



THE ASYLUM SEEKER RESOURCE CENTRE

LOCKED OUT

Position Paper on Homelessness of Asylum Seekers Living in the Community



Homelessness is everyone's responsibility. Ending homelessness requires sustained long term effort from all levels of government, business, the not-for-profit sector and the community.

The Hon. Kevin Rudd PM, 2008



Cover photography by
Paul Stevens www.paul-stevens.info

Written by
Johanna Burns

Edited by
Sophie Dutertre

Designed by
Bec Yule

Special thanks to Pamela Curr
and Jane Yule for their
proofreading expertise.

To all of the staff and volunteers of the
ASRC Casework Program, NASAVic
agencies and my special thanks to the
people we call asylum seekers for sharing
their stories – JB





TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
INTRODUCTION	5
1. Housing: A basic human right	5
2. The current housing crisis	5
3. The Federal Government's White Paper on Homelessness: which door for asylum seekers?	6
ISSUES AND RECOMMENDATIONS	7
I DENIAL OF EMERGENCY ACCOMMODATION ASSISTANCE	8
1. Emergency accommodation response varies greatly	8
<i>Response: All Emergency Housing Services to be directed to provide a service to asylum seekers</i>	9
<i>Response: Develop monitoring and feedback mechanisms for asylum seekers presenting at Housing Services</i>	9
2. Exit options for asylum seekers are not understood	10
2.1 <i>No Centrelink or Income = No service</i>	10
2.2 <i>Exit options exist for asylum seekers</i>	10
<i>Response: Training provided to frontline Housing Service staff on asylum seekers' housing entitlements, local support agencies and possible exit options</i>	11
3. Current HEF funding is insufficient	12
<i>Response: Expand current HEF housing to more than 2 weeks</i>	12
II DENIAL OF TRANSITIONAL HOUSING ASSISTANCE	12
1. Emergency accommodation is not a long-term option	13
<i>Response: Give at least one Asylum Seeker Support Agency nomination rights for transitional properties for asylum seekers</i>	14
<i>Response: An effective response to a potential housing and welfare crisis – the example of the Homeless World Cup</i>	15
2. Asylum seekers are running out of mainstream housing options	15
2.1 <i>Accessing private rental is nearly impossible for asylum seekers</i>	15
2.2 <i>Previous community options are no longer available</i>	18
<i>Response: Existing community-based models of housing for asylum seekers are excellent and can be replicated</i>	18
III HOMELESSNESS: ASYLUM SEEKERS DESERVE A NATIONAL RESPONSE	19
1. Social Inclusion does not include asylum seekers	19
<i>Response: Include asylum seekers into the National Partnership Program on Social Housing</i>	20
<i>Response: Social Inclusion Board to take action</i>	21
2. Housing, the missing link in existing support	21
<i>Response: Development of a National Asylum Seeker Housing Network</i>	21
<i>Response: The need for legislation</i>	22
CONCLUSION	22
REFERENCES	23
APPENDIX – GLOSSARY	24





EXECUTIVE SUMMARY

Housing is one of the greatest challenges facing asylum seekers in Australia. Asylum seekers who have applied for protection can live for years in the community without stable accommodation and without access to any mainstream Housing Services. In 2007/08, 97.3% of the 4750 asylum seeker applications submitted in Australia came from people who arrived by plane and now live in the Australian community (UNHCR, 2009).

Both physically and financially, the community and not-for-profit sector cannot continue to carry the full responsibility of providing housing for asylum seekers.

The Federal Government has shown its willingness to tackle the housing crisis in Australia with the launch of the White Paper *The Road Home* (2008) promising to halve homelessness and to provide supported accommodation for all in need by 2020. Sadly, in its current form, this appears to be a truly 'white' paper. There is no mention of asylum seekers, despite their well-documented housing challenges and regular presentation at Housing Services.

A key feature of *The Road Home* is a 'no wrong doors' system, which states that "*There should be no wrong doors for people who are homeless when they seek help*".

To date asylum seekers have been told by mainstream and specialist Housing and Welfare Services that they are at the 'wrong door' when attempting to access emergency and transitional accommodation.

A recurring theme throughout this paper is the lack of access that asylum seekers face when approaching Housing Services, and the inadequacy of current responses. The purpose of this paper is to advocate and work constructively towards better practices and processes to include asylum seekers in the national effort to address homelessness.

Key issues faced by asylum seekers needing emergency and transitional accommodation include:

- The struggle to gain access to Housing Agencies for emergency and transitional accommodation;
- The lack of understanding and willingness of Housing Agencies to provide an adequate emergency and transitional accommodation response;

- A (well documented) lack of safe rooming houses and emergency-type accommodation options;
- No current entry point to access mainstream transitional housing.

DENIAL OF EMERGENCY ACCOMMODATION ASSISTANCE

In Victoria, the funding for emergency accommodation is allocated predominantly through the State Government's Housing Establishment Fund (HEF). While the HEF guidelines do not disqualify asylum seekers from accessing emergency accommodation, many Housing Services that distribute HEF reject asylum seekers on the basis that they do not have access to income. It is assumed that they have no 'exit options' from Housing Services and are therefore denied entry. As this report demonstrates, this is simply not true.

The Department of Human Services in Victoria has authorised a small amount of recurrent funding to assist asylum seekers with emergency housing. This is a good start and will assist a small number of asylum seekers in housing crisis. However, all Housing Services providing HEF need to respond to asylum seekers when they present in housing crisis.

DENIAL OF TRANSITIONAL HOUSING ASSISTANCE

The process of seeking asylum is neither instantaneous nor a permanent state. It is transitional and asylum seekers need transitional housing during this time.

Whilst HEF assistance is helpful in overcoming an immediate emergency housing crisis, this accommodation is available only for a minimal amount of time. The type of accommodation sourced is crisis/emergency accommodation, which is not suitable or sustainable for ongoing tenancy. Currently asylum seekers are refused access to all transitional housing programs.

In Victoria the State Government has recently responded to asylum seekers presenting post-Homeless World Cup by providing an excellent model of support including transitional housing. This is to be applauded and ideally used as an example of how to respond to *all* asylum seekers in need of transitional housing.

ASYLUM SEEKERS' HOMELESSNESS NEEDS TO BE INCLUDED IN A NATIONAL RESPONSE

The Housing sector has a key role to play in creating social inclusion. The Federal Government's willingness to approach social issues holistically is encouraging and the desire for collaboration between sectors is a welcome step. These principles need to apply to all who lawfully reside in Australia, including asylum seekers.

Social inclusion cannot be achieved without access to housing.

Now is the time for all levels of government to affirm their commitment to ending homelessness by providing the resources and collaborative support to prevent asylum seekers from becoming and remaining homeless.

RECOMMENDATIONS

Emergency Housing

1. Each State and Territory Government to produce a directive mandating Housing Services to provide emergency accommodation assistance to asylum seekers.
2. Emergency Accommodation Services to establish monitoring and evaluation mechanisms to report on the number of asylum seekers seen by their agency
3. Asylum Seeker Support Agencies to report feedback including refusal of service to a nominated State representative (i.e. in Victoria this could be the Department of Human Services - Local Area Support Network representative in each Region).
4. Training about the refugee determination process and the work of local Asylum Seeker Support Agencies to be undertaken by Housing Services providing emergency accommodation assistance.
5. Key Asylum Seeker Support Agencies in each state to be included in the provision of this training.
6. Additional emergency accommodation funds to be made available by State and Territory Governments.
7. Funds for asylum seekers to be distributed through one Housing Service in each State and Territory's capital city.

Transitional Housing

1. State Government to provide nomination rights for some transitional properties to an Asylum Seeker Support Agency.
2. In partnership with other agencies and the Department of Human Services, State Government to investigate the possibility of making the collaborative experience of the Homeless World Cup an on-going model of housing provision for asylum seekers.
3. State and Federal Government to work in collaboration with the community sector to source and resource appropriate properties to expand existing evidence-based models of community-based housing for asylum seekers.
4. The Office of Housing in each State and Territory to allow asylum seekers to access the Bond Loan Scheme.

