

**Submission to The House of Representatives Standing
Committee on Social Policy and Legal Affairs – Inquiry into
homelessness in Australia**

A. Introduction

About Jesuit Refugee Service Australia (JRS)

An international organisation

Jesuit Refugee Service (JRS) is an international Catholic organisation, founded in 1980 as a social ministry of the Society of Jesus (“the Jesuits”).

Seeking social justice for refugees worldwide: JRS’ mission is to accompany, serve, and advocate for the rights of refugees and other forcibly displaced people worldwide.

Programs offering global support: JRS works in 56 countries, assisting refugees, people seeking asylum and other displaced people in camps, detention centres, war zones and urban settings. JRS’ programs focus on access to education, emergency assistance, healthcare, livelihood activities and social services. At the end of 2019, more than 677,000 individuals worldwide were direct beneficiaries of JRS projects.

JRS in Australia: In 2019, JRS Australia served approximately 3,800 refugees and people seeking asylum with emergency assistance, temporary shelter, a foodbank, professional casework, community activities, employment support, school engagement, legal advice, targeted advocacy, and a project to support the empowerment of women seeking asylum.

Strong alliances: JRS Australia has strong links with parishes, communities and schools across Australia, religious orders, local and state governments, refugee organisations, campaigns and coalitions, and other organisations in the community in the not for profit and education sectors. JRS Australia is the co-convenor of the Catholic Alliance for People Seeking Asylum (CAPSA).

A global presence: JRS Australia maintains an active presence on policy development and advisory forums in the Asia-Pacific region, and at the global level, participating in international campaigns and coalitions and contributing to UN forums.

A stronger voice for refugees: Advocacy is a central pillar of JRS’ work. JRS’ advocacy is characterised by the following principles:

- It stems directly from our close engagement with refugees and others forcibly displaced
- It flows from [accompaniment](#) and [service](#) and is linked to JRS projects
- It is based on [Jesuit values, inspired by Ignatian spirituality](#)
- It is built on solid research.

JRS Australia’s advocacy takes a number of forms including research and commentary, policy development, lobbying, and grassroots engagement with community members.

JRS’ experiences with Housing and Homelessness

In Australia, JRS provides support to approximately 3,800 people seeking asylum, refugees on temporary visas, and migrants in vulnerable situations including homelessness. This support includes specialist case work, a food bank, emergency financial relief, employment assistance (in partnership with the House of Welcome), community development activities, and legal support (through the

Refugee Advice and Casework Service (RACS)). JRS also runs a specialist domestic or family violence (DV/FV) primary prevention and support service for women on temporary visas in Sydney.

In 2019, JRS conducted a scoping study into housing options for people seeking asylum, in partnership with Life Without Barriers (LWB), the Asylum Seeker Centre (ASC), St Vincent de Paul Society (Vinnies NSW), Australian Red Cross and House of Welcome. The Foundations Housing Project¹ prioritised options for vulnerable clients i.e. women and children experiencing DV/FV through exploring the capacity of NSW Domestic Violence services to accommodate women seeking asylum. It also looked at housing alternatives for more resilient clients i.e. single and couples in early stages of seeking asylum and with work rights, through exploring alternative community-based housing options including online platforms like The Room Xchange facilitating accommodation in exchange for work and Home-sharing through community networks like Refugees Welcome Australia (RWA).

Currently, JRS is working in partnership with Life Without Barriers to understand housing and homelessness journeys of people Seeking asylum through a qualitative research study including interviews with people in the cohort. This research, entitled *A Place to Call Home*, is funded by the Mercy Foundation and a final report will be published in May 2021.

Summary of Submission

JRS Australia welcomes the opportunity to make a submission to the House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry into Homelessness in Australia.

Our submission is based on insights from service provision in Sydney, on the research we conducted in 2019, and on the project we are currently conducting. We welcome the opportunity to provide further comment at the inquiry, including by appearing at a public hearing.

Our submission covers all ten terms of reference as they relate to people seeking asylum, and migrants in vulnerable situations, focusing on a number of recurring themes including the structural factors that enable higher incidences of homelessness, the absence of adequate, targeted prevention, and response strategies and resources, the lack of data about the lives and circumstances, and additional factors that exacerbate risks of homelessness for particularly vulnerable groups, such as women experiencing DV/FV and children.

