

MARCH 2020

Foundations Housing Project

A Scoping Study on Housing for People
seeking Asylum & Strategic Areas of
Action towards Housing for All.



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& Strategic Areas of Action towards Housing for All

LEAD PARTNERS



CONTRIBUTING PARTNERS



WITH THANKS TO

Australian Red Cross
Baker McKenzie
Refugees Welcome Australia
Amelie House
Bonnie Support Services
CatholicCare Waitara Family Centre
Claffy Lodge
Dolores Women's Refuge
Domestic Violence Service Management
DVNSW
Elsie's
Jessie Street Single Women's Refuge
Killara Women and Children's Refuge
Lou's Place

Macarthur Case Management & Accommodation Services
Marian Centre
Marian Villa
Open Support
Parramatta Women's Shelter
Penrith Women and Children's Refuge
Samaritan Women and Children Services
St.George Sutherland & Community Support
The Haymarket Centre
Thelma Brown Cottage
Vincentian House
Women's & Girls' Emergency Centre
Wimlah Women's Refuge
Women2Home

We pay our respects to Aboriginal and Torres Islander Peoples, the Traditional Owners of the land which we call home, and look towards a time when the rights of all the peoples of this land are respected and upheld, particularly those who have been here since the beginning.

Report prepared by Anjali Roberts
Designed by Rebecca Lourey
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BACKGROUND

“Tinkering around an unsustainable model [...] will not work. The right to housing must be implemented in a way that changes the way housing is currently conceived, valued, produced and regulated.”

— LEILANI FARHA¹

Somewhere along the line, with the increasing commodification of housing, and the unaffordable market in Sydney, we seem to have forgotten that housing², like education, is a human right. A house offers a structure for a home, which is the foundation for life itself, and despite recognition of it as a right through multiple mechanisms³, we in Australia have not managed to provide it to all. The present global housing crisis is unlike any before, in that it is not caused by a decline in resources or an economic downturn, but rather by economic growth, expansion, and growing inequality. Housing itself has become a key driver of growing socioeconomic equality, increasing wealth for those who own housing and driving those who do not into greater debt and poverty.

This shortage of housing impacts heavily on people seeking asylum, particularly those without an income or access to social security payments, as in NSW, people seeking asylum do not have any access to social housing and limited access to temporary housing options, such as crisis accommodation and transitional housing. For example, in a situation where a woman is on a bridging visa and escaping domestic or family violence, she may be refused a space at a refuge because she has no income to contribute to a bed (through access to social security payments).

As of December 2019, there were roughly 2.4 million people living in Australia on temporary visas⁴ which includes over 200,000 people on Bridging Visas. While not all of these people are seeking asylum⁵, many are vulnerable migrants who also do not have access to the services and support available to Australian citizens and permanent residents. In the last 5 years, over 80,000 people have arrived by plane to seek asylum, while at the same time the Department of Home Affairs (DHA) has been working to process over 30,000 applications from the ‘legacy caseload’ of people who arrived by boat between 13 August 2012 – 1 January 2014.⁶

For people who arrived by plane and lodge a claim for asylum, DHA takes an average of 8 months to reach a decision⁷. The median time taken by the Administrative Appeals Tribunal (AAT) to review this decision was 14 months; which meant the process of seeking asylum took at least 22 months or 2 years for most. For people who arrived by boat and lodged a claim after 2014 and have had their claim assessed under the ‘fast-track’ process, the time taken has varied from 4 – 6+years. On average 70% of applicants who have arrived by boat have been or will be found to be refugees and receive a temporary protection visa⁸. In Dec 2019, there remained 4,909 people in NSW awaiting a decision on their protection claim; more than 75% of this group are living in Western and South Western Sydney (2,125 in Cumberland LGA, 588 in Canterbury-Bankstown LGA, 390 in Parramatta LGS, 356 in Fairfield LGA, 355 in Blacktown LGA, and 146 in Liverpool LGA)⁹.