Social Inclusion

1. The Federal Government to ensure that housing for asylum seekers is included in the National Partnership Program on Social Housing
2. The Federal Government to ensure that the National Affordable Housing Agreement includes funding allocations towards the provision of services and support for asylum seekers at risk of homelessness.
3. The Social Inclusion Board to use their guiding principles in meeting with key Federal Government stakeholders and monitoring the Council on Homelessness to ensure that the basic needs of asylum seekers (especially housing) are represented.
5. A National Asylum Seeker Housing Network to be developed with relevant mainstream services, not-for-profit agencies and State and Federal Government representatives.
6. Existing examples of good collaborative practice and precedents (e.g. post-Homeless World Cup model) to be used as the basis to develop stronger working partnerships between Housing Services and Asylum Seeker Support Agencies at the national level.
7. Asylum Seekers' right to emergency and transitional accommodation to be enshrined in legislation to assure ongoing access to these vital services.



INTRODUCTION

The Australian Federal Government has taken a brave step in launching its White Paper *'The Road Home, A National Approach to Reducing Homelessness'* (2008) promising to halve homelessness and have supported accommodation for all in need by 2020. Sadly, in its current form, this appears to be a truly 'white' paper with not a single mention of asylum seekers, despite their well documented housing challenges and regular presentation at Housing Services.

Housing is one of the greatest challenges facing asylum seekers in Australia. Asylum seekers who have applied for protection can live for years in the community without stable accommodation and without access to any mainstream Housing Services. In 2007/08, 97.3% of the 4750 asylum seeker applications submitted in Australia came from people who arrived by plane and now live in the Australian community (UNHCR, 2009).

A recurring theme throughout this paper is the lack of access that asylum seekers face when approaching Housing Services, and the inadequacy of current responses. Both physically and financially, the community and not-for-profit sector cannot continue to carry the full responsibility of providing housing for asylum seekers. In Victoria, the State Government is starting to show leadership in this area, however more consistent practices and resources for housing asylum seekers are required. There are currently cost-effective, evidence-based models of housing for asylum seekers in the community.

The purpose of this paper is to advocate and work constructively towards better practices and processes to include asylum seekers in the national effort to address homelessness. Social inclusion is an 'all or nothing' concept, and cannot be taken as including some and excluding others. Despite this, asylum seekers, who are lawfully living in the community, seem not to be included in this national discourse.

Now is the time for all levels of government to affirm their commitment to ending homelessness by providing the resources and collaborative support to prevent asylum seekers from becoming and remaining homeless.

HOUSING: A BASIC HUMAN RIGHT

Housing remains one of the greatest challenges facing asylum seekers in Australia. Upon arrival, an individual

or family seeking asylum will move an average of eight times (ASRC Casework data) in an attempt to source appropriate, sustainable accommodation. Gaining access to Housing Services is a continuing struggle throughout the refugee determination process.

The 1948 Universal Declaration of Human Rights, Article 25 (1) states:

"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control..."

Australia is a signatory to the Universal Declaration of Human Rights which clearly states that everyone has the right to adequate housing.

THE CURRENT HOUSING CRISIS

It is well documented that there is a shortage of affordable housing in Australia, with the 2006 census stating there are over 100,000 homeless people nationally each night (Australian Bureau of Statistics, 2006). This impacts not only on people seeking asylum, but on thousands of vulnerable individuals and families including children, people with disabilities or mental illnesses, low income earners, people fleeing domestic violence, Indigenous Australians and increasingly many elderly Australians.

Demand on the entire Housing Services system and the private rental market is greater than ever. As services are stretched further, the ability to access these services increases in difficulty. Asylum seekers are currently denied access to many mainstream and specialist homelessness services.

THE FEDERAL GOVERNMENT'S WHITE PAPER ON HOMELESSNESS: WHICH DOOR FOR ASYLUM SEEKERS?

A key feature of the White Paper (*The Road Home*, 2008) is a 'no wrong doors' system.

"There should be no wrong doors for people who are homeless when they seek help" p. 10



“Services should operate so that there are no **wrong doors** for people who are homeless and seeking help.” p. 38

“On the ground, improved collaboration between services will mean that there will be no **wrong door** into the service system for a person who is homeless.” p.39

(*The Road Home*, 2008)

In simple terms, the Federal Government is stating that people at risk of homelessness who present to any mainstream or specialist service requesting help are not to be turned away without advice about access to housing.

People requesting housing assistance and identified as being at risk of homelessness are to be provided with or referred to an appropriate housing service agency no matter where they present. This commitment is made more serious by the Federal Government’s promise to enact new legislation to “*build a new national service system where there will be no wrong doors*” (*The Road Home*, 2008).

Currently, asylum seekers are frequently and repeatedly told they are not eligible to access Housing Services. They are told by mainstream and specialist Housing and Welfare Services that they are at the ‘wrong door’ when attempting to access emergency and transitional accommodation.

This paper is based on our experience as workers at the Asylum Seeker Resource Centre. It examines the current practices and barriers faced by asylum seekers when they try to access emergency and transitional accommodation. It provides recommendations to ensure that asylum seekers do not continue to be excluded from local Housing Services. On a broader policy level, the paper looks at the way the current Federal Government commitment to housing provision does not include asylum seekers, despite the fact that they live lawfully in the Australian community and experience high levels of homelessness. The paper makes recommendations in line with the overall goals towards ending homelessness as outlined in *The Road Home*.



ISSUES AND RECOMMENDATIONS

Asylum seekers are locked out of many mainstream Housing Services. On the ground, the two greatest challenges facing asylum seekers in terms of housing are:

- Denial of emergency accommodation assistance
- Denial of transitional housing assistance

CASE STUDY #1 – “I CANNOT BELIEVE YOU PUT YOUR OWN PEOPLE IN PLACES LIKE THIS”

Mr Q arrived into Australia in the winter of 2007 after fleeing an African country. Mr Q is well educated with a Masters degree, and speaks excellent English. Whilst in the process of seeking asylum, he experienced incredible challenges in sourcing the basic necessities, especially a safe place to stay.

Mr Q was initially given crisis accommodation by a church. After one week, he was brought to the ASRC with his bag on a Friday afternoon and asked to find somewhere else to stay. Having no money, no job and no access to Centrelink, Mr Q was reliant on the Housing networks to assist him. He was initially turned away by a Housing Service until he was accompanied by a caseworker from the ASRC. This caseworker had to advocate strongly for the Housing Service to even see Mr Q. He was seen over the counter and without negotiation placed into a dormitory in a rooming house.

The following morning, Mr Q rang his caseworker highly distressed saying that he had not slept and felt very unsafe. Mr Q stated that some of his belonging had been stolen, that there were men screaming and masturbating in the room all night, with other men dancing naked and crying. This proud man was visibly disturbed by this experience.

“I cannot believe you put your own people in places like this; even in Africa I have not experienced such conditions ... They were like people who were disowned by their own country and thrown in that place for torment. They smoked and smoked like burning straws, their beds smelt terrible, their clothes were filthy rags, their eyes were red like burning fire and they ate and slept like pigs in the parlour.”

Mr Q was assisted by the ASRC to find some alternative accommodation; still in a rooming house, however, this time one where he had his own room and was able to lock his door. Some weeks later, Mr Q was offered a room in a house for asylum seekers provided by the Brigidine Sisters where he was able to finally feel a sense of safety and support.

This case example highlights a number of issues faced by asylum seekers, namely:

- The struggle asylum seekers face in simply being seen by Housing Agencies for emergency accommodation;
- The lack of understanding and willingness of Housing Agencies to provide an adequate emergency accommodation response;
- The lack of safe rooming houses and emergency-type accommodation options.

I DENIAL OF EMERGENCY ACCOMMODATION ASSISTANCE

KEY ISSUES

- **Consistency:** Emergency accommodation responses to homeless asylum seekers varies greatly
- **Access:** Housing Services' lack of understanding of possible 'exit options' for asylum seekers
- **Funding:** Current HEF funding is insufficient

In Victoria, the funding for emergency accommodation is allocated predominantly through the State Government's Housing Establishment Fund (HEF). While the HEF guidelines do not disqualify asylum seekers from accessing emergency accommodation, many Housing Services that distribute HEF reject asylum seekers on the basis that they do not have access to income. It is assumed that they have no 'exit options'.