It makes a number of key recommendations addressing each of these themes. Recommendations can be found in each relevant section.

B. Terms of Reference

1. The incidence of homelessness in Australia

As at 31 March 2020 there were 38,678² people awaiting a decision by the Department of Home Affairs (DHA) on their application for a Permanent Protection Visa (PPV) and a further 45,532³

¹ Foundations Housing Report, 2020, <http://www.jrs.org.au/launch-of-the-foundations-housing-report-and-calls-to-action-2/>

² DHA Humanitarian Visa Statistics, 2020, <https://www.homeaffairs.gov.au/research-and-statistics/statistics/visa-statistics/live/humanitarian-program>

people who were not granted a Final PPV. This latter figure includes people seeking merits review of their PPV application refusal, at the Administrative Appeals Tribunal (AAT) or at judicial review. As of 31 March 2020, a further 13,657 people seeking asylum are part of the so-called 'IMA Legacy Caseload' and having their applications processed at Department, Immigration Assessment Authority (IAA), judicial review, or ministerial intervention stages.⁴ Of this number 12,742⁵ are on valid Bridging Visas or awaiting renewal of these visas.

Of this overall total of approximately 97,000 to 98,000 people seeking asylum in the Australian community, the Refugee Council of Australia (RCOA) estimates that approximately 40,000 reside in NSW.⁶

Research by Flatau et al (2015)⁷ found that the 'housing and other social services provided to recent refugees who entered Australia as part of the offshore refugee and humanitarian program, appear, in the main, to be successful in helping refugees secure accommodation'.

The study found that 'the overall prevalence of homelessness among refugees is unknown from the Census, from specialist homelessness service administrative data or from existing survey sources. Australian, Canadian and British research evidence recognises income, employment, English proficiency, discrimination determinants, family size, domestic violence and family breakdown, and a lack of information and support as key drivers of homelessness among refugees.'

The study also found that data gathered from people seeking asylum who had applied for protection on shore i.e. who were on Bridging visas, showed that a high proportion had experienced either primary or secondary homelessness during their time in Australia.

What little data on homelessness amongst people seeking asylum is publicly available accords with findings of Flatau et al. It indicates that homelessness is a serious problem amongst people seeking asylum in Australia. Based on a number of statistical factors, as well as JRS' experience in our drop in centres in Western Sydney, we note a significant number of people seeking asylum that are at risk of or are experiencing homelessness. These key findings from ABS 2016 Census data⁸ and the State of Homelessness in Cumberland Research Paper 2018⁹ provide some basis for our observations:

³ DHA IMA Legacy Caseload Statistics, 31 March 2020, <https://www.homeaffairs.gov.au/research-and-stats/files/ima-legacy-caseload-mar-2020.pdf>

⁴ Note that a small number of people from this cohort whose applications have been finalised may have died, or departed Australia.

⁵ DHA Illegal Maritime Arrivals on BVEs, March 2020, <https://www.homeaffairs.gov.au/research-and-stats/files/illegal-maritime-arrivals-bve-march-2020.pdf>

⁶ Refugee Council of Australia, 2020.

⁷ Flatau et al, The housing and homelessness journeys of refugees in Australia, 2015, Australian Housing Urban Research Institute

⁸ ABS Census 2016

<https://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/2049.0Main%20Features12016?opendocument&tabname=Summary&prodno=2049.0&issue=2016&num=&view=>

⁹ State of Homelessness in Cumberland Research Paper, 2018
<https://www.cumberland.nsw.gov.au/sites/default/files/inline-files/State-of-Homelessness-in-Cumberland-Research-Paper-2018-EXTERNAL.pdf>

The ABS 2016 Census data tells us that people who have been in Australia since 2011 or after, comprised 15% of the homeless population, and that people born overseas living in the ‘severely’ crowded dwellings category doubled in the time between the last two census periods.

- People from India, China, Afghanistan, Pakistan, Thailand and Taiwan accounted for the half the rise in the group of homeless people living in ‘severely’ overcrowded dwellings:
 - Around 25% of applicants for PPVs are from India and China.
 - Afghanistan and Pakistan account for two of the top three countries of origin for applicants of Temporary Protection Visas (TPVs) and Safe Haven Enterprise Visas (SHEVs), and 30% of people granted TPVs and SHEVs.
- As of 2018, Cumberland LGA in Western Sydney had the second highest number of homeless people in NSW, 80% of whom live in severely crowded dwellings¹⁰. The LGA is also home to the highest number of people seeking asylum in NSW currently on BVEs.

