

An Overview of NSW's Hidden Homeless

Issues surrounding asylum seeker homelessness

asylum seekers centre
of new south wales

Table of Contents

- Table of Contents** 2
- Overview** 3
- Introduction** 4
- Key Issues 5
- The impact of homelessness on asylum seekers 6
- The right to work and the impact of no income..... 7
- Provision of housing by non-government funded agencies that work specifically with asylum seekers** 7
- Overview 7
- Housing stock..... 8
- Providing support as well as housing 8
- Managing housing 8
 - Lease Agreements* 8
 - Evictions* 8
 - Length of Stay* 9
- Key challenges for organisations providing short-medium term housing for asylum seekers 9
- Key Recommendations..... 10
- Overview of Key Organisations**..... 11
- Asylum Seekers Centre of New South Wales (ASC)..... 11
 - Services provided*..... 11
 - Current options to respond to asylum seeker homelessness* 11
- Jesuit Refugee Service (JRS) 12
 - Types of services provided*..... 12
- House of Welcome (HoW)..... 12
 - Types of housing related services provided* 12
- St Vincent de Paul (SVDP) 13
 - Types of services provided*..... 13
- Australian Red Cross (ARC) 13
- Contact details**..... 15

Overview

This paper presents an overview of the difficulties community-based asylum seekers encounter in accessing affordable, sustainable and safe housing in NSW. Not-for-profit agencies working directly with asylum seekers in NSW report that 30% of community-based asylum seekers seen by them are homeless or at risk of imminent homelessness. This is a significant figure yet it is largely unknown as a key issue facing asylum seekers residing in the community on bridging visas.

The Key agencies providing emergency accommodation support and housing to community-based asylum seekers in metropolitan Sydney include the Asylum Seekers Centre (ASC), House of Welcome (HoW) Jesuit Refugee Service (JRS), Red Cross and St Vincent de Paul (SVDP). This paper discusses the practice and challenges faced by these agencies in housing asylum seekers and outlines the key resources each has available for this client group.

Introduction

Asylum seekers are people who have left their country of origin, have applied for recognition as a refugee in another country, and are awaiting a decision on their application.¹ Refugee status is determined on the basis of a well-founded fear of persecution in a person's own country for reasons of race, religion, nationality, membership of a particular social group, or political opinion.²

There are two distinct groups of asylum seekers in Australia:

1. Those who arrive via plane on a temporary visa (for example, on a visitor or student visa) and then apply for protection once in Australia.³ This group is referred to as **community-based asylum seekers**, and they are generally allowed to remain in the community on a bridging visa while their applications are processed; and
2. Those who arrived by boat, or by plane without a temporary visa⁴. This group of asylum seekers are usually accommodated in three ways:
 - Asylum seekers can be detained in Immigration Detention Centres either on mainland Australia or Christmas Island until their applications are finally determined⁵;
 - Some asylum seekers are released into the community into 'Community Detention' where their welfare and housing needs are met by agencies funded by the federal government such as the Australian Red Cross.
 - Following the recent federal government policy announcement (November 2011), some asylum seekers in detention will now be released into the community on bridging visas, at which point they become a community-based asylum seeker.

The majority of asylum seekers live lawfully in the Australian community on bridging visas while they wait for their asylum claims to be resolved. More than half of these asylum seekers have no access to a financial safety net.⁶ Many also have no form of family or community support, and remain at risk of imminent homelessness for the

¹ United Nations High Commission for Refugees (UNHCR)
<http://www.unhcr.org.au/basicdef.shtml#def01>

² Article 1A, *Convention relating to the Status of Refugees* (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 150, read in conjunction with the *Protocol relating to the Status of Refugees* (adopted 31 January 1967, entered into force 4 October 1967) 606 UNTS 267 (collectively referred to as 'Refugee Convention').

³ The Federal Government refers to this group of asylum seekers as 'authorised arrivals'.

⁴ The Federal Government refers to this group of asylum seekers as 'unauthorised arrivals' generally, and refers to asylum seekers who arrive by boat as 'Irregular Maritime Arrivals' or 'IMA'.