The three main reasons given by Housing Agencies for denying emergency accommodation to asylum seekers are:

- A] *"We do not assist asylum seekers, they are not permanent residents and we are too stretched with others already."*
- B] *"Our funding guidelines say we are unable to accept asylum seekers."*
- C] *"Asylum seekers do not have any income so we cannot assist them as there are no exit options for asylum seekers leaving Housing Services"*

(ASRC Casework, 2009)

There is currently much advocacy and liaison between Asylum Seeker Support Agencies (particularly members of NASAVic – Network of Asylum Seeker Agencies in Victoria), the Department of Human Services and mainstream Housing Services in an

attempt to have the emergency housing needs of asylum seekers recognized. The following information provides case examples and recommendations about ways Housing Services can better respond to asylum seekers in crisis.

1. Emergency accommodation response varies greatly

In Victoria, Housing Services work on a catchments area system (i.e. you must reside within the locality boundaries of a Housing Service to be eligible to access their services). Currently the response provided varies immensely from service to service.

Asylum seekers requesting emergency accommodation assistance from Melbourne's CBD housing agency, Home Ground Housing Services, will receive a service and good response, given the challenges of a nationwide shortage of appropriate emergency accommodation. This level of service is definitely the exception rather than the rule.

Weekly, the ASRC Casework program will be on the phone advocating for asylum seekers to be seen by Housing Services. This requires intense advocacy from the ASRC's predominantly volunteer workforce and creates much angst for (often already traumatized) asylum seekers who are frequently bounced between Housing Services until a compassionate agency/worker agrees to help.

The Department of Human Service's recent decision to provide some recurrent HEF funding specifically for the needs of asylum seekers is a good stepping stone and an acknowledgement that this groups of highly vulnerable people need additional assistance.

CASE STUDY #2 – BEGGING TO BE SEEN

"Without exception, each time I send an asylum seeker to a housing service seeking HEF for emergency assistance, they return to me the next day, as the service refused to see them because they are an asylum seeker. I now call ahead and am usually on the phone for over half an hour explaining their situation and the fact that they are entitled to present at the service. Even then one asylum seeker who was pregnant had to present three times to the Housing Service before they would see her."

ASRC Casework Intake Coordinator, 2009



Response:

All Emergency Housing Services to be directed to provide a service to asylum seekers

Whilst the State Government currently permits asylum seekers to access Emergency Housing Services, the reality at a local level is that asylum seekers are refused services when in a housing crisis. One possible way to encourage services to provide emergency accommodation assistance to asylum seekers is for each State Government Housing Minister to mandate services to do so.

A good example of how this can be successfully implemented can be found in Victoria. On December 28, 2005 the State Government took a big step towards the provision of medical assistance in launching the Hospital Circular – *Revised arrangements for public hospital services*

to asylum seekers'. Then Minister for Health Bronwyn Pike directed all hospital Emergency Services to see all asylum seekers needing emergency medical assistance.

Whilst there were still barriers to health care access and a denial of Medicare for thousands of asylum seekers, this directive ensured that all asylum seekers could access emergency services free of charge¹. Producing a similar circular in relation to mandating Housing Services not to turn away any asylum seekers needing emergency assistance would be a significant step towards starting to meet our obligations under Article 25 of the Declaration of Human Rights.

This would not only assist access to these services for asylum seekers, it would also serve to clarify to Housing Services that asylum seekers are their clients and are eligible for emergency accommodation assistance.

RECOMMENDATION

- ★ Each State and Territory Government to produce a directive mandating Housing Services to provide emergency accommodation assistance to asylum seekers

Response:

Develop monitoring and feedback mechanisms for asylum seekers presenting at Housing Services

All Housing Services have data collection systems and reporting requirements. Recording the number of asylum seekers seen by each agency would not only identify agencies/ areas where the majority of asylum seekers are residing, it could also provide valuable information regarding access and inclusion of asylum seekers in mainstream housing systems.

Local partnerships with Asylum Seeker Support Agencies could be enhanced once the numbers of asylum seekers presenting to each Housing Service are known. This would greatly benefit both the

Housing Service and the Support Agency in terms of collaborative work, information sharing and case planning, not to mention the benefits to the individual or family seeking asylum.

In addition to reporting mechanisms, an opportunity for Asylum Seeker Support Agencies to provide feedback (both positive and negative) to a central body is important. In Victoria, there are at least two representative bodies called Local Area Service Networks (LASN) operating in each Department of Human Services region. A system could be established whereby a staff member would be identified in each LASN as the point of contact for asylum seekers or caseworkers. This person would collate feedback about access to Housing Services in the area.

RECOMMENDATIONS

- ★ Emergency Accommodation Services to establish monitoring and evaluation mechanisms to report on the number of asylum seekers seen by their agency
- ★ Asylum Seeker Support Agencies to report feedback including refusal of service to a nominated State representative (i.e. in Victoria this could be the Department of Human Services – Local Area Support Network representative in each Region)

¹ For further information about how this was undertaken see full details of the 2005 Hospital Circular – *“Revised arrangements for public hospital services to asylum seekers.”*

2. 'Exit options' for asylum seekers are not understood

Under the current HEF guidelines, there is nothing preventing asylum seekers from accessing mainstream Housing Services for emergency accommodation even if they have no access to income.

Eligibility for HEF assistance 6.1.5: *“Proof of income Eligibility: Proof of income in its own right does not indicate eligibility for HEF. The primary identification for eligibility is that those seeking assistance are homeless or at risk of becoming homeless and do not have the financial means to address their immediate housing crisis.”* (Homelessness Assistance Program Guidelines 2008, p.5).

However in practice, lack of income is frequently cited as the reason for denial of service.

2.1 No Centrelink or income = No service

For years, many asylum seekers have been subject to punitive visa conditions, such as denial of work and study rights and no access to Medicare. This may be about to change, with the Rudd Government announcing in the May 2009 budget the removal of the '45-day rule', which required asylum seekers to lodge a protection visa application within 45 days of arrival in order to be granted work rights and access to Medicare. Under the new regulation, all asylum seekers will have access to work rights and Medicare, regardless of the date of their application.

While this is very welcome news – and the result of years of campaigning by Asylum Seeker Agencies – and goes a long way to redress an unjust system, it will not resolve the issues of destitution and lack of access to income support. In the current economic climate, for many, having the right to work will not lead to finding work.

The new regulation does not include access to Centrelink and asylum seekers will still not be eligible for concessions (they do not have a Health Care Cards).

When asylum seekers are in a housing crisis, it is most often because of limited or no access to income.

Ironically, this very destitution acts against them when they approach Housing Services, as services are refused to them on the basis that they have no 'exit options' (i.e. no prospect of securing income and being able to move away from emergency/ transitional housing and into

housing of their own). Housing Agencies rely heavily on Centrelink Health Care Cards and income statements as proof of identify and a means for eligibility testing.

This leaves asylum seekers stranded in a housing no-man's-land.

2.2 Exit options exist for asylum seekers

Some Housing Service workers have stated openly that because of funding constraints and fears that asylum seekers have no 'exit options', they have specifically been directed to not accept asylum seekers into their program (ASRC Casework, 2007). When approaching Housing Services asylum seekers are always at the 'wrong door'.

It is important for Housing Services to know that there are exit options for asylum seekers.

These include:

- Access to the Asylum Seeker Assistance Scheme (ASAS)² at certain stages of the process (prior to the Refugee Review Tribunal) for people who meet the eligibility criteria;
- Access to Hotham Mission – Asylum Seeker Project's Housing Assistance at certain stages of the process (post-Refugee Review Tribunal) for people who meet Hotham Mission's criteria;
- Access to DIAC's Community Care Pilot (CCP) Program for asylum seekers with complex needs who are accepted onto this program;
- Access to work rights for Asylum seekers. They may get work once their housing is more stable;
- That asylum seekers who have their protection visa and humanitarian applications refused will leave Australia;
- That some asylum seekers are granted permanent protection or other substantive visas and become entitled to the same services as all Australian permanent residents.

Owing to lengthy delays in decision-making by the Department of Immigration and Citizenship, the wait for an exit option can be protracted. This may necessitate extended housing assistance. However it is not true for Housing Services to state that there are never any exit options for asylum seekers. This ought not be a reason for blanket refusal to provide a service and/or a denial of emergency accommodation assistance.

2 This program is funded by the Department of Immigration and Citizenship and implemented by the Australian Red Cross



Response:

Training provided to frontline Housing Service staff on asylum seekers' housing entitlements, local support agencies and possible exit options

The process of seeking asylum in Australia is like an onion with many, many layers!

Most housing workers understandably are not aware of the complexity of the refugee determination process (the various stages, entitlements, denial of certain rights etc).