Pre COVID-19 JRS worked with a number of families and individuals seeking protection and experiencing homelessness in Western Sydney. These included people from a number of key sub-demographics, including:

- Individual women or single mothers who had experienced domestic or family violence (DV/FV) and had chosen to leave an abusive partner despite the material and immigration uncertainty associated with this decision.
- Single men whose claims for protection had been rejected at primary and merits review stages of the Refugee Status Determination (RSD) process, many of whom had significant mental health issues.
- Single men released from detention centres (ie. Villawood IDC) with poor mental health, alcohol or drug (AOD) abuse issues and no forms of income or support.
- newly arrived families or single adults with undiagnosed physical or mental health issues, no savings, and limited support or community connections.

In just the second half of 2019, JRS financially assisted approximately 130 people seeking asylum in Sydney with emergency support payments for the purposes of paying rent or emergency accommodation. Approximately half of this number were children.

Since COVID 19 generated social isolation and mobility restriction measures in Australia in March 2020, 43% of clients who secured work through JRS’ and House of Welcome’s employment program in 2019 lost work or had their hours reduced. They remain ineligible for any of the Federal Government’s support packages in the form of JobSeeker and JobKeeper payments. They are also unable to return to their home countries, as their claims for protection are still being assessed by the DHA, a merits review tribunal or authority, a court, or by the Minister. The following statistics demonstrate the extent of homelessness-related need between 31 March 2020 and 31 May 2020:

- 137 women, children, and men contacted JRS Australia in situations of homelessness or at risk of homelessness, defined as in significant arrears or threatened with eviction.
- 80% of women who are financially supported through JRS’ Finding Safety Program have been at risk of being or are homeless, due to DV/FV.

¹⁰ Ibid.

- 90% of JRS' clients who received a one-off emergency relief payment in March were at risk of homelessness and used payments directly towards rent, and in some cases to delay threatened eviction.

2. Factors affecting the incidence of homelessness, including housing-market factors

Case Study 1:

Mazhar, Nadira, and Khubra came to Australia late last year, and then applied for protection. They contacted JRS soon after in severe financial hardship. They were four weeks behind on rent and on the cusp of being homeless. After an assessment, JRS began supporting the family to pay their rental arrears, but they were nonetheless evicted. Mazhar found casual work in a factory earlier this year and the family informed JRS that they no longer needed any support. The family also managed to sign a short-term lease on a small rental property in Western Sydney. In Mid-March, Mazhar lost his job and the family contacted JRS again for support. All three family members were experiencing suicidal ideations and a number of mental health crisis calls were made. The family still do not have any source of income and are getting by on food bank handouts, emergency relief payments, and odd bits of money from neighbours. The family has an eviction notice for early April 2020 that has not yet been withdrawn. Because the parents have work rights, and the father cannot produce sufficient evidence of his inability to work, they are ineligible for the Status Resolution Support Service (SRSS).

i. Limited knowledge and experience (access to private rental)

For people who are new to Australia, the lack of knowledge about local systems for looking up, applying and securing private rental accommodation is a significant barrier. Other barriers include a lack of prior rental history, and where people do not have work rights, a lack of evidence that they can furnish the rent in an ongoing way. In the first few years of arrival particularly, housing costs are viewed as prohibitive, as are experiences of racial discrimination by real estate agents / landlords and difficulty finding appropriate housing for the family size.

ii. Limited access to income support (affordability of housing)

For people who arrived by plane and lodged a claim for asylum, DHA took at an average of 231 days (over 7 months)¹¹ in 2017-2018 to reach a decision. In the same period, the median time taken by the Administrative Appeals Tribunal (AAT) to review this decision was 61 weeks¹² or 15 months, which meant the process of seeking asylum took at least 23 months for most people who lodged a claim and appealed the outcome.