Although housing is a long-term issue for people seeking asylum, the problem has been exacerbated due to changes in the eligibility for income support via the Status Resolution Support Services (SRSS). People seeking asylum are not eligible for social security payments and need to be approved by DHA for support through SRSS. These payments are capped at 89% of the Newstart (Jobseeker) payment. Since 2018, only children under 5 and their carers, those over the age of 70, people experiencing a significant medical and/or mental health issue, or facing significant crisis are eligible for SRSS, regardless of other circumstances that they face (e.g. homelessness, lack of English or unemployment) that may limit their ability to secure a job. With an estimated 1600 people in NSW currently receiving SRSS, most people seeking asylum, roughly 95% (based on anecdotal estimates of between 30,000 and 40,000 people), are not eligible and therefore have no income support as they wait at least 2 years for a decision on their protection application.

Approach

Life Without Barriers (LWB), Asylum Seekers Centre (ASC) and Jesuit Refugee Service Australia (JRS) partnered to examine the barriers to housing for people seeking asylum, most of whom have the right to work, but do not necessarily have work or a secure home. Australian Red Cross (ARC), House of Welcome (HoW) and St Vincent DePaul (SVDP) have also contributed significantly to this project. The project broadly reviewed housing supply, access to private, subsidised and crisis accommodation, people's capacity to look for and maintain housing, an estimate of organisational spending on crisis housing and contributions to those presenting with an immediate need for housing support. The project sought to have an impact in this last area – to increase the number of vulnerable people housed in a safe and comfortable place by exploring alternative options to direct financial support for women seeking asylum who are escaping violence; and for relatively less vulnerable clients who are mentally and physically well and who have the capacity to work. This report concludes with a call to action, to progress project findings beyond the current scope.

The project partners acknowledge that the housing options for people seeking asylum are extremely limited, as are the resources available to the organisations working to support people while they are seeking protection. The options explored by the project are thus set in the context of a sector that is still striving for structural and policy change, but that is also aware that we must find better immediate options for the growing number of people that our organisations are unable to assist.

¹ GPR2C contribution to the Draft Guidelines proposed by the UN Special Rapporteur on the Right to Adequate Housing, Ms. Leilani Farha 2020
² UNDH, 1948
³ CROC 1989, CERD 1965, CEDAW 1979
⁴ Temporary visa holders in Australia 2020
⁵ Onshore Humanitarian Program Statistics from 2015-16 to 2018-19, Department of Home Affairs
⁶ Factsheet – The Legacy Caseload, Andrew & Renata Kaldor Centre for International Refugee Law, 2019
⁷ Statistics on people seeking asylum in the community 2019
⁸ IMA Legacy Caseload Dec 2019
⁹ IMA Legacy Caseload Dec 2019

SCOPING 05

- Global**
- Federal**
Priority cohorts:
 - ➔ Women & children coping with violence
 - ➔ Children & young people
 - ➔ People experiencing repeat homelessness
 - ➔ Older people
- State**
NSW homelessness strategy focuses on:
 - ➔ Children & young people
 - ➔ Women & young children leaving D/FV
 - ➔ Older people
 - ➔ People with mental health issues
 - ➔ CALD people
- Local**
80% of homelessness in Cumberland LGA is experienced in overcrowded dwellings.
- Individual**
Mapping the journey

REFINING 07

- By proportion of organisation funds**
- By context of client**
- Prioritising solutions**
- Drilling down**

FINDINGS 08

- Women affected by gender-based violence**
- Online platforms facilitating accommodation in exchange for work (investigation of risk)**
- Home-sharing arrangements (scaffolding)**

IMPLEMENTING (POTENTIAL) 10

Program logic

CALL TO ACTION 11

SCOPING

MAPPING THE PROBLEM

Through interviews with ASC, JRS & LWB

The project found that clients are regularly experiencing situations of overcrowded housing in which families are sharing a room or many single men are sharing a room, and in which women are in unsafe situations. Clients are in informal rental situations, often tenuous as they have no formal tenancy and therefore minimal rights, and are also unaware of their rights. Often they cannot secure private rental accommodation due to its unaffordability, and they have no formal rental history. Clients often present in a crisis when they are unable to pay rent due to changes in employment, running out of savings, sickness, etc. and with no access to income support.