Whilst there is a lot to know, having a basic understanding of the process, the various housing exit options and an acknowledgement for the need of housing support at certain stages would greatly assist. It is also important that Housing Services are aware that there are support agencies available to assist with the many additional needs asylum seekers present with.

A way forward to enhance knowledge, information sharing and collaboration between services could be an invitation for Housing Services to attend an information session annually about the status, rights and likely presentations of asylum seekers.

CASE STUDY #3 – ASYLUM SEEKER SUPPORT AGENCIES PRESENT AT HOUSING MEETING

In 2008, representatives of three Asylum Seeker Support Agencies, The Red Cross, Hotham Mission – Asylum Seeker Project and the Asylum Seeker Resource Centre attended a staff meeting at Home Ground Housing Services in Melbourne. The support agencies provided a brief presentation to frontline staff - the Housing Information and Referral workers. This presentation included an explanation of each agency's services and information about the times when asylum seekers are most likely to need housing assistance. This was well received and regular communication and information-sharing now exists when between these agencies and Home Ground.

RECOMMENDATIONS

- ★ Training about the refugee determination process and the work of local Asylum Seeker Support Agencies to be provided to Housing Services providing emergency accommodation assistance.
- ★ Key Asylum Seeker Support Agencies in each state to be included in the provision of this training.

3. Current HEF funding is insufficient

In Victoria there has been much liaison between a number of key stakeholders including the State Housing Minister Richard Wynn, the Department of Human Services (DHS), mainstream Housing Agencies and the Network of Asylum Seeker Agencies (NASAVic).

This has led to a commitment from the State Government to provide a small amount of recurrent HEF funding specifically to address the unique emergency accommodation needs of asylum seekers.

Current HEF guidelines state that assistance can be provided for a maximum of two weeks, although there is a discretionary allowance (Homelessness Assistance Program Guidelines – Part 6 Flexible Funds Management, 2008).

Many asylum seekers find themselves without access to income and in housing crisis for over two weeks.

For example, an asylum seeker who may be eligible for ASAS payment through Red Cross cannot

apply for these payments until he/ she has lodged their Protection Visa claim. There can be a delay of a number of weeks in lodging a claim or being accepted onto ASAS payments. During this time, asylum seekers may need ongoing emergency accommodation. Having additional emergency accommodation funding will prevent asylum seekers from becoming homeless after their maximum allocation of two weeks of HEF funding is utilised.

Response:

Expand current HEF housing to more than 2 weeks

Early intervention plans and programs to avoid homelessness are a key goal featured throughout the White Paper. Providing a small amount of additional funding towards emergency accommodation is just one way the State Government can contribute to achieving this goal and reducing homelessness.

RECOMMENDATIONS

- ★ Additional emergency accommodation funds to be made available by State and Territory Governments
- ★ Funds to be distributed through one Housing Service provider in each State and Territory's capital city

II DENIAL OF TRANSITIONAL HOUSING ASSISTANCE

KEY ISSUES

- **Suitability:** Emergency accommodation is not a long-term option
- **Access:** Asylum seekers are running out of mainstream housing options

As outlined in the previous section of this paper, asylum seekers may be able to access Emergency Housing for a maximum of two weeks only. However, it is unheard of that within two weeks an asylum seeker individual or family is able to access any regular form of income and is in a position to source a secure housing tenure.

The process of seeking asylum is neither instantaneous nor a permanent state. It is transitional and asylum seekers need transitional housing during this time.

Typically, Transitional Housing is provided while people seek private rental or public housing. The accommodation is furnished and the rent is 25% or less of a person's income. Tenancies are reviewed on a three monthly basis. There is no doubt that demand exceeds supply in terms of transitional housing availability in Australia.

Currently asylum seekers have no access to transitional housing.

Good housing outcomes for asylum seekers are possible. Whilst homelessness is sadly a very real issue and experience for many of them, there are a number of occasions where strong collaborative planning and partnership resulted in good medium-term housing outcomes for asylum seekers.

The following section looks at some best practice models. These are not 'fanciful' unrealistic ideals, these are real, current examples of how asylum seekers housing and welfare needs can be (and sometimes are being) met.

Providing stable transitional housing not only prevents homelessness, it also has a significant impact upon the mental health and wellbeing of asylum seekers. This is vital in order to meet the rigorous demands of the refugee determination process, not to mention supporting people who are often already highly traumatized due to the events they have fled.

1. Emergency accommodation is not a long-term option

Many asylum seekers find themselves in unsafe emergency accommodation for months on end as they are unable to access transitional housing options. Staying in emergency accommodation also

forces asylum seekers further into destitution and makes them heavily reliant on charitable organisations for food and basic living requirements.

Asylum seekers almost always end up in emergency accommodation for extended periods of time. Below is an example of how much it costs an asylum seeker who is receiving ASAS payments to stay in emergency accommodation:

ASYLUM SEEKERS RECEIVING ASAS PAYMENTS

Status of asylum seeker	ASAS payment per week (for someone paying rent)	Average Rooming House rent per week	% of ASAS income spent on Emergency Rooming House Rent	Total \$ left for living expenses post rent per week
Single person under 21	\$198	\$180 per week	91%	\$18
Single person over 21	\$233	\$180 per week	77%	\$53

Source of ASAS payment amounts: Red Cross ASAS program, current as at January 09

As shown above, asylum seekers who are receiving ASAS payments are being forced to spend up to 91% of their payment on rent to stay in emergency accommodation. In addition to the expense, emergency accommodation rooming houses are generally unsavoury, unsafe and definitely not conducive to assisting recovery from trauma or torture.

CASE STUDY #4 – SPENDING UP TO 80% OF INCOME ON RENT

Mr R is a single man from East Africa who has lived in Australia as an asylum seeker since mid-2008. He is receiving ASAS payments of \$233/week. For the past six months, he has been living in rooming houses (generally used for crisis accommodation only). He has had to move a number of times between various suburbs from Seaford, Hawthorn, St Kilda to Box Hill. A room in a rooming house – the only accommodation he is able to access - costs him \$180 per week.

Mr R uses the \$53 he has left over every week to pay for public transport so that he can access welfare services for food and basic material aid.

"I wish I was not like a beggar, please is there somewhere I can stay that is safe and does not use all my money?"

Now, let's view the same situation for asylum seekers who do not have access to ASAS payments or income. Asylum Seekers without access to ASAS payments or income live in destitution every day, they are forced into a cycle of welfare dependence and are most at risk of homelessness.

Currently (March, 2009) the ASRC has over twenty asylum seekers on a Homeless Pending List and this list is increasing weekly.

Some of the most vulnerable asylum seekers who have no access to income include:

- Newly arrived single men and women
- Asylum seekers who are not eligible for ASAS payments
- Asylum seekers who have work rights but cannot find work
- Asylum seekers who are appealing to the Immigration Minister for a Humanitarian Intervention but are not ineligible for Hotham Mission Housing.

The ASRC Casework Program sees the majority of people in these situations.

CASE STUDY #5 – FROM ROOMING HOUSES TO TRAIN STATIONS

Mr L recently applied for asylum. He has no money and his visa denies him the right to work. He was assessed as ineligible for ASAS payments. His housing options are extremely limited, and the ASRC has provided assistance to access emergency accommodation in a rooming house. Mr L moved rooming houses a number of times: he was struggling with the extensive drug and alcohol use of other lodgers, safety concerns and the general unhygienic conditions. With fears for his safety and no other housing options, Mr L started to sleep at Southern Cross Railway Station. When he was moved on from the train station, he went and slept at the Casino. Frustrated, tired and dishevelled Mr L has started to sleep rough outside Asylum Seeker Support Agencies.

Response:

Give at least one Asylum Seeker Support Agency nomination rights for transitional properties for asylum seekers

Until December 31, 2008, transitional housing was managed by a number of THM and SAAP services. As of January 1, 2009, the term 'Specialist Homeless Service' is being used to describe SAAP services and other services who assist people who are homeless (*The Road Home*, 2008).

These Specialist Homeless Services each have nomination rights to particular properties, meaning that they have the authority to nominate which individual or family accesses a transitional property. Referrals to these services and requests for asylum

seekers to be considered for transitional properties are currently denied.

At present there are no entry points for asylum seekers when it comes to accessing transitional housing. Providing an asylum seeker agency with nomination rights for some transitional properties would ensure the most vulnerable asylum seekers are housed and all affiliated local support services can be accessed.