For people who arrived by boat prior to 1 January 2014 - and are part of the IMA Legacy Caseload - processing times are even longer. As a 2019 Australian Human Rights Commission (AHRC) report notes, the processing of people in the Legacy Caseload was 'paused' in 2012, further delayed after the 2013 Federal election, and only commenced in May 2015.¹³ The Commission estimates that in 2017 - 2018 alone, the average length of visa processing at the primary stage for people in this cohort was 384 days. Within JRS' caseload, for people who arrived by boat and lodged a claim under the 'Fast track'

¹¹ Refugee Council of Australia, Asylum Statistics in Australia, <https://www.refugeecouncil.org.au/asylum-community/2/>

¹² Ibid.

¹³ Australian Human Rights Commission, Lives on Hold (2019), <https://humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/lives-hold-refugees-and-asylum-seekers-legacy>

process, the time between application and grant of visa or finalised refusal averages between four and six years.

In short, when people claim asylum on shore in Australia, they wait for years for their claims to be processed. A majority are granted refugee status and go on to reside in Australia long term, ultimately obtaining Australian citizenship.

During this waiting period, they are not entitled to any form of Centrelink income. People seeking protection without a job or an alternative form of income have not been entitled to any form of social security under the *Social Security Act* since 1991.

Instead, they are entitled to the Status Resolution Support Service (SRSS), a discretionary government-funded program that provides a small fortnightly payment (89% of the JobSeeker allowance), limited case work, torture and trauma counselling to all eligible people seeking protection in Australia. Government or departmental decisions to provide or withdraw service provision under SRSS are non-reviewable at independent administrative tribunals.

Although housing is a long-term issue for people seeking asylum, the problem has been exacerbated due to changes to the eligibility for income support via SRSS. Since 2018, only carers of children under 6, people over the age of 70, those experiencing a significant medical and/or mental health issue, or facing significant crisis are eligible for SRSS. The risk of homelessness, homelessness itself or the loss of work does not meet DHA's criteria for significant crisis.

With an estimated 1600 people in NSW¹⁴ currently receiving SRSS, most people seeking asylum, roughly 95% of the estimated 40,000 people in NSW, are not eligible and therefore have no income support when they are not in work.

This has implications for housing affordability and access. Anglicare's Rental Affordability Snapshot of 2019¹⁵ 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 couples who were both on Jobseeker allowance with one child under 5 and one under 10, 1.1% of properties were affordable and appropriate.

For most people seeking asylum, they are able to access even less than 0.8 to 2.2% of properties on the private rental market as they are ineligible for Jobseeker or parenting payments and eligibility for SRSS is severely restricted. In any case, the financial support offered under the SRSS program is not enough to meet average weekly rental payments in a city like Sydney and to simultaneously meet other essential expenses. The small number of people still working during the COVID-19 are more likely to be in casual or gig economy jobs, on minimum wages, than not.

This lack of income support has a significant impact for a woman escaping DV/FV and seeking refuge at a DV service. Services often require an income contribution to cover costs of food, transport,

¹⁴ Foundations Housing Report, P3, 2020 <http://www.jrs.org.au/launch-of-the-foundations-housing-report-and-calls-to-action-2/>

¹⁵ Anglicare Australia, Rental Affordability Snapshot, 2019, <https://www.anglicare.asn.au/research-advocacy/the-rental-affordability-snapshot/docs/default-source/default-document-library/final---rental-affordability-snapshot9d02da309d6962baacc1ff000899bca>

children's education and activities and this is usually seamlessly furnished by a Centrelink payment. However in the case where a woman has no ongoing payment, the DV service can and does limit access as they say they are unable to cover the costs for the duration of the woman's stay (on average 12-18 months while her claim for asylum is determined).

iii. Impact of COVID-19

Since the government imposed restrictions to limit the spread of COVID-19 at the end of March, forcing hospitality, retail and tourism industries to shut, 43% of people assisted by JRS' employment program in 2019, have lost their jobs or have had their hours cut and are unable to meet their rent payments. In the context of employment losses and ineligibility for safety nets, people seeking asylum are at increased risk of homelessness.

Approximately 28.4% of all new referrals to JRS since 31 March 2020 are in rental arrears and/ or have received an eviction notice, placing them at risk of homelessness.

