Development Goals, especially indicator 10.7.2. Blaming migrants will not solve housing crises faced by countries and failing to respond to the housing needs of migrants will not solve housing crises for host communities either. Rather, it may exacerbate them.

103. The Special Rapporteur reiterates the call for the equal enjoyment of the right to adequate housing without discrimination for all migrants, regardless of documentation, in conformity with international human rights and refugee law, and calls for human rights-based approaches to the nexus between migration and housing.

104. The Special Rapporteur recommends that States:

(a) Adopt or amend national housing strategies to be inclusive of the needs of all migrants, free of discrimination by public and private actors, and accounting for any colonial-era burdens and circumstances of migration;

(b) Implement a human rights-based approach to migration policies and programmes, one that ensures regular and orderly pathways for migration and that is fully protective of and prioritizes family reunification and the rights of children, with full respect for the right to adequate housing;

(c) Ensure that shelter and housing policies, programmes and implementation arrangements are tailored to the specific needs of migrants at risk of marginalization, taking into account age, sex, gender, disability and cultural heritage, while also addressing the housing needs of host communities;

(d) Promote evidence-based public discourse on the nexus between migration, displacement and housing crises, including affordability, access and homelessness;

(e) Ensure coordination between the relevant arms of government responsible for social services, housing, migration and labour to achieve a comprehensive approach that ensures the protection of the rights of migrants and host communities;

(f) Ensure that effective firewalls exist between public and private social service and housing providers, on the one hand, and immigration enforcement authorities, on the other, to protect individuals' access to shelter or housing and other social services;

(g) Desist from mass detention, expulsion, deportation or other measures that target undocumented migrants, refugees or asylum-seekers, which constitute serious

¹¹⁵ See <https://www.ohchr.org/en/statements/2024/12/migrants-disabilities-facing-dual-neglect-un-committees>; <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CRPD/Statements/FINAL1004.docx>; [A/75/169](#); and [A/HRC/54/30](#).

breaches of international human rights law and may amount to crimes against humanity if committed as part of a widespread or systematic attack and, instead, seek individualized assessments that fully respect the human rights of all migrants, irrespective of status;

(h) Avoid resorting to spatially segregated camps, reception centres and settlements for migrants, refugees and asylum-seekers as a default option, even in States receiving large numbers of migrants, refugees and asylum-seekers, and encourage the dispersal of such populations with adequate monitoring and support systems;

(i) Ensure international cooperation and responsibility-sharing regionally and globally and by the private sector, including the availability of sufficient financial and technical support for the provision of adequate shelter and longer-term housing in States receiving large numbers of refugees and asylum-seekers and migrants in vulnerable situations;

(j) Provide targeted development and technical assistance for the transition of long-standing refugee camps or other segregated settlements into integrated urban settlements, with freedom of movement for all residents;

(k) Consider regularization options, including amnesty, when return to a country of origin or transit would create or exacerbate situations of vulnerability, such as the likelihood of homelessness, reiterating the call by the Special Rapporteur on the human rights of migrants;¹¹⁶

(l) Implement the guidelines in principle 13 of the Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations, including by ensuring that any evictions or planned relocation of migrants comply fully with international human rights law, that migrants are not obligated to stay in closed shelter facilities or detained in jails or immigration detention centres and that they have freedom of movement on a day-to-day basis;¹¹⁷

(m) Put in place effective mechanisms to combat discrimination on the basis of national origin or immigration status in access to private rental accommodation;

(n) Establish minimum legally binding standards on the provision of shelter in emergency and transit settings that are in conformity with the Sphere standards and applicable international human rights standards regarding shelter and housing;

(o) Revise policies and procedures to ensure that migrants, including asylum-seekers, have access to emergency and homeless shelters, regardless of their immigration or legal status;

(p) Prioritize non-custodial, human rights-based alternatives to immigration detention, with due consideration to the requirements of the right to adequate housing, and ensure the availability of community-based accommodation for children with families and family-based alternative care for unaccompanied children;

(q) Establish and implement the effective monitoring and enforcement of minimum standards in reception centres and systems for asylum-seekers and refugees and establish effective and efficient complaint mechanisms;

(r) Ensure non-discriminatory access to social housing for migrants and all other residents, with due regard for minimum residence requirements, as long as they are not excessive or discriminatory, and other eligibility criteria that meet international human rights standards;

(s) Ensure that employment contracts for migrants are benchmarked and verified against the affordability and availability of housing and establish and

¹¹⁶ See [A/HRC/53/26](#).

¹¹⁷ See

<https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf>.

implement the effective monitoring and enforcement of minimum standards on employer-provided housing for migrant workers and their families;

(t) Ensure that migrants of any legal status are never criminalized for exercising their right to adequate housing and that private actors, such as landlords and civil society organizations, are not required by law or policy to enquire into or report the legal status of migrants or be criminalized if they assist migrants;¹¹⁸

(u) Ensure that migrants have access to justice and effective remedies for violations of the rights to housing and non-discrimination;

(v) Cap the number of local and international students admitted by any university based on the availability of adequate housing in the area where the university is located.

¹¹⁸ Ibid.