As stated in Section I, there are exit options from accommodation for asylum seekers so they would not remain in transitional housing indefinitely. This means that transitional properties for asylum seekers could be utilised in line with current practices for all people accessing transitional housing.

RECOMMENDATION

- ★ **State Government to provide nomination rights for some transitional properties to an Asylum Seeker Support Agency**

Response:

An effective response to a potential housing and welfare crisis – the example of the Homeless World Cup

Recently, the State Government of Victoria displayed great leadership in responding to an imminent housing crisis for asylum seekers presenting post-Homeless World Cup. Following extensive liaison between Asylum Seeker Support Agencies and the Department of Human Services, these asylum seekers were provided with appropriate and timely emergency and transitional housing plus strong support and orientation services.

While realising this is an exceptional response, one which has happened only occasionally over the past ten years (a similar response was provided for some East Timorese asylum seekers and some asylum seekers on Temporary Protection Visas exiting detention), it serves as a strong model of how good housing provision can work. It undoubtedly prevented this group of asylum seekers being further scarred by not knowing if they would have somewhere to sleep.

The table on the following page reflects the differences between the experience of an asylum seeker who had access to this exceptional response,



juxtaposed with the experiences of another whose pathway is reflective of the way the majority of asylum seekers are treated.

The two examples in the table over the page highlight the stark differences in Housing Services provided for both of these groups of people. Case example two displays a lack of safe emergency and transitional housing, lengthy delays in accessing ASAS payments, mental health deterioration, constant uncertainty, and no direct pathways to safe housing options – an all too common experience for those seeking asylum in Australia.

In contrast, information, support and appropriate shelter were provided to the asylum seeker in example one. He was quickly referred and accepted in the ASAS program, providing him with money for basic living expenses.

In addition, a dedicated support worker (funded through the Department of Human Services) was employed to assist with the group's integration and orientation to Melbourne. The support worker provided assistance with education around Melbourne's public transport system, orientation to their housing and surrounding areas, basic living skills such as cooking courses, information, advice and referral to other agencies.

The model of care provided for post-Homeless World Cup asylum seekers demonstrates the State Government's capacity to work collaboratively and inclusively. In this case, it not only dramatically reduced the risk of homelessness for these asylum seekers but also provided a more humane response to a potential housing and welfare crisis.

RECOMMENDATION

- ★ **In partnership with other agencies and the Department of Human Services, State Government to investigate the possibility of making the collaborative experience of the Homeless World Cup an on-going model of housing provision for asylum seekers**

CASE STUDY #6 & #7 – TWO ASYLUM SEEKERS, TWO VERY DIFFERENT EXPERIENCES

EXAMPLE 1: EXPERIENCE OF AN ASYLUM SEEKER FROM ZIMBABWE POST THE HOMELESS WORLD CUP

- ✓ **ACCURATE INFORMATION PROVIDED**
↓ Sourced & gained information about how to apply for asylum
- ✓ **LINKED IN WITH APPROPRIATE AGENCIES**
↓ Applied for asylum within 45 days through the ASRC
- ✓ **APPROPRIATE EMERGENCY HOUSING PROVIDED**
↓ Provided with appropriate emergency accommodation for one month (funded by DHS)
- ✓ **ASAS PROVIDED QUICKLY**
↓ Assessed for ASAS accepted receiving payment within days
- ✓ **HEALTH ASSESSED BY REFUGEE HEALTH NURSE**
↓ Assessed by a refugee health nurse from a local Community Health Centre & linked in for ongoing health needs
- ✓ **ORIENTATION & SUPPORT WORKER**
↓ Received on the ground integration and orientation assistance from a DHS-funded support worker including: orientation to Melbourne's public transportation system, local markets, basic cooking & living skills plus information and referral about all asylum seeker support services available
- ✓ **MEDIUM TERM HOUSING ASSESSMENT**
↓ Undertook housing assessment for ongoing housing needs & provided with information about Australia's housing situation facilitated by Asylum Seeker Support Agencies and mainstream Housing Services
- ✓ **TRANSITIONAL HOUSING PROVIDED**
↓ Moved directly from emergency accommodation into appropriate, safe transitional housing
- ✓ **SETTLING & SEEKING WORK**
↓ Currently commencing employment, living in transitional housing and awaiting outcome of visa application

EXAMPLE 2: EXPERIENCE OF AN ASYLUM SEEKER FROM IRAQ (THE MORE COMMON EXPERIENCE)

- ✗ **NO INFORMATION PROVIDED**
↓ Advised post arrival not to tell anybody he was an asylum seeker otherwise he would likely be detained and deported
- ✗ **SLEPT ROUGH IN PARKS, SHELTERS**
↓ For 52 days fearing any person in authority, begging for food. Approached Housing Services but was refused assistance due to lack of English and identification
- ✓ **EVENTUALLY LINKED TO RED CROSS**
↓ Through meeting a man who kindly took him to the Red Cross
- ✓ **LINKED TO ASRC**
↓ Due to time lapse, needed to lodge a protection claim before being assessed for ASAS. Lodged a protection claim 53 days after arrival
- ✗ **UNSAFE ROOMING HOUSE ACCOMMODATION PROVIDED**
↓ However Mr X felt extremely unsafe and pleaded with advocates and Housing Agencies to find somewhere else to live
- ✗ **MOVED ROOMING HOUSES**
↓ A number of times due to threats and grave safety concerns
- ✗ **DENIED ASAS**
↓ Despite a history of torture in Iraq
- ✗ **MENTAL HEALTH DETERIORATION**
↓ Spiralled further with weekly counselling and regular psychiatrist visits (all volunteers through ASRC) . . . no work rights or source of income/ purpose to his day left Mr X suffering from depression and PTSD.
- ✓ **COMMUNITY ACCOMMODATION SOURCED**
↓ Mr X able to live in a share house with people from the Iraqi community for a short period of time
- ✓ **REASSESSED FOR ASAS**
↓ This time approved after a number of week's wait due to additional letters of support from counsellor & psychiatrist
- ✓ **SIX MONTHS LATER**
↓ Granted a refugee visa and assisted to source private rental accommodation and to source employment.



2. Asylum seekers are running out of mainstream housing options

The economic downturn and the shortage of housing in Australia is directly affecting asylum seekers. When more Australians are looking for rental accommodation, and when more Australians are becoming homeless and in need of crisis accommodation, asylum seekers' options are greatly reduced.

2.1 Accessing private rental is nearly impossible for asylum seekers

Gaining private rental is currently difficult for many low income earners in Australia.

"Rental vacancy rates are now below two per cent in most capital cities with some cities below one per cent ... Vacancy rates are at critically low levels and rents are increasing faster than other everyday living costs."

Tanya Pilbersek, Minister for Housing (2008)

With unemployment rates rising and a lack of affordable rental housing stock, now is an extremely

difficult time for people trying to access the private rental market. Asylum seekers have a number of added challenges to accessing private rental including: no or limited income, insecure residency status, no local referees or rental history and limited knowledge of Australia's rental market.

In addition, asylum seekers are denied access to the Bond Loan Scheme offered by the Office of Housing. This scheme states that only Australian permanent residents can apply for a Bond Loan. This is another barrier facing asylum seekers trying to independently source accommodation.

"I go from place to place trying to rent anything, just a small place will be fine but I never get them. I have no references in Australia and there are so many people at the real estate agents. I have stopped telling them I am an asylum seeker, they say no straight away otherwise. I don't think I can afford to rent now, each week the prices are getting higher and higher, what to do?"

Asylum Seeker from Sri Lanka, 2008

CASE STUDY #8 – "REAL ESTATE AGENTS LAUGH AT ME"

After spending five years in detention, Mr D was faced with the daunting task of trying to secure private rental and 'settle' into community life on a Removal Pending Visa, which stipulated that he could be removed from Australia at any moment.

Mr D was refused private rental accommodation many times: he had no references and could never gather enough money for a bond and rent in advance.

"Rent is going so high, you can hardly afford it, there are too many requirements that I do not have like money for bond and two references"

Mr D quickly learned not to tell real estate agents that he was an asylum seeker.

"Most real estate agents laugh at me when I ask to rent a room."

He has slept rough, 'couch surfed', stayed in church housing, slept in his car and occasionally been successful in gaining short-term accommodation. In two and a half years, Mr D has moved nine times.