For many people seeking asylum who were unemployed, at risk of homelessness or already homeless pre COVID-19, the pandemic has placed a greater strain on their ability to access emergency services. People seeking asylum are already ineligible for public or community housing in most states and territories. Access to temporary crisis accommodation varies by state and provider, although demand for such accommodation far outweighs supply across the community.

3. The causes of, and contributing factors to, housing overcrowding

Case Study 2: Waseem & Nazia recently arrived from Bangladesh with their three children. They have lodged a claim for protection but as they are still on their substantive visitor visa, they do not have the right to work, cannot afford to send the children to school and are ineligible for income support (SRSS). Their community has arranged accommodation for them with two other families in a 2 bedroom house. There is one bed, and the floor to sleep on. They report the property is infested with cockroaches (one other family who are also clients of JRS have said the same thing) and their youngest daughter has developed a rash. They arrived with some savings and were paying \$240/ week in rent. They have now run out of money, are in rental arrears and have been threatened with eviction. JRS has supported them with an emergency payment.

According to our experiences with clients, the main reasons for people living in 'severely' overcrowded dwellings are:

I. Unaffordability due to a lack of income

- *lack of work rights*

In 2016, at the time of the Census, there were approximately 10,000 people on BVEs in NSW and 75% of them lived in Western and South Western Sydney, predominantly in Cumberland LGA¹⁶. A significant proportion is likely to have been part of the IMA Legacy Caseload. This group of people

¹⁶ DHA, IMA Legacy Caseload Report on Status and Processing Outcomes, 2016,
<https://www.homeaffairs.gov.au/research-and-stats/files/ima-legacy-caseload-sept-16.pdf>

was not afforded work rights until the passage of the federal *Migration and Maritime Powers Legislation (Resolving the Asylum Legacy Caseload) Act* 2014. In practice, the then Department of Immigration and Border Protection (DIBP) only began to issue BVEs with work rights through the year 2015. In effect, many of the people in this cohort would have lived in the Australian community for years, without work rights, depending on when they arrived in the country.

During this time, people had basic healthcare support, and a small financial payment (below the lowest Newstart rates) under the Asylum Seeker Assistance Scheme (ASAS), or the Community Assistance Support (CAS) program.¹⁷ Despite being unable to work, and with minimal financial resources, thousands of asylum seekers being released into the community were expected to find accommodation. Since work rights were granted in 2015, many people in this cohort have found work but others have not, for a range of reasons outlined elsewhere. These people have long been at risk of being chronically homeless.

In addition, as of March 2020 there are approximately 45,532 (ibid) people who were not granted a visa who are at the review or post-review stage, and 7,761 'finalised refusals' in the Legacy Caseload, a total of approximately 53,000 still accounting for a small number who may have left Australia. Only some of this group have access to work rights, contributing to an inability to pay their rent, and forcing people into homelessness including overcrowding.

Cumberland LGA, which has the second highest homeless population in NSW¹⁸ has noted that 80% of its operational homeless population live in 'severely' overcrowded dwellings. The ABS¹⁹ notes that the rise in overcrowding was most heavily influenced by people from Afghanistan and Pakistan after India and China. Given the high number of people with BVEs in Cumberland, that Afghanistan and Pakistan are amongst the top four places of origin²⁰ for people on BVEs, as well as ABS data that shows that the number of people from Afghanistan and Pakistan in Cumberland are 10 times and 4 times the average number of Greater Sydney,²¹ we can draw a correlation between the incidence of overcrowding in the LGA and the result of not having work rights for years while seeking protection.

- *Due to lack of work rights of people who have applied for a PPV but are waiting out the period of their original (substantive) visa e.g. a tourist visa before receiving a Bridging Visa*

Acknowledging as the ABS does that people do share housing for short periods out of necessity – this particular factor has an impact beyond the short term. For example where a substantive visa is in operation for 3 months – as people are unable to work or access income support, they are dependent on their savings for housing, medical and other costs, and are unable to save for a bond or maintain savings during this time. This can mean that when people do gain work rights, they remain in a 'severely' overcrowded situation for longer.