⁵ Mandatory detention applies to asylum seekers arriving in an unauthorised manner; therefore, this group is not included in the following report. However, the following report does have direct application to a Community Detention framework or a detention release model for those exiting detention on a Bridging Visa.

⁶ 'Government funded community-based programs provide financial or other support assistance to less than half of the total applicants for asylum each year', Department of Immigration and Citizenship, Annual Report 2008-09. [Available here: <http://www.immi.gov.au/about/reports/annual/2008-09/pdf/>]

duration of the time they wait to receive an outcome on their refugee protection visa application.⁷

According to a number of human rights treaties to which Australia is a signatory, housing is a fundamental human right. The International Covenant on Economic, Social and Cultural Rights recognises all persons' right to appropriate and suitable health care, adequate food and housing. The UN Convention Relating to the Status of Refugees, the Convention on the Rights of the Child and the Convention on the Elimination of Racial Discrimination, which Australia is also party to, contain provisions espousing housing as a fundamental human right.

In 2002, the Australian government endorsed the United Nations High Commission for Refugees Executive Committee conclusions,⁸ which states:

*Asylum seekers should have access to the appropriate governmental and non-governmental entities when they require assistance so that their basic support needs, including food, clothing, accommodation, and medical care are met.*⁹

Key Issues

Some of the most significant issues facing community-based asylum seekers with respect to housing include:

- Lack of safe and stable housing options for asylum seekers without an income;
- Significant barriers and few options for asylum seekers who are unable to work because of disabilities or physical and mental health issues;
- Minimal access to financial support and for those who are deemed eligible to access the Government-funded Asylum Seeker Assistance Scheme (ASAS)¹⁰, cessation of that financial support¹¹ after the merits review stage of the refugee determination process¹²;
- Asylum seekers who do not have the right to work and do not receive ASAS are dependent on family and/or the not-for-profit charitable sector;
- Lack of Photo ID for many asylum seekers means that they cannot enter into a formal lease because they cannot meet the 100 ID points required by real estate agents;
- Competitiveness of the rental market and a lack of affordable rental accommodation in Sydney;
- The financial stress of the private rental market when on an unstable income;
- Barriers to employment: language skills, health problems, and access to affordable childcare;
- Protection visa applications may take months or years to process. This means precarious housing situations for asylum seekers can be drawn out and housing

⁷ 'Australia's Hidden Homeless: Community-based approaches to asylum seeker homelessness', Hotham Mission, August 2010.

⁸ Ibid.

⁹ UNHCR ExCom conclusion on reception of asylum seekers (No. 93 (LIII), 2002).

¹⁰ 'ASAS'.

¹¹ Which is paid at the rate of 89% of the rate of a Centrelink Special Benefit payment.

¹² The Asylum Seeker Assistance Scheme (ASAS) is only available to eligible individuals and families at the Primary and Refugee Review Tribunal stages.

crises commonly arise numerous times throughout the refugee determination process.

The impact of homelessness on asylum seekers

The impact of homelessness on the health and well being of individuals is well known.¹³ The federal government has described those who are homeless or at risk of becoming homeless as ‘one of the most vulnerable and marginalised groups in our community’, stating that homelessness removes stability and connection in people’s lives,¹⁴ and that the impact of ‘even brief periods of homelessness can be long-lasting’.¹⁵

In addition to the issues homeless people face, asylum seekers live with acute uncertainty and instability due to their unresolved immigration status. Many asylum seekers live without any secure form of income and rely on charity for all aspects of their lives. The experience of homelessness and long-term destitution not only has a detrimental impact on the health and welfare of asylum seekers, but also hinders their capacity to engage with the requirements of the protection application process. Many asylum seeker support agencies have found that long-term destitution can affect asylum seekers’ ability to accept the outcome of their application, especially if their claims are unsuccessful and they are required to return to their country of origin.