It is extraordinarily difficult and very rare for an asylum seeker to successfully secure a private rental tenure. Denial of access to the Office of Housing's Bond Loan scheme makes accessing private rental especially prohibitive.

Additionally, asylum seekers do not have access to Public Housing so this is not an option in sourcing medium to long-term housing.

2.2 Previous community options are no longer available

Previously, through various church and social groups there was greater access to community options for housing. Given the current housing crisis, many of these options are no longer available as they are being utilized by low income earners and other vulnerable groups within the community.

CASE STUDY #9 – CHURCHES EMPATHIZE BUT ADVISE THEIR CRISIS HOUSES ARE FULL

In December 2008, the ASRC experienced a large influx of young single men and women seeking asylum. Whilst a number of housing options were being explored, the ASRC Casework Program contacted twelve churches who had previously provided housing for asylum seekers in times of crisis. All churches contacted, whilst being extremely empathetic to the plight of asylum seekers, were unable to offer any crisis accommodation. These churches stated that all previously available crisis housing options within their parish were full with low income earners who could no longer afford to rent. This is unprecedented and reflects strongly the impact and implications of the current housing crisis in Australia.

Response:

Existing community-based models of housing for asylum seekers are excellent and can be replicated

Medium-term or transitional housing options are extremely scarce for asylum seekers. Other developed countries, such as Europe, New Zealand and Canada, have community-based housing models for asylum seekers, however Australia does not. The only supported housing arrangements provided by the Department of Immigration and Citizenship relate to detention facilities and community detention arrangements.

In order to avoid homelessness, a number of models of care have been initiated by the community reliant mainly on volunteers, donations, good will and church-based support.

Whilst these models are unable to address the sheer volume of demand, some good models of housing have been developed and much has been learnt.

These models include:

- The Brigidine Sisters – Asylum Seeker Project
- Hotham Mission – Asylum Seeker Project
- Hotham Mission in partnership with Baptcare – *Sanctuary* Housing Project

These projects see asylum seekers housed together with access to on-site support and case management. They work closely with existing Asylum Seeker Support Services. People who are housed through these projects experience dramatically reduced anxiety around the uncertainty of finding shelter. The process of seeking asylum contains so many uncertainties; it is of immense benefit to not have to worry about having a bed for the night.

“Once I knew I had a room and bed to sleep in and did not have to go back to those terrible rooming houses, I felt for the first time a bit safe in Australia. I can now concentrate on my legal case and trying to find work. I am very happy that there are good people who check in on me here.”

Asylum seeker housed by the Brigidines
– Asylum Seeker Program

Sanctuary House (Brunswick) – one model which could be replicated with Federal Government resources

One example of a good housing model exists with the *Sanctuary* Housing Project. BaptCare, in partnership with Hotham Mission’s Asylum Seeker Project and the Brunswick Baptist Church, opened a twenty-bed facility called *Sanctuary* for asylum seeker men in Brunswick, Victoria in May 2008.

They set out to demonstrate the viability of care in the community for asylum seekers as an alternative to detention. This project provides essential supported housing to some of the most marginalized and destitute asylum seekers in the Australian community.

Sanctuary offers residents:

- a community with in-house support and great facilities;
- a model that provides activities and gives people responsibilities, a chance to share and contribute;
- case management so that every resident can work through their personal situation;
- material aid such as food, clothing and other basics;
- access to English language programs;
- pastoral care.

This is a current example of how a specialist homeless service is meeting the needs of asylum seekers who would otherwise be homeless. With State and Federal Government support there is the opportunity for this program to be used as a template for the establishment of similar specialist projects.

If the Federal Government is serious about committing to halving homelessness by 2020, this is one easy step which has been tested and has proved its effectiveness.

RECOMMENDATIONS

- ★ **State and Federal Government to work in collaboration with the community sector to source and resource appropriate properties to expand existing models of community-based housing.**
- ★ **The Office of Housing in each State and Territory to allow asylum seekers to access the Bond Loan Scheme**

III HOMELESSNESS: ASYLUM SEEKERS DESERVE A NATIONAL RESPONSE

KEY ISSUES

- **Exclusion:** Social Inclusion does not include asylum seekers
- **Collaboration:** Housing, the missing link in existing support

The Housing sector has a key role to play in creating Social Inclusion, and the Federal Government is to be commended for the attention paid to approaching social issues holistically and for encouraging collaboration between sectors. These principles need to apply to all who lawfully reside in Australia, including asylum seekers.

Social inclusion cannot be achieved without access to housing.

1. Social Inclusion does not include asylum seekers

The implementation of the recommendations in the White Paper *The Road Home* (2008) is the responsibility of the Council on Homelessness. The Federal Government has stated that the Council is to report annually to the Prime Minister guided by principles established from the Social Inclusion Board.

Guiding Principles of the Social Inclusion Board

The Social Inclusion Board has set the following ten principles for the Council on Homelessness to be guided by in making their decisions regarding the implementation of the White Paper goals:

1. A National commitment, strong leadership and cooperation from all levels of government and from non-government and business sectors is needed
2. Preventing homelessness is important
3. Social Inclusion drives our efforts
4. Clients need to be placed at the centre of service delivery and design
5. The safety and wellbeing of all clients is essential
6. The rights and responsibilities of individuals and families need to be protected.
7. Joined-up service delivery needs joined-up policy
8. Transition points are a priority
9. Evidence based policy helps to shape our priorities for action
10. Targets are set to reduce homelessness and hold ourselves accountable

(The Road Home, 2008)



Where are asylum seekers in these principles?

Social inclusion is an ‘all or nothing’ concept. It cannot exclude certain groups on the basis of their visa, when they are living in Australia lawfully. While all of the above principles are meritorious, without including asylum seekers they are simply words on paper and fail to be truly socially inclusive.

With no mention of asylum seekers in the White Paper, and no plans or commitment of resources for early intervention to prevent homelessness, asylum seekers continue to be socially excluded and will remain one of the most vulnerable homeless groups.

Response:

Include asylum seekers into The National Partnership Program on Social Housing

In late 2008 the Federal Government announced it would establish and resource a National Partnership Program on Social Housing (*The Road Home*, 2008). The White Paper introduced a new National Affordable Housing Agreement (NAHA) – the tool utilised for

distribution of \$6.1 billion over the next 5 years. This funding is earmarked for spending on “social housing, assistance to people in private rental market, support and accommodation for people who are homeless or at risk of being homeless and assistance with home purchase” (*The Road Home*, 2008).

In addition, the Council of Australian Governments (COAG) has committed \$1.2 billion for 5 years as a down-payment for the White Paper reform agenda. Of this, \$800 million will be spent on services to prevent and reduce homelessness. A further \$400 million has been earmarked specifically to increase the supply of affordable and supported accommodation for people who would otherwise be homeless. This will be delivered through the National Partnership Program on Social Housing – details of which are being established in the first half of 2009.

The implementation of the National Affordable Housing Agreement (NAHA) over the next 5 years has a significant role to play in providing and resourcing policy to house asylum seekers.

RECOMMENDATIONS

- ★ **The Federal Government to ensure that housing for asylum seekers is included in the National Partnership Program on Social Housing.**
- ★ **The Federal Government to ensure that the National Affordable Housing Agreement includes funding allocations towards the provision of services and support for asylum seekers at risk of homelessness.**

Response:

Social Inclusion Board to take action

The non-government sector and (on occasion) the State Government have carried the entire weight of providing housing for asylum seekers living in the community. If the Social Inclusion Board is serious about these guiding principles, it will demand accountability from the Federal Government in ensuring the housing needs of asylum seekers are no longer ignored.

Whilst the finer details of the National Affordable Housing Agreement are being fleshed out, now is the time for the Social Inclusion Board to ensure that the Council on Homelessness include resources and

a commitment to develop infrastructure for asylum seekers to have access to emergency and transitional housing.

This could be done within the new National Partnerships on Social Housing. It would also be valuable for the Social Inclusion Board to meet with the Department of Immigration and Citizenship to discuss current processes which contribute significantly to asylum seekers being left homeless and destitute.

Now exists a timely opportunity for the Federal Government to embrace social inclusion principles by ensuring that the rights of asylum seekers are recognised and responded to.