¹⁷ Refugee Council of Australia, 2019, <https://www.refugeecouncil.org.au/srss/>

¹⁸ Cumberland Council Media Release, Action Needed to Tackle Homelessness, 2019, <https://www.cumberland.nsw.gov.au/news/action-needed-tackle-homelessness>

¹⁹ ABS *Census of Population and Housing: Estimating homelessness, 2016*, <https://www.abs.gov.au/ausstats/abs@.nsf/7d12b0f6763c78caca257061001cc588/54e0338cb1f6c896ca257a7500148dfe!OpenDocument>

²⁰ DHA, IMA *Legacy Caseload*, 2016

²¹ Cumberland Council, Community Profile, 2019, <https://profile.id.com.au/cumberland>

- *Due to unemployment*

Major contributors to unemployment of people seeking asylum include racial discrimination, a lack of English proficiency and a lack of recognition of overseas qualifications (including prohibitive costs of local training to undertake recognition / transfer of qualifications).

2. As a supportive / protective mechanism:

Living in close proximity with other families / individuals, particularly of the same cultural and religious background, can provide additional support to people who are newly arrived to Australia. This support can be in the form of knowledge of how to navigate life in Australia including opportunities to work, housing, buying groceries, and carrying out cultural rituals and practices. It can also be in the form of accompanying people, providing translation services, and through sharing the role of childcare.

4. Opportunities for early intervention and prevention of homelessness

i. According people seeking asylum the right to work

- upon submission of a protection application
- while waiting for a review of a decision OR
- where someone's claim for protection has been rejected but they cannot be removed from Australia.

According to our research²², giving people the right to work also provides an opportunity for people to secure housing in exchange for services e.g. help around a home, gardening, child-minding etc.

Without the right to work, even if the service is not paid for (but accommodation is provided) the person risks breaching *The Migration Act 1958* while trying to secure housing when they have no income or a low income.

ii. Providing practical support with searching for housing when someone is first lodging a protection claim including:

- Building computer literacy;
- Providing access to housing support services or providing training on how to search for accommodation and providing information about the application process;
- Resources (staff and location) to fill forms;
- Free access to interpreters e.g. through the National Translation and Interpreting Service (TIS)
- Training for real estate agents in LGAs with high populations of newly arrived people, including access to the TIS through the LGA.

²² Foundations Housing Report, 2020

5. Services to support people who are homeless or at risk of homelessness, including housing assistance, social housing, and specialist homelessness services

As people seeking asylum are currently ineligible for mainstream government-funded housing assistance, social housing and specialist homelessness services, we have addressed access and suitability of the services for specific cohorts below (TOR 6) as well as the overall suitability of mainstream services (TOR 7).

6. Support and services for people at particular risk of homelessness, including:

a. women and children affected by family and domestic violence

Insecure housing, and homelessness, and the absence of designated crisis accommodation places women and children affected by Sexual and Gender-Based Violence (SGBV) at risk of greater harm. Due to lack of options and support services women and children often remain in dangerous home environments to meet their shelter needs. As one woman told JRS in 2018,

“ Sometimes you have this big problem, you’re confused and think, am I gonna be able to solve it? Is it gonna come to an end? And then you have another problem, like sexual violence or maybe,, maybe you’re beaten by your partner or your husband, so your mind becomes so much occupied by this asylum seeker thing, you end up thinking these other ones are just too, the’re not as serious as what you have”²³

The lack of rental assistance and income support can increase vulnerability to sexual assault and exploitation by landlords. Women and other at-risk groups may be at risk of SGBV if they cannot secure a rental property or pay their rent and are therefore forced to seek shelter in open spaces, overcrowded dwellings and forced into precarious employment.

Overcrowding in housing can exacerbate family tensions, which in turn may contribute to intimate partner violence and other forms of violence. Overcrowding may increase the risk of sexual assault by non-family members, particularly in multiple household dwellings. Some families may arrange child marriages in order to alleviate congestion or as an attempt to protect female family members from assault in communal dwellings.²⁴

People seeking asylum cannot generally access public or community housing. Even where they may be eligible, those without permission to work or access to Centrelink benefits are typically unable to fulfil independent income criteria that demonstrate they have the capacity to make regular rental payments.²⁵

One woman explained to JRS how she slept on a friend's couch for a year as she was unable to access a DV refuge.