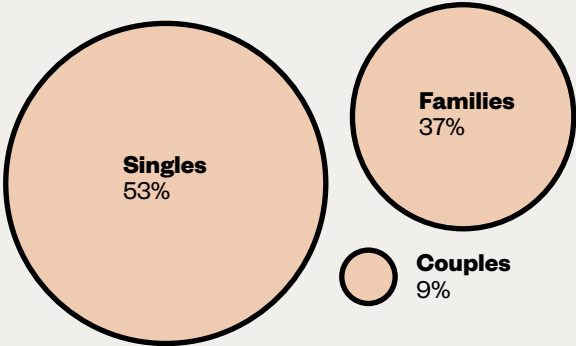
Review of the current housing context in Sydney:

- ➔ At the global level the draft Guidelines for the Implementation of the Right to Adequate Housing and on the right to non-discrimination in this context¹⁰, including implementation measures under Guideline 8 Address discrimination and ensure equality, Guideline 9 Ensure gender equality in housing and land & Guideline 10 Ensure the right to adequate housing for migrants and internally displaced persons are relevant to the scope of this project.
- ➔ The NSW Homelessness Strategy focuses¹² on better understanding the prevalence and impact of homelessness on children and young people (through early identification and supporting people to maintain their tenancies), older people and culturally diverse people, but the barriers (including eligibility to services) faced by migrants, refugees and people seeking asylum are not addressed.
- ➔ City of Sydney's draft Homelessness Action Plan¹³ noted approximately 5000 residents experiencing homelessness, with most from the Greater Sydney area. The draft Plan notes increasing unaffordability of housing, and a strategic priority to monitor trends in inner city homelessness but does not reference people seeking asylum or address the particular barriers faced by them, refugees or migrants.
- ➔ Cumberland Council's Research Report¹⁴ notes that the LGA has the second highest number of homeless people in NSW, of which 80% (2525) are in overcrowded dwellings. One of the priorities of Cumberland Homelessness Sector Action Plan is to address the barriers to support services and housing faced by people seeking asylum through advocacy, access to private rentals and access to employment and income.
- ➔ In 2017, there were 192,300 new dwellings across NSW¹⁵ including 2767 social housing dwellings. City Futures UNSW estimates that 10 times this amount is needed to meet the social housing waitlist.
- ➔ Anglicare's Rental Affordability Snapshot of 2019¹⁶ examined approximately 70,000 private rental ads nationally and found that for a single person on a minimum wage, 2.2% of properties were affordable and appropriate, for a single parent with a child under 5, this decreased to 0.8% of properties and for couple who were both on Newstart allowance with a child under 5 and one under 10, 1.1% of properties were affordable and appropriate.
- ➔ For most people seeking asylum, access to the private rental market is even more unaffordable due to ineligibility for Newstart or parenting payments. People seeking asylum are ineligible for NSW social housing and access to DV refuges is restricted because of the lack of an income due to ineligibility for social security.



⁷ GPR2C contribution to the Draft Guidelines proposed by the UN Special Rapporteur on the Right to Adequate Housing, 2020
⁸ Department of Social Services <https://www.dss.gov.au/housing-support/programmes-services/homelessness>
⁹ City of Sydney Draft Homelessness Action Plan https://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0020/319115/Draft-Homelessness-Action-Plan.pdf
¹⁰ Cumberland Council State of Homelessness Research Report <https://www.cumberland.nsw.gov.au/sites/default/files/inline-files/State-of-Homelessness-in-Cumberland-Research-Paper-2018-EXTERNAL.pdf>
¹¹ 2010 Sydney Architecture Festival Making.Housing.Affordable
¹² Figures are an estimate of funds spent on clients from Jul – Dec 2019 who presented with a need for housing and does not take into account the full value of subsidised housing provided to clients by Asylum Seekers Centre and House of Welcome through various partnerships.

BY **RELATIVE PROPORTION
OF ORGANISATION FUNDS
SPENT ON EACH CLIENT
FAMILY TYPE**¹⁷



Family

- Recently arrived
- No work rights (yet)
- Overcrowded room in friend's home

BY **CONTEXT
OF CLIENTS**

By family type, stage in asylum-seeking process, and right to work

Family

- In primary stage
- SRSS (but coming off)
- In private rental but will be too expensive soon

Couple

- Recently arrived
- No work rights (yet)
- No community links
- Need a place to stay

The project prioritised exploring solutions for:

- ➔ Women and their children affected by forms of sexual & gender-based violence e.g. DV & FV
- ➔ Singles & couples in good physical and mental health, who have options to work

Couple (older)

- In primary stage
- No SRSS
- With family but need to find a new place urgently

Single man

- Primary stage
- Work rights
- Sharing a room but forced to leave

Single man

- Primary stage
- SRSS (suspended while in hospital)
- Rent in arrears so needs emergency funds

Single man

- Post review of claim
- No work rights
- No income
- Homeless (on street)

Woman & child

- Primary stage
- Escaping DV
- No income

By prioritising solutions for these client groups, organisations could free up funds for clients who are further along in their asylum-seeking process, including those who may have no work rights, income, or community connections and who may be more vulnerable due to deteriorating health or mental health conditions.

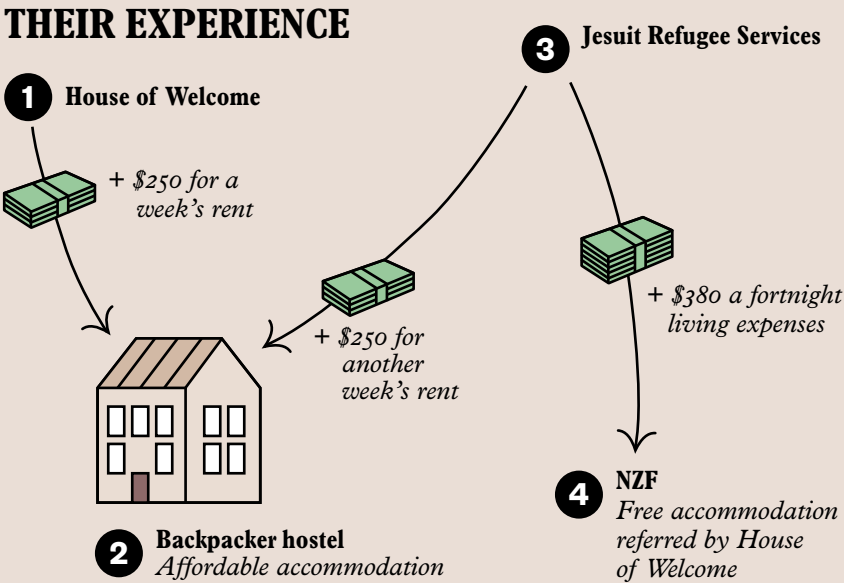
Housing solutions for this group are also needed and are expected to be pursued outside the scope of the project

BY **MAPPING THE HOUSING JOURNEY**

Including challenges and solutions

Older couple

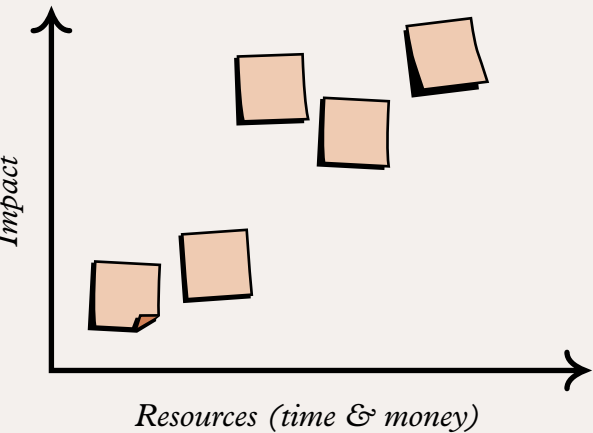
*Arrived 3 years ago
Now seeking asylum
Living with son & have experienced family violence*



WHAT THEY NEED

- ➔ List of low cost accommodation in Western Sydney
- ➔ List of community organisations providing emergency funds
- ➔ List of relevant cultural / religious / community organisations
- ➔ Skills to search on Gumtree

BY **PRIORITISING
SOLUTIONS**



BY **DEFINING ISSUES**

Issues around working with:

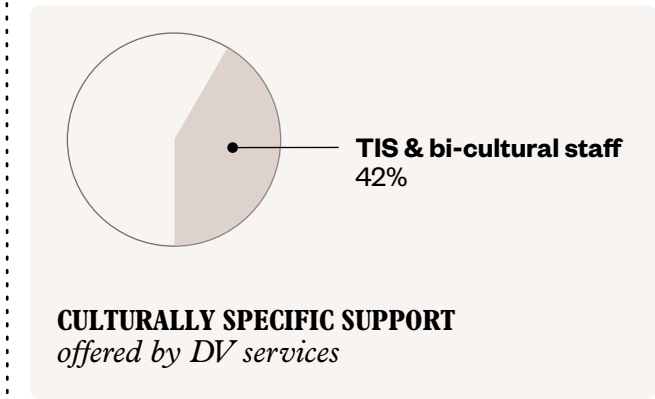
- ➔ Women affected by sexual or gender-based violence
- ➔ Accommodation in exchange for assistance
- ➔ Home-share arrangements

WOMEN AFFECTED BY SEXUAL & GENDER-BASED VIOLENCE

In February 2020, the project surveyed approximately 40 Domestic Violence services and refuges in Sydney, with 60% responding to the survey. The purpose of the survey was to gather data on the current capacities of refuges to accommodate women who have no income and who are ineligible for NSW housing, and to explore opportunities for collaboration.