In 2006 the federal government implemented the Community Care Pilot. This was rolled out nationally in 2009 and became known as the Community Assistance Support Program. The CAS Program aims to provide basic health and welfare services to the most vulnerable of asylum seekers.

The first year of the Community Care pilot revealed a direct correlation between adequate health and welfare provision and improved immigration status outcomes:

When health and welfare issues are stabilised, clients are better able to think clearly, exercise choice and participate in resolution of their immigration status.¹⁶

In the longer term, for those asylum seekers who are granted protection visas, the hardship and cumulative health and welfare consequences of homelessness impedes the process of settlement in Australia, including recovery from trauma

¹³ For example, see: ‘The Road Home: The Australian Government White Paper on Homelessness, 21 December 2008, Department of Families, Housing, Community Services and Indigenous Affairs. p. 37: ‘In addition to higher rates of mental illness, people who are homeless experience poor dental health, eye problems, podiatry issues, infectious diseases, sexually transmitted disease, pneumonia, lack of preventative and routine health care and inappropriate use of medication...’

¹⁴ ‘A National Quality Framework to Support Quality Services for People Experiencing Homelessness: a discussion paper’, Department of Families, Housing, Community Services and Indigenous Affairs, 2010, p. 1.

¹⁵ ‘The Road Home: The Australian Government White Paper on Homelessness, 21 December 2008, Department of Families, Housing, Community Services and Indigenous Affairs, p. 23.

¹⁶ ‘Community Care Pilot and Status Resolution Trial’, Department of Immigration and Citizenship, March 2009. [Available here: <http://idcoalition.org/australia-diac-paper-community-care-pilot-status-resolution-trial/>]

The right to work and the impact of no income

In July 2009, the Australian government extended work rights for asylum seekers by abolishing the 45-day rule.¹⁷ These changes were welcomed by all agencies working with community-based asylum seekers. Many observers have noted that whilst these changes are having a positive impact on the visa entitlements of recently arrived asylum seekers, it has not affected the barriers faced by long-term community based asylum seekers. Asylum seekers are not eligible to access the Commonwealth Job Network services. It is noteworthy that even with work rights asylum seekers still face multiple barriers in securing employment. These include:

- The short-term nature of Bridging Visas, which limit an employer's opportunity to offer ongoing employment;
- The complex mental health needs of many asylum seekers, which prevent them from engaging in paid employment;
- Limited English language skills, a lack of local work history and vocational references in Australia, all of which are significant barriers to finding employment.

Without income, many asylum seekers are living in destitution and face significant barriers relating to homelessness, health and nutrition, as well as isolation and depression.¹⁸ Research has shown that asylum seekers experience emotional trauma when they are unable to work¹⁹. In particular, the erosion of a sense of identity and independence, feelings of shame at having to accept handouts for survival, and the resulting inability to integrate socially and economically into Australian society can cause profound distress for many individuals and families. When asylum seekers do gain work, the work is often casual, irregular, and unstable.

Provision of housing by non-government funded agencies that work specifically with asylum seekers

Overview

There is no one framework for housing service delivery amongst asylum seeker agencies in metropolitan Sydney. Formal tenancy arrangements are rarely used, however **housing agreements** for tenants are used by all agencies. Agencies within the sector generally house asylum seekers in their own housing stock, which is donated or on 'loan' from private citizens or church-based organisations.

¹⁷ Prior to July 2009, if an asylum seeker applied for refugee protection more than 45 days after arriving in Australia they would not be granted work rights.

¹⁸ Wa Mungai, N., 'Issues facing asylum seekers without income support', Master's thesis, School of Social Science and Planning, RMIT, Melbourne, 2002, p. 205.

¹⁹ Interview with service provider, 20.4.04. Barson, Petrina and Beckwith, Joan, 'Effects of Policy on the Health and Wellbeing of Asylum Seekers.' Paper presented at conference, The Health and Well-being of Refugees and Asylum Seekers, University of Melbourne, 15 November 2004, p. 29.

Housing stock

As with the government-funded housing sector, asylum seeker agencies find securing housing stock an enormous challenge. None of the agencies in the sector in NSW had enough stock to respond to the demand for housing by asylum seekers.

The few providers of housing for asylum seekers in NSW rely on housing stock donated to them by religious groups or private donors for no or little rental return. Despite the generosity of the donors, securing and managing donor housing stock in this way raises a number of challenges. The chief difficulty is the insecurity of the housing stock. As donors of houses can withdraw the property at any time, asylum seekers have no guarantee that their housing will be ongoing. Additionally, there is a lack of funding available to support the management and maintenance of the stock.

Providing support as well as housing

Asylum seeker agencies in NSW identify casework support as a critical component of their housing services. The two main agencies housing asylum seekers provide casework support during office hours for their clients.

Managing housing

Lease Agreements

There is no single approach in the way housing agreements are used by agencies housing asylum seekers, and amongst the Sydney-based agencies consulted a range of views about whether leases should be used were expressed. In NSW asylum seeker agencies do not use leases but have 'house rules' or agreements that asylum seekers sign. The two agencies in metropolitan Sydney have housing agreements with their tenants that include house rules and occupational health and safety guidelines. In such agreements, rent is also set at a proportion of income (often 25 per cent), allowing for rent flexibility as circumstances change.

Where leases are used, they are generally in place (i) to provide some protection regarding the tenancy for asylum seekers, (ii) to help transition asylum seekers from properties into more permanent accommodation if the need or opportunity arises, and (iii) as an empowering tool in preparing asylum seekers for living in Australia should their protection application be successful.

Evictions

For the majority of community-based asylum seekers, access to private rental properties is restricted due to their limited financial income and their lack of references and credit history in Australia. This has a significant impact on agencies that house asylum seekers. It creates a constant tension within agencies where a breach of a housing agreement may lead an agency to consider eviction. Agencies consulted noted that a tension arises between the need to set minimum standards that ensure a safe environment for all asylum seekers, and the knowledge that the person being evicted

will most likely become homeless. In most instances, this is a significant factor in deciding not to evict an asylum seeker in breach of a housing agreement who otherwise would be asked to leave.

Length of Stay

The length of stay for asylum seekers in accommodation provided by asylum seeker agencies varies. Recognising the lack of a clearly defined timeframe regarding an asylum seeker's immigration pathway, agencies often commit to housing and support for the duration of the asylum application process, and may be as short as six months, or as long as six years or more. The overview of each organisation section below, details the specific programs supporting asylum seekers with their housing needs including length of stay in accommodation.

Where an asylum seeker gains permanent residency, agencies in Metropolitan Sydney allow clients to remain in accommodation for several months whilst the client transitions into alternate housing and accesses services for settlement support and permanent visa holders. This approach is informed by a service's philosophical approach to supporting asylum seekers and an understanding of the issues asylum seekers face, including complex trauma issues and destitution. This includes a recognition of the need for flexible eligibility criteria as well as flexible expectations about exiting the property or program.

Key challenges for organisations providing short-medium term housing for asylum seekers

The organisations outlined below face many day-to-day and structural barriers in working to assist asylum seekers secure safe and sustainable housing. The most significant challenges include:

- Lack of available, affordable rental properties in which to house asylum seekers in Sydney Metropolitan Region. The extensive housing shortage in the private rental market in Sydney means that housing is hard to come by for asylum seekers who usually have no regular income, often lack references and cannot afford to pay high rental rates.
- Asylum seekers usually have no rental history in Australia and are on temporary bridging visas. The undersupply of rental properties means that when a landlord or agent is selecting from a number of prospective tenants (including those with good rental histories and stable employment) asylum seekers are at a significant disadvantage.
- No government programs or funding available for housing community-based asylum seekers, results in community organisations relying on fluctuating levels of philanthropic grants and individual donations to support asylum seekers' housing needs
- Increasing difficulty to secure long-term leases on properties in order to provide asylum seekers with a sense of security.

- Funding for tenancy and financial assistance (i.e. living and transport expenses), as well as general house maintenance.
- Finding suitable housing for asylum seekers in locations close to public transport, thus minimising money spent on transport; and in locations where asylum seekers can access suitable cultural and religious community supports.
- Instilling a sense of safety for asylum seekers is major factor when providing housing, many of whom have a background of torture trauma, and/or have families and young children. Finding affordable housing in locations without high levels of social problems such as drug and alcohol issues is a key challenge.
- Difficulty in moving people on from temporary emergency accommodation due to the lack of longer-term options available.
- Lack of government services for asylum seekers to access housing means greater pressure on community organisations who have extremely limited resources.

Key Recommendations

- Improved coordination between mainstream homelessness services and asylum seeker specific services to ensure community based asylum seekers at risk of imminent homelessness are able to access crisis accommodation.
- Eligibility for and increased access to emergency accommodation, emergency temporary accommodation and transitional housing in NSW for community based asylum seekers.
- Ensure access to the centralised emergency accommodation referral service via the Homeless Person Information Centre (HPIC) is afforded to all community-based asylum seekers regardless of whether they are in receipt of financial support or have identification.

Overview of Key Organisations

Asylum Seekers Centre of New South Wales (ASC)

Services provided

The ASC provides (through salaried and volunteer staff) a range of services that include:

- **Case management:** assistance in securing emergency and short-term accommodation, referrals for emergency financial support and legal advice, individual advocacy and social work support.
- **Health care:** on-site primary health care and physiotherapy, assistance in meeting pharmaceutical costs, referrals for pro bono dental, trauma counselling and other specialist health care and advocacy for fee waivers on emergency hospital procedures. A Counsellor is also available to provide interim counseling support to clients whilst they await access to specialist counseling services such as torture and trauma counselling.
- **Development:** English, computer and art classes, recreational activities and nutritious lunches.
- **Employment service:** building skills in resume writing, interviews and job readiness as well as identifying and establishing relationships with prospective employers.
- **Advocacy:** aims to address the systemic obstacles asylum seekers encounter and educate the public about asylum seekers.

Current options to respond to asylum seeker homelessness

Emergency Financial Assistance Brokerage (EFA)

The Brokerage Fund aims to assist homeless asylum seekers and reduce pressure on the Casework program, by:

- Providing immediacy of access to emergency accommodation and material aid and
- Allowing time for Casework staff and volunteers to negotiate short-medium term accommodation and support via other agencies.

What is included?

Emergency accommodation and material aid can be provided together, for a maximum of 3 nights, per individual.

- **Emergency Accommodation** is accommodation in a backpackers hostel or other budget accommodation, where a client has no other viable alternative, for a period of 3 nights.
- **Material Aid** includes food vouchers and assistance with the cost of transport to the place of emergency accommodation.

Jesuit Refugee Service (JRS)

Types of services provided

- **Shelter Project:** JRS currently provides housing and support services to asylum seekers through their Shelter Project. The project started in 2007 and consists of three main areas: accommodation support, financial assistance, and case work support. The project now consists of 4 properties located in Elizabeth Bay, Manly, Ashfield, and Croyden. The properties can house up to 35 asylum seekers in all four properties at any one time, and contracts are usually signed for 3-6 months at a time. There are no specific eligibility criteria for clients. Cases are reviewed on a case-by-case basis.
- **Emergency Accommodation:** Homeless asylum seekers can be provided with JRS-funded emergency backpacker accommodation in backpacker dormitories. Accommodation is funded a week at a time, and subject to review at the end of each week.
- **Living allowance:** A living allowance of \$60 a week is provided to those asylum seekers that are most in need. Additionally, those receiving the allowance and housed in JRS accommodation outside the city are provided with a transport allowance of \$30-\$40 per week in addition to the \$60 weekly living allowance. A maximum of 20 people are given the allowance at any one time.
- **Casework support:** This includes services such as referrals, employment assistance with other volunteers, accompaniment, health promotion activities such as art workshops and walks, social outings, and advocacy work.

House of Welcome (HoW)

Types of housing related services provided

- **Accommodation – medium-term housing program:** limited transitional accommodation is sometimes provided in houses/units either rented or made available to HoW. Currently the program consists of 16 houses and units that consist of 14 families and 11 single clients.
- **Casework:** Referrals to legal and medical providers, case support and assistance.
- **Clothes and food aid:** clients or families can receive weekly food parcels, clothing or household items each week at the HoW centre in Carramar.
- **Emergency assistance program:** HoW also provides assistance for unexpected emergencies, such as homelessness, maintaining existing tenancies, medical emergencies, cost of medications, as well as issues related to the protection visa application process that may arise. Due to funding limitations, the availability of emergency assistance is ad-hoc and limited (HoW receives no government funding; all funds are from grants and donations).
- **Empowerment loans:** These are small no interest loans to clients who have some regular income. Repayments are flexible and the aim is to focus on education, housing or employment.
- **Financial assistance ‘Community Living and Family Support’ program:** Financial assistance is provided to clients to stay in their own accommodation and have a basic living allowance. This program is for clients without regular

income support. Allowance provided is between \$75-\$90 per person per week. Again funding for this program is by donation from private donors and religious organisations.

- **Activities:** Client outings and trips, English, sewing and computer classes. And employment assistance.

St Vincent de Paul (SVDP)

Types of services provided

Refugee Support Services

The Refugee Support **Services** (RSS) is a service within the Matthew Talbot Homeless Services, a special work of St Vincent De Paul Society NSW.

RSS aims to support and empower asylum seekers and refugees who are living in NSW and are experiencing severe financial hardship, and social isolation. The majority of our clients are at risk of homelessness, living in substandard accommodation or actually homeless. Services include:

- **VASA (Vinnies Asylum Seeker Allowance) Program:** This program provides support to people in the process of seeking asylum who cannot access Centrelink or any other government funded income support, and who cannot work due to their visa conditions or for health reasons. Those adults eligible can each be provided with \$100 p/w, and children \$50 p/w. Rental assistance of \$50 p/w can be also provided where eligible.
- **Special Purposes Fund (SPF):** The fund provides material assistance to asylum seekers experiencing destitution. Services include some emergency accommodation funding, and education support.
- **Employment Support Program:** providing assistance and advice in resume writing, job applications, interviews and job readiness skills.
- **Case Work:** referrals and advocacy for current clients

Other Services Provided:

- St Vincent de Paul Society also provide material assistance including second hand furniture, food and or food vouchers, as well as some assistance with payment of utilities. Home visits are organised to assess the appropriate assistance provided.

Australian Red Cross (ARC)

The Migration Support Programs provide support to refugees, asylum seekers, immigration detainees and other people who are vulnerable as a result of migration.

They do this through a range of services and programs that protect and uphold the health, dignity and wellbeing of vulnerable migrants. They also work to reconnect family members whose loss of contact is caused by international or internal conflict, war and disaster.

Red Cross facilitates a number of programs funded by the Department of Immigration and Citizenship (DIAC):

Asylum Seeker Assistance Scheme (ASAS)

Red Cross case workers can assist eligible asylum seekers in accessing financial assistance to cover:

- basic living expenses (equivalent to 89% of Centrelink Special Benefit)
- general healthcare
- protection visa health and character checks

They can also provide referrals to: health services, counselling, accommodation, material aid such as clothing and furniture, education, legal services and social support.

Community Assistance Support (CAS) program

Clients referred to the Community Assistance Support (CAS) program are highly vulnerable and usually have complex needs. The program provides help to these clients by addressing their basic health and welfare while their immigration status is being resolved.

Clients are referred to Red Cross directly by DIAC Case Management from the relevant DIAC state/territory office. Red Cross does not determine who is eligible for assistance.

Contact details

If you would like to discuss any aspect of this paper, please contact

Asylum Seekers Centre of New South Wales

38 Nobbs Street, Surry Hills, NSW 2010

Ph: (02) 9361 5606

<http://www.asylumseekerscentre.org.au/>