RECOMMENDATIONS

- ★ The Social Inclusion Board to use their guiding principles in meeting with key Federal Government stakeholders – the Council on Homelessness, Council of Australian Governments and the Department of Immigration and Citizenship – to ensure that the basic needs of asylum seekers (especially housing) are represented.
- ★ The Social Inclusion Board to monitor that the Council on Homelessness includes asylum seekers in its National Affordable Housing Agreement – Partnership Program on Social Housing.

2. Housing, the missing link in existing support

A number of not-for-profit support agencies work with asylum seekers to address welfare needs; for all of these services, access to appropriate housing is the missing link. Collectively, not-for-profit services meet the legal, health and basic welfare needs of asylum seekers, but all of this well-integrated support comes undone when an asylum seeker has no place to live.

Response:

Development of a National Asylum Seeker Housing Network

Achieving the principles of social inclusion for asylum seekers will require combined planning and collaboration by the not-for-profit sector and all levels of government. As asylum seekers are currently shut out of the Housing Services, providing access to a nationwide housing response will not happen overnight.

A national initiative could start by analysing the recent response to asylum seekers from the Homeless

World Cup in Victoria. This provided an example of the State Government, Department of Human Services, mainstream Housing Services and Asylum Seeker Support Agencies working in partnership to avoid a housing crisis for these men and women who might otherwise be homeless now.

At a national level, a National Asylum Seeker Housing Network could be developed in order to ensure that the housing needs of asylum seekers are represented nationally. Such an approach could see relevant mainstream services, not-for-profit agencies and State and Federal Government representatives come together to plan a holistic response.

The overarching aims of this group would be to work collaboratively on developing and monitoring policy in this area, and to provide feedback to the Social Inclusion Board about what is happening on the ground. Such a peak body would provide invaluable information-sharing and a partnership to ensure that asylum seekers do not remain socially excluded and that Australia includes asylum seekers in the provision of this basic human right.

RECOMMENDATIONS

- ★ A National Asylum Seeker Housing Network to be developed with relevant mainstream services, not-for-profit agencies and State and Federal Government representatives.
- ★ Existing examples of good collaborative practice and precedents (e.g. post-Homeless World Cup model) to be used as the basis to develop stronger working partnerships between Housing Services and Asylum Seeker Support Agencies at the national level.

Response:

The need for legislation

Patricia Faulkner AO, chairperson of the Social Inclusion Board, states that a strong legislative framework is vital for the implementation of the White Paper's goal of halving homelessness by 2020.

In addition to directives at the State and Territory level (as outlined in Section I of this paper), Federal legislation ensuring that asylum seekers receive a service when they approach an Emergency or Transitional Housing Service would be a positive step towards recognising asylum seekers as 'real people' with legitimate housing and homelessness needs.

RECOMMENDATION

- ★ **Asylum Seekers' right to emergency and transitional accommodation to be enshrined in legislation to assure ongoing access to these vital services.**

CONCLUSION

Individuals and families seeking asylum are real people who are lawfully entitled to dwell in the Australian community whilst having their refugee claims assessed. Just like all people living in Australia, asylum seekers need shelter and a place to rest each night.

On a humane level, the process of seeking asylum contains so many uncertainties; it is of immense benefit to have supportive, stable shelter.

There are currently good models of supported housing for asylum seekers in the community such as the Brigidine Sisters, Hotham Mission – Asylum Seeker Project and Baptcare's Sanctuary Housing Project. There are also examples of exceptional collaborative work between the State Government and the not-for-profit sector over the past ten years in

providing appropriate housing for particular groups of asylum seekers.

We believe that these models of care are available for a Government which is seriously committed to ending homelessness. Now is the time to provide the policy and resources to keep asylum seekers safely and appropriately housed.

Prime Minister Rudd describes the 12-year plan as a "*once in a generation opportunity*" (*The Road Home*, 2008). Without considering the needs of asylum seekers, these goals will not be achieved and asylum seekers will continue to be systemically left homeless. Only with the inclusion of all vulnerable social groups is there real hope that the target of halving homelessness can be achieved.



REFERENCES

- Burn, Jennifer, *Anti-slavery project's report, Details of the submission of 15 recommendations*, 2008, University of Technology, Sydney. Viewed online March 20, 2009 http://www.antislavery.org.au/pdf/15Rec_DETAILS.pdf
- BaptCare – Baptist Community care project, May 2008, viewed March 2009 <http://www.baptcare.org.au/lwp/wcm/connect/Baptist/Services/Sanctuary>
- Commonwealth Government of Australia, Homelessness Taskforce, Department of Family, Housing, Community Services and Indigenous Affairs 2008, *The Road Home – A national approach to reducing homelessness*, Canberra, Australia.
- Department of Immigration and Citizenship, 2008. *Bridging Visa E Statistics Supplementary Submission 129f page.9 Appendix F*
- HomeGround Housing Services, *Housing Rights are human rights*, Press Release, December 12, 2008, Melbourne
- Hotham Mission – Asylum Seeker Project, Uniting Church, Melbourne 2008, website viewed online March 18, 2009 <http://asp.hothammission.org.au/index.cgi?tid=2>
- State Government of Victoria, Department of Human Services, *Hospital Circular – Revised arrangements for public hospital services to asylum seekers*, December 28, 2005; <http://www.health.vic.gov.au/hospitalcirculars/circ05/circ2705.htm>
- State Government of Victoria, Department of Human Services – Housing and Community Building, *Homelessness Assistance Program Guidelines 2006 – 2009, Part 6 Flexible Funds Management*, April 08, Melbourne, viewed online March 10, 2009 http://www.housing.vic.gov.au/__data/assets/pdf_file/0017/218240/Part-Six---Flexible-Funds-Management.pdf
- State Government of Victoria, Department of Human Services – Children Youth and Families, Refugee Minor Program, Website 19/09/2008 viewed online March 12, 2009 http://www.cyf.vic.gov.au/youth-services/programs/refugee_minor
- The Australian Red Cross – Tracing Refugee and Asylum Seeker Services, *ASAS program information*, viewed online March 15 2009 http://www.redcross.org.au/ourservices_aroundtheworld_tracingrefugeeservices/ASAS.html
- Tanya Pilbersek – Minister for Housing and the Status of Women, 2008. Speech to regional affordable housing forum 04/08/08, viewed online 25 March 2009: http://www.tanyapilbersek.fahcsia.gov.au/internet/tanyapilbersek.nsf/content/regional_afford_housing_04aug08.html
- UNHCR – The UN Refugee Agency, 2006 *Position on the International Protection Needs of Asylum Seekers from Sri Lanka*, December 2006
- United Nations, 1948, *Universal declaration of human rights*, viewed 19 March 2009, <http://www.un.org/Overview/rights.html>.
- United Nations High Commission on Refugees, *Asylum Trends in Industrialised Countries 2008*, viewed online May 2009 <http://www.unhcr.org/statistics/STATISTICS/49c796572.pdf>
- Zable, Arnold 2008, *Refugees don't deserve more uncertainty*, May 19 2008, *The Age*, Melbourne, Fairfax Media Limited



APPENDIX – GLOSSARY

Asylum Seeker –

Asylum seekers are people who have applied for protection and are awaiting a determination of their status. In this paper, the term asylum seeker is used in reference specifically to community-dwelling asylum seekers (i.e. individuals and families seeking asylum who are not currently in detention).

ASRC: Asylum Seeker Resource Centre –

The Asylum Seeker Resource Centre (ASRC) is a grassroots, community-based NGO with a team of over 500 volunteers and 29 staff assisting approximately 3000 asylum seekers from 98 countries. The ASRC provides a range of direct services to asylum seekers, as well as participating in law reform, campaigning and lobbying. The ASRC has a policy of turning no asylum seeker in need away and provides over 25 free services. The ASRC works from a holistic human rights based model of practice and offers a variety of free services including: Human Rights Law program, Casework and Aid programs, Health and Counselling Services, Employment Assistance, Food Bank, English as a Second Language classes, English Home Tutoring program, Social and Recreation program etc. The ASRC currently receives no Federal Government funding.

ASRC Casework Program –

The Casework program has first contact with asylum seekers who are new to the ASRC. This program is staffed predominantly by volunteers with just three paid staff and over forty casework volunteers. Casework staff and volunteers perform welfare needs assessments, provide tours of the ASRC, issue membership cards and facilitate links to other ASRC programs and external agencies (where applicable). The ASRC Casework program provides information, advice, advocacy, referral and support around a range of different issues including health, housing, immigration, legal, recreational, financial, material aid, employment, education and counselling. Under the umbrella of the Casework program is the Aid Program, distributing aid including met tickets, nappies, phone cards and emergency packs.