Overall we found

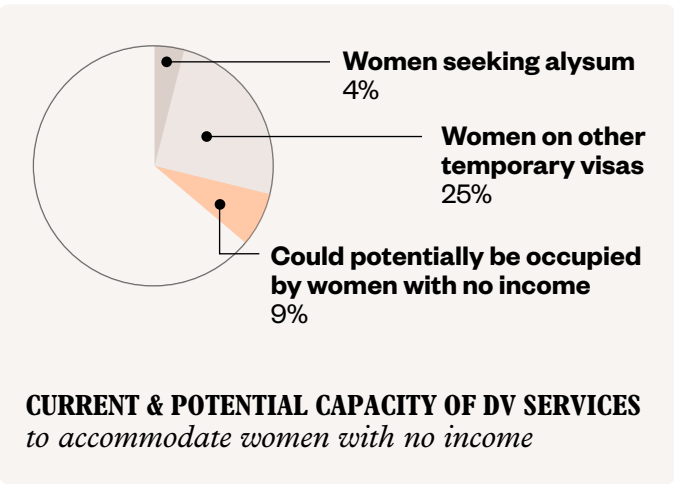
- ➔ 23 of 25 services (92%) are funded under the NSW Government's Specialist Homelessness Services (SHS program)
- ➔ Most services accept both women with children and those without; 7 out of 25 (30%) of services are open only to women with children and 2 out of 25 are only open to women without children
- ➔ 42% offer bi-cultural support including the use of the Translating and Interpreting Service (TIS), with at least 10 services who have staff who speak other languages: Spanish (4 services), Arabic (2 services), Farsi (2 services), Italian (2 services) & Mandarin (2 services), Bengali (1 service), Cantonese (1 service), Gujarati (1 service), Hindi (1 service), Japanese (1 service) and Nepali (1 service).



Capacity & Collaboration

Of the 253 rooms available to women and their children across the services:

- ➔ 10 rooms (4%) are occupied by women seeking asylum (and in at least 2 cases this included women & children),
- ➔ 62 rooms (25%) are occupied by women on other temporary visas
- ➔ Under the refuges' current financial operating model they could offer up to 96 rooms (38%) to women with no income



Almost all services (24) are interested in collaboration with organisations supporting women seeking asylum

- ➔ 9 services are able to offer a room and associated support in a refuge if income is guaranteed
- ➔ 5 services are interested in collaborating to provide services if accommodation is brokered through another avenue e.g. a community housing provider

At least 2 services expressed interest in collaboration and an interest in additional support with social and cultural needs of women seeking asylum

ONLINE PLATFORMS FACILITATING ACCOMMODATION IN EXCHANGE FOR WORK (INVESTIGATION OF RISK)

A number of online platforms (The Room Xchange, Workaway) exist in Australia facilitating the provision of accommodation in exchange for assistance around the house or property. These platforms were investigated by the project as a potential option for people seeking asylum and as an alternative to organisations providing ongoing financial assistance towards housing. The project recognises that options like accommodation in exchange for work are not without risk and the exploration of such options demonstrates the lack of a safety net and how few options there are for people seeking asylum who are at-risk of homelessness.

While the platforms are lawful, the exchange does constitute work under the Migration Act 1958. Therefore, these options would only be suitable for people with work rights. In addition to having work rights, people would need to be physically and mentally well, have active social supports, be able to set up a profile online, be able to communicate with the 'host' to voice their needs and concerns in a timely way, and have a goal or purpose they are working toward (e.g. saving up for rent).

Should an arrangement between a guest and host include a level of work in exchange for accommodation, depending upon the hours worked, the commitment required from the guest, the restrictions upon the guest, and the level of control exercised by the host, this relationship could become one of employment and would then be covered by the Fair Work Act 2009. This could entitle the guest to payment of the relevant minimum wage and other statutory and award entitlements, benefits and protections. In making clients aware of these platforms, the project notes the need to inform clients of their rights and entitlements related to the exchange. This would support organisations to mitigate their risk of accessorial liability for any breaches of the Fair Work Act 2009 by the host to the extent required by that Act.

Additionally, we note that if organisations choose to make clients aware of the platforms, that they highlight relevant information on the websites about the platforms being only facilitators and the platforms not making any representations or giving any warranties about the suitability of hosts and the safety of the clients while staying with the hosts - effectively, making clear that the onus falls on the clients themselves to assess the

suitability of prospective hosts and to take precautions to secure their own safety. However, if at any stage, an organisation was to subsequently become aware that a client is at risk of harm from a host and then fails to take reasonable steps to mitigate that risk, it would be at risk of breaching its duty of care to its client.

In February 2020, one organisation estimated approximately 30 of their clients could be potentially suitable for these platforms. The project is currently working on a resource with which to raise these platforms as a potential option with clients, including measures for them to mitigate and manage risk, their rights and their responsibilities. Again, while the platforms are legal, this does not mean they are without risk and each organisation involved in the project will need to assess whether or not this is an option that could be raised with clients.

HOME-SHARING ARRANGEMENTS (SCAFFOLDING)

Refugees Welcome Australia (RWA) is a volunteer-run organisation working with residents in Sydney who have a spare room to share and a desire to support people seeking asylum in a flexible yet supported manner. In 2018, they supported 9 people through home-share arrangements.

The model relies on caseworkers from organisations to assess suitability of a client (guest) for a host. The project has worked with RWA to clarify the requirements and process for referral and has reviewed the mitigation and risk management processes between RWA and referring organisations.

The requirements for referral by organisations to RWA include that the client:

- ➔ has relatively good physical and mental health
- ➔ either has or is expected to gain work rights;
- ➔ is currently supported by a case-worker; and
- ➔ that the placement leads to a better housing outcome for the client (i.e. that it does not put the client at an increased risk of homelessness at the end of the placement)

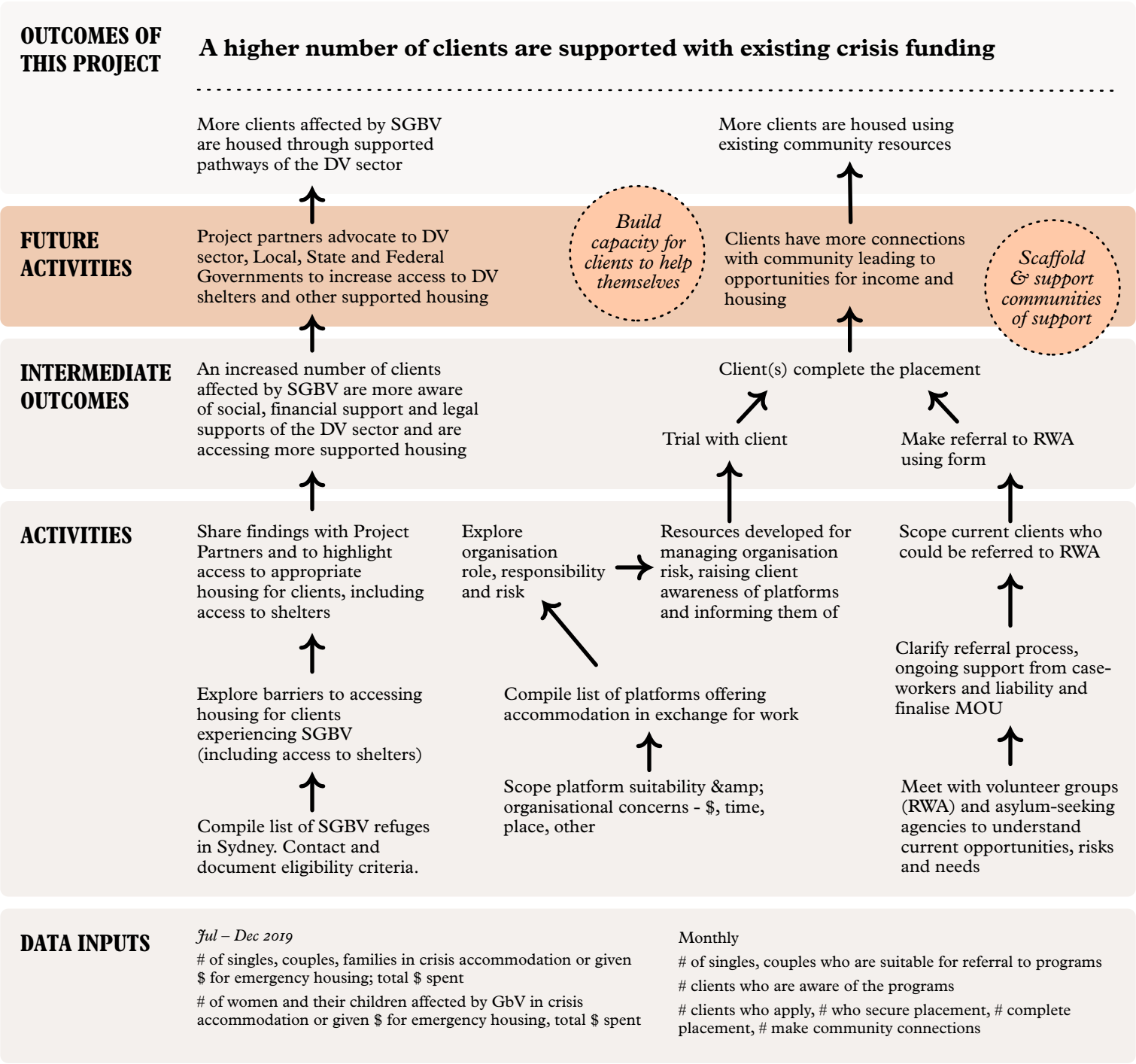
The project also acknowledges that home-sharing arrangements are not without risk to both the host and the guest and may require significant time and coordination from RWA volunteers and the staff of the referring organisations. As with the platforms that offer accommodation in exchange for work, the organisations involved in the project will need to assess whether or not home-sharing arrangements are a suitable option for clients. Organisations will continue to explore accommodation options, such as those presented by RWA outside the scope of the project.