²³ JRS Australia, Free From Violence Against Women and Girls, 2018, <https://www.jrs.org.au/jrs-australia-releases-free-violence-women-girls-report-launches-new-womens-space/>

²⁴ Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action Reducing risk, promoting resilience and aiding recovery, 2015 : <https://gbvguidelines.org/wp/wp-content/uploads/2015/09/TAG-shelter-08-26-2015.pdf>

²⁵ Government of Western Australia, Department of Housing and Works, 2009, http://www.housing.wa.gov.au/404_437.asp#Eligibility%20Criteria

“I been everywhere but no-one help me. It take long time, but they didn't answer me, didn't accept me...yeah no space for me. I'm on a bridging visa, I'm nothing.”²⁶

Women on temporary visas are at higher risk of harm if a couple arrives on the same visa or have applied for protection under the same claim. In this circumstance, the visa or application can be used as a coercive tool to ensure that the perpetrator has control over her, including by ensuring that she remains in the same home.

JRS notes an increased need for spaces for larger families and for single women at NSW DV accommodation services. The majority of DV refuge services are accessible to women with children²⁷, but there is a need for spaces for women with three or more children, particularly mothers of adolescent boys. On the other hand, as DV services often prioritise the safety of children and accommodate families, there is an increased need for DV accommodation for single women.

Recommendation 1: In line with *Recommendation 2.2 of the 'Blueprint for Reform': Eligibility to access to social and public housing*²⁸ That State and Territory, and Federal government representatives work together through COAG or other relevant channels to:

- Expand the eligibility for and provide equal access without any migration restrictions (in line with an existing model in South Australia) to temporary accommodation, crisis accommodation, rental assistance, public housing and Safe at Home Programs to ensure that women on temporary visas experiencing violence and their dependants can have a safe place to live and a safe home.
- Enable access to specific government funded private rental assistance, such as NSW funded Start Safety program, for women and children affected by SGBV (similar to women at risk program for those in Australia who make GBV protection claims).
- Enable eligibility for women seeking asylum, including those with no income, to access state crisis accommodation when escaping DFV or other forms of gender based violence such as trafficking and labor exploitation.
- Provide specialised SGBV bi-/multilingual case management support to women seeking asylum who are transitioning from crisis accommodation to temporary/permanent housing
- Provide training for housing providers and support staff in trauma informed and SGBV approaches to deal effectively with clients.
- Fund public awareness raising with refugee, migrant and asylum seeker communities using different forms of social media and media outlets to educate on different forms of DFV and ways to seek assistance, including housing pathways.
- Provide effective referrals for specialised services alongside DFV crisis interventions, including clinical treatments²⁹, free and confidential legal assistance relating to immigration, financial literacy and free child care services to support with early recovery efforts.

²⁶ JRS Australia, Free From Violence Against Women and Girls, 2018, <https://www.jrs.org.au/jrs-australia-releases-free-violence-women-girls-report-launches-new-womens-space/>

²⁷ Foundations Housing Report, 2020 <http://www.jrs.org.au/launch-of-the-foundations-housing-report-and-calls-to-action-2/>

²⁸ Blueprint for reform: Removing Barriers to Safety for Victims/Survivors of Domestic and Family Violence who are on Temporary Visas https://awava.org.au/wp-content/uploads/2019/10/Blueprint-for-Reform_web_version.pdf, pg 7.

²⁹ Physical or psychological treatments. JRS finds there is gap in effectively referring for free or subsidised fee to psychiatrists, which may be a required treatment for trauma related illnesses

- Empower women to know their rights, laws and services available to reduce the risk of violations of women rights, and participate in policy making and leadership opportunities.
- Ensure housing policies are well informed (conduct robust gender analysis) about the impact for women, especially those who are experiencing or at risk of SGBV, to ensure women and children are safeguarded from abuse and other forms of violence.
- Prioritize SRSS payments to women experiencing SGBV

b. children and young people

Based on DHA data between November 2019 and March 2020³⁰, roughly 8-9% of all applicants for PPV's are children under the age of 14, and approximately 15% are young people aged 15-24. As of 31 March 2020, DHA data indicates that there were at least 1,987 children on BVEs or in the re-grant process across Australia.³¹

Of all people provided financial support from JRS towards housing and prevention of homelessness, approximately 50% are children. In our experience, children who are at risk of homelessness do not receive appropriate support. This is, in part, due to the lack of clarity about responsibility for a child's wellbeing between the NSW Department of Communities and Justice (DