



Prospective
research

**Should access to
fundamental rights be
conditional on people
being registered with
a local authority?**

Key messages

- 1** Not being registered with a local authority renders individuals “invisible” for said authorities. Being “invisible” excludes individuals from access to fundamental rights

- 2** The trajectories of “invisibles” stem from a lack of resources and social capital and from drastic changes in their life, forcing them to be highly mobile;

- 3** There are major shortcomings in the administrative registration of individuals: administrative practices are not harmonised, territorial jurisdiction is unclear, etc.;

- 4** The conditions for granting domiciliation (through housing or a reference address) remain complex and are often not accessible for people in precarious situations;

- 5** The possible reform of the normative and administrative mechanisms for access to and control of fundamental rights requires considerable attention. The potential impact on exclusion of individuals to take up their rights needs to be measured.

Introduction/summary of the problem

The two policy questions that emerge from the research findings are:

- Should access to fundamental rights be linked to a home, or linked to a person? It is regularly shown that it is increasingly difficult for households to access affordable, qualitative housing in the Brussels Region. The growing difficulties encountered by an increasing proportion of households are leading to changes in lifestyles (e.g. co-renting), which in turn have an impact on domiciliation strategies. Disparities in registering people in the National Register and in the administrative follow-up of their files also lead to inequities in their treatment. These two observations call into question current access to fundamental rights through domiciliation, while also positioning the debate on crucial societal choices concerning the conditionality or otherwise of this access.
- What would be the correct public action for identifying and supporting people who are administratively invisible? Knowledge of administrative invisibility has several pitfalls, such as the availability and collection of data or its anonymisation, which raises questions regarding the creation and use of this data. Supporting people who have become invisible is complicated by their high level of mobility. Should support services be fixed or mobile to adapt to this mobility? Should the recognition of rights be conditional on people's location?

Methods, approaches and results/body

Using an interdisciplinary approach, the research was structured around five points that shed light on the phenomenon of administrative invisibility:

- understanding the administrative mechanisms (actors, data collection, timing, objectification of choices, etc.) involved in disappearances from the National Register (deletion and disappearance);
- identifying the typical trajectories of invisibility and the structural elements that promote them;
- shedding light on the vulnerabilities created by the phenomenon of administrative invisibility in Brussels (access to social rights, etc.);
- quantifying the scale and characteristics of the phenomenon and highlighting its spatialisation to better articulate preventive public action policies across the territory;
- developing research methods that are supervised by an ethics committee and respect the fundamental rights of individuals.

Administrative invisibility with regard to the National Register is a complex and “polyphonic” phenomenon, with 1.7% of the Brussels population affected in 2013. The small number of cases make it impossible to determine which districts are particularly affected, even if a city of mobility (centre and inner suburbs) and a city of residential stability are clearly emerging.

The available data is not precise enough to draw up profiles of individuals “at risk of invisibility”, but it is clear that the phenomenon significantly affects the most socio-economically disadvantaged (in number) and people who have experienced family breakdown (in probability).

Conclusions

Administrative invisibility is the result of a combination of three phenomena:

- the precarious situation of large sections of the population (lack of resources, links, support);
- administrative loopholes: arbitrary processing of applications, lack of harmonisation, insecure legal framework;
- the socio-economic transformation of Brussels districts and the effects of metropolisation. The consequences are exclusion from access to fundamental rights for a significant proportion of Brussels residents. In this context, the reference address remains a highly imperfect instrument for dealing with situations of homelessness and loss of home. The current situation calls into question the quality of the relationship between public institutions and the public and argues for its improvement. The phenomenon of invisibility should, in a context of greater individual mobility, lead us to question whether access to fundamental rights should be conditional on residence.

Policy recommendations

1. Access to a reference address should be facilitated by clarifying the territorial authority of the Public Centres for Social Welfare (PCSWs), which could, for example, be determined by taking into account the last effective address or the first PCSW to receive the application for assistance. The reference address taken from a private individual must be better explained to the public, as many people refuse to offer their home as a reference address for a third party for fear of the consequences. People should therefore be better informed about the guarantees of maintaining their status when they agree to grant a reference address from their home. The principle of insufficient resources should also be better defined, by identifying the resource threshold considered insufficient.

2. The principle of prior deregistration, which is necessary for the granting of a reference address, should be reviewed by limiting this period as much as possible, so as not to prolong a situation of non-access to rights. The harmonisation of practices should be continued by disseminating existing tools for PCSWs, in particular “Reference address: a guide to best practice”, with regular updates.

3. A tool for identifying “cumulative vulnerability” should be developed through the necessary preventive policies in advance of the loss of rights, based on the data and results accumulated during identification actions.

4. To shed light on the mechanics of the phenomenon of invisibility, it is essential to keep track of invisibility across the country and set up specific, long-term, interoperable databases, including centralised data on the number of reference addresses per municipality.

5. Continuing the quantitative approaches carried out in this project on the basis of more recent data, in particular the next census, would make it possible to monitor the evolution of this phenomenon, as would the collection of specific data through quantitative and qualitative surveys of homeless people and the beneficiaries of reference addresses. Some of the results of the MEHOBEL (Measuring Homelessness in Belgium) project could be applied to Brussels, bearing in mind that the homeless are only part of the population studied here.

List of publications

Pierre, Adèle ; Moriau, Jacques ; Leclercq, Alexandre ; Sanderson, Jean-Paul et Malherbe, Alain.

Devenir invisible aux yeux de l'État. Une première estimation des disparitions administratives en Région de Bruxelles-Capitale. In: Brussels Studies, forthcoming.

Moriau, Jacques.

*La lutte contre le sans-abrisme à Bruxelles : injustice spatiale et désagrégation des politiques sociales.*In: Revue du CREMIS, vol.12, n°2, p. 9-14 (2021).

Pierre, Adèle.

Rendre visible l'invisible. In: Urbia, Vol. Hors Série, no.7, p. 129-143 (2020) (Submitted).

The author & project

The interdisciplinarity of the authors of the MEASINB research project brings together several areas of expertise: demography, data spatialisation and interpretation, understanding of territorial dynamics, administrative anthropology and sociology of disadvantaged populations.

They are members of the [CREAT-UCLouvain](#), [DEMO-UCLouvain](#) and [METICES ULB](#) research centres.

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Through the Prospective Research programme, the Brussels-Capital Region is hoping to fund research projects from a dual perspective: to provide a solid regional prospective vision; to build solutions to the specific challenges it will face in the years to come. The solutions proposed by the funded projects must take into account Brussels' urban complexity as well as the Region's environmental, social and economic transition objectives. The programme targets researchers in human science as much as researchers in exact or applied science.

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