Example IMPLEMENTATION MODEL

EXAMPLE PROGRAM LOGIC *Project outcomes & activities*

*Please note the organisations involved in contributing to this project are continuing to research and explore models for additional housing support for people seeking asylum. The program logic below is an example of next steps that could be taken to implement the various options along with the expected impact, but they are not recommendations nor have they been finalised by any organisation.

BROAD GOAL **ALL PEOPLE SEEKING ASYLUM IN SYDNEY HAVE A SAFE AND COMFORTABLE PLACE TO LIVE**



CALL TO ACTION

	SHORT TERM <i>0—1 year</i>	MEDIUM TERM <i>1—3 years</i>	LONG TERM <i>3—5 years</i>
	LEAD ORGANISATIONS		
A list of low-cost accommodation is compiled for Western Sydney & updated weekly	JRS, HoW		
Client awareness and capacity in securing and maintaining housing in increased through training and workshop	JRS, ARC		
Increased collaboration with DV sector based on recent findings	JRS, HoW, ARC & DV services (from survey)		
Housing options for people who are post-review (i.e. in later stages of their asylum-seeking process) is explored	JRS, SVDP, HoW, LWB		
A bond / short-term loan fund created to support people to move to private rental	JRS, HoW		
Increase support of & collaborations with organisations and communities offering home-share programs		JRS, HoW	
Eligibility and access to all NSW Government housing and homelessness services ¹⁸		TBA	
Narrative of overcrowding changed (from risk to opportunity-based)		TBA	
Increased housing supply (new developments, affordable housing, social housing)			TBA

Evaluating Good Design, Government Architect NSW Objective 4. Better for people:
SAFE a building, place or space that protects its people from harm or risk of harm;
COMFORTABLE a building, place or space that provides physical and emotional ease and wellbeing for its people.
GbV refers to Gender-based Violence and includes DV (Domestic Violence) and FV (Family Violence); RWA refers to Refugees Welcome Australia

¹⁸ Any differential treatment in qualifying for different types of housing based on immigration status must be reasonable and proportional and not compromise the protection of the right to housing for all people within the State's territory or jurisdiction, Guideline 10, Implementation 58a, GPR2C contribution to the Draft Guidelines proposed by the UN Special Rapporteur on the Right to Adequate Housing, 2020