ASAS: Asylum Seeker Assistance Scheme –

The ASAS is funded by the Department of Immigration and Citizenship and administered by the Australian Red Cross. It assists asylum seekers in Australia who are in the process of having their refugee status determined.

This scheme provides eligible asylum seekers with financial assistance and limited healthcare assistance, plus referrals to other agencies for settlement issues. Eligibility of those with a current on-shore Protection Visa (refugee status) application and awaiting a decision is determined by the Department of Immigration and Citizenship.

BASP: Brigidine Asylum Seeker Project –

The Brigidine Asylum Seekers Project (BASP) was initiated by a group of Brigidine Sisters. The group is currently under the auspices of The Brigidine Justice Community and is managed by the BASP Committee. Both of these are made up of Brigidine Sisters and dedicated colleagues and friends of the Project.

The Project aims to:

- Provide hospitality and practical support for asylum seekers
- Actively network with like-minded individuals and groups who are working for justice for asylum seekers
- Promote advocacy for the rights of asylum seekers

The BASP program currently has two houses in which asylum seeker men reside for free. The Brigidine Sisters provide regular support, information and referral to asylum seekers residing in these houses.

CCP: Community Care Pilot –

The aim of the DIAC-funded pilot is to determine whether adequate community supports help people to deal with their immigration process more effectively.

There are four components of the pilot:

- Community assistance provided by Red Cross
- Immigration information and counselling provided by the International Organisation for Migration (IOM)
- Migration advice provided through the Immigration Advice and Application Assistance Scheme (IAAAS) legal providers
- One-off support provided through DIAC case management.

Eligibility to Community Care Pilot:

- Clients are referred directly by DIAC Case Management (Red Cross does not have a role in approving or rejecting access)
- Clients who have exceptional circumstances and vulnerabilities
- Clients who are unable to access other supports or assistance in the community

Eligibility to Community Care Pilot is strictly limited and capacity issues are frequently cited as reasons for not being able to accept a referral.

COAG: Council of Australian Governments –

The peak intergovernmental forum in Australia comprising the Prime Minister, state premiers, Territory chief Ministers and the president of the Australian local government association. The Council's role is to initiate, develop and monitor the implementation of policy reforms that are of national significance and require the cooperation of all levels of government

HEF: Housing Establishment Fund –

The Housing Establishment Fund (HEF) is a Victorian Government initiative that aims to address and prevent homelessness by providing financial assistance to individuals and families who are homeless or in housing crisis. HEF is a critical component of the homelessness service system (HSS).

HEF is primarily used to assist homeless people to access crisis, longer-term or alternative-housing options, or to assist them to maintain their existing housing.

Eligibility criteria are applied to HEF assistance in order to ensure that HEF is distributed to those in greatest housing need.

Homelessness –

people who are homeless fall into three broad groups, that are people who:

- Sleep rough (i.e. living on the streets)
- Live in temporary accommodation such as crisis/ emergency accommodation (including refuges, flats, shelters, motels) or staying temporarily with family or friends
- Live in boarding/ rooming houses or caravan parks with no secure lease and no private facilities.

Hotham Mission's ASP: Asylum Seeker Project –

is based at Hotham Mission in Melbourne and works with asylum seeker men, women and children in the community awaiting an outcome on their refugee or humanitarian claim, yet denied the right to work, welfare payments or Medicare. Through the ASP, Hotham provides free housing, casework and volunteer support, pays for emergencies and provide monthly cash relief. The project relies on the support of the community to be able to continue helping asylum seekers.



Many of the houses are vacant church properties, with rent and bills paid by the congregation or the project. Once an asylum seeker has been placed in an appropriate housing situation, a volunteer Outreach worker is allocated to visit or contact the house at least once a week and provide support and referral. Currently Hotham Mission have over 30 houses throughout Melbourne plus a large house called 'Sanctuary' funded through Baptcare which houses over twenty men.

NAHA: National Affordable Housing Agreement –

This new agreement encompasses housing and homeless assistance provided at all levels of government (Commonwealth, State and Territory). This agreement came into effect January 1, 2009 and replaces the Commonwealth State Housing Agreement and the *Supported Accommodation Assistance Program Agreement V* in 2009.

NASAVic: Network of Asylum Seeker Agencies in Victoria –

A network of over 12 agencies working together in Melbourne to coordinate and advocate on behalf of asylum seekers; it is convened by the Refugee Council of Australia.

Permanent visa –

is where the Minister for Immigration and Citizenship makes a humanitarian intervention where he/she grants a permanent visa other than a Protection Visa. These visa grants include: Aged Parent Visa, Contributory Parent Visa and Spouse Visa.

Protection Visa –

A permanent visa granted to a person to whom Australia has protection obligations under the UN Refugees Convention 1951 as amended by the Refugees Protocol 1967. This visa permits a person to remain indefinitely in Australia and to access mainstream settlement services.

Refugee –

According to the 1951 Convention Relating to the Status of Refugees, a refugee is a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of their nationality.

Refugee determination process –

A person is taken to be in the Refugee Determination Process if their legal case for asylum is at one of the following stages: DIAC, RRT, Federal Magistrates Court, Federal Court, High Court or Humanitarian Request to the Minister.

SAAP: Supported Accommodation Assistance Program -

The Supported Accommodation Assistance Program (SAAP) was established in 1985 to consolidate a number of Commonwealth, State and Territory government programs assisting homeless people and women and children escaping domestic violence. SAAP provides recurrent funding for salaries and other operational costs associated with the provision of housing and support for people who are experiencing homelessness or are at risk of homelessness.

The current program, governed by the Supported Assistance Act 1994, specifies that the overall aim of SAAP is to provide transitional supported accommodation and related support services, in order to help people who are homeless to achieve the maximum possible degree of self-reliance and independence.

The States and Territories are responsible for managing the program, while services are provided largely by independent agencies. Approximately 1,300 non government, community or local government organisations are funded nationally under the program.

**Substantive visa –**

means a visa other than: bridging visa; a criminal justice visa; or an enforcement visa. Examples of substantive visas include: Permanent Protection Visas, Aged Parent Visas, Contributory Parent Visas, Spouse and Prospective Spouse Visas, Tourist Visas etc. Note: A Bridging Visa E or Bridging Visa A is not a substantive visa.

TPV: Temporary Protection Visa –

was an Australian visa document introduced by the Howard Government on 20 October 1999, which was issued to persons who had been recognised as refugees fleeing persecution. The scheme was controversial, with the government claiming it was a necessary response to the misuse of the asylum process by unauthorised arrivals. Refugee advocates described TPVs as a cruel way to treat people which left asylum seekers with an uncertain future. After being granted a TPV, refugees were required to reapply several years later in case conditions changed in their homeland. While on a TPV, refugees were forbidden to travel overseas. Under the terms of the visa, they could not access full social security benefits, and were not allowed to sponsor family members for settlement in Australia.

The Rudd Government committed itself to the abolition of the TPV category as part of its Budget 2008-09 announcements made in May 2008. The regulations providing for the granting of Permanent Protection Visas (PPVs) to all refugees who have established a claim for protection in Australia were introduced into the Federal Parliament in August 2008. From this time, any person who is applying in Australia for refugee protection will be granted a PPV. Individuals who were, as of August 2008, still on a TPV, became eligible to apply for a Resolution of Status Visa, which is akin to a Permanent Protection Visa. The Resolution of Status Visa is granted subject to the TPV applicant undergoing health and ASIO/AFP security checks.

Transitional housing –

is for people who are homeless or at risk of homelessness.

Transitional housing operates on short to medium-term tenancies, usually for a minimum period of 3 months and a maximum of 12 months for adults, and up to 18 months for youth.

The aim of transitional housing is to provide safe and affordable accommodation combined with support from nominating agencies to assist people to begin to address any issues that may have contributed to their situation and work towards re-establishing secure housing as soon as possible.

THM: Transitional Housing Manager –

is the name given to an agency who manages Transitional properties. Some SAAP (Supported Accommodation Assistance Program) agencies also manage/ have nomination rights to transitional properties.

The Asylum Seeker Resource Centre
12 Batman Street,
West Melbourne 3003
T: 9326 6066

www.asrc.org.au

