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

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
March 2020

WITH THANKS TO
Australian Red Cross
Baker McKenzie
Refugees Welcome Australia
Amelie House
Bonnie Support Services
CatholicCare Waitara Family Centre
Clafly Lodge
Dolores Women’s Refuge
Domestic Violence Service Management
DVNSW
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
Wimbledon Women’s Refuge
Women2Home

LEAD PARTNERS
CONTRIBUTING PARTNERS

“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 FARHA

Although housing is a long-term issue for people seeking asylum, the problem has been exacerbated by 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 96% (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 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 there remain significant gaps for the growing number of people that our organisations are unable to assist.
SCOPING

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
- Health issues

Individual

Mapping the journey

THE SCOPING

Global

By proportion of organisation funds

By context of client

Prioritising solutions

Drilling down

FINAL FINDINGS

Women affected by gender-based violence

Online platforms facilitating accommodation in exchange for work (investigation of risk)

Home-sharing arrangements (scaffolding)

IMPLEMENTING (POTENTIAL)

Program logic

CALL TO ACTION

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 context, 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 Federal National Housing and Homelessness Agreement's priority cohorts are relevant to the project including women and children affected by family and domestic violence, children and young people, people experiencing repeat homelessness and older people.
- The NSW Homelessness Strategy focuses 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 Plan 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 Report 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 192,200 new dwellings across NSW, including 2767 social housing dwellings. City of Sydney's draft Homelessness 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.
- Anglicare's Rental Affordability Snapshot examined approximately 75,000 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, 11.1% 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
11 2010 Sydney Architecture Festival: Making Housing Affordable
12 Figures are an estimate of funds spent on clients from July-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 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

**Relative Proportion of Organisation Funds Spent on Each Client Family Type**

- **Singles**: 53%
- **Families**: 37%
- **Couples**: 9%

**Context of Clients**

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

- **Couple (older)**
  - Arrived 3 years ago
  - Now seeking asylum
  - Living with son & have experienced family violence

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

- **Woman & child**
  - Primary stage
  - Escaping DV
  - No income

**Map of the Housing Journey**

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

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

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

- **Single man in post review of claim**
  - No work rights
  - Rent in arrears so needs emergency funds

- **Single man in primary stage**
  - SRSS (suspended while in hospital)
  - Homeless (on street)

**Prioritising Solutions**

- 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

**Defining Issues**

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

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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.

**FINDINGS**

**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).

**CURRENT & POTENTIAL CAPACITY OF DV SERVICES to accommodate women with no income**

- 2 of 253 rooms are occupied by women on other temporary visas.
- 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 refugees’ current financial operating model they could offer up to 96 rooms (38%) to women with no income

**HOMESHARING 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 project 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).

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

A number of online platforms (The Room, Xchang, Workaway) exist in Australia facilitating the provision of accommodation in exchange for 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.
**OUTCOMES OF THIS PROJECT**

**A higher number of clients are supported with existing crisis funding**

- More clients affected by SGBV are housed through supported pathways of the DV sector
- More clients are housed using existing community resources

**FUTURE ACTIVITIES**

- Project partners advocate to DV sector, Local, State and Federal Governments to increase access to DV shelters and other supported housing
- An increased number of clients affected by SGBV are more aware of social, financial support and legal supports of the DV sector and are accessing more supported housing

**INTERMEDIATE OUTCOMES**

- Clients have more connections with community leading to opportunities for income and housing
- Client(s) complete the placement

**ACTIVITIES**

- Share findings with Project Partners and to highlight access to appropriate housing for clients, including access to subsidies
- Explore organisation role, responsibility and risk
- Resources developed for managing organisation risk, raising client awareness of platforms and informing them of
- Scope current clients who could be referred to RWA
- Clarify referral process, ongoing support from case-workers and liability and finalise MOU
- Meet with volunteer groups (RWA) and asylum-seeking agencies to understand current opportunities, risks and needs

**DATA INPUTS**

- Jul – Dec 2019
  - # of singles, couples, families in crisis accommodation or given $ for emergency housing; total $ spent
  - # of women and their children affected by GbV in crisis accommodation or given $ for emergency housing; total $ spent

**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**

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**LEAD ORGANISATIONS**

- JRS, HoW
- JRS, ARC
- JRS, HoW, ARC & DV services (from survey)
- JRS, SVDP, HoW, LWB
- JRS, HoW
- TBA
- TBA
- TBA

**CALL TO ACTION**

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

**Example IMPLEMENTATION MODEL**


- **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**

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**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 59a, CPR2C contribution to the Draft Guidelines proposed by the UN Special Rapporteur on the Right to Adequate Housing, 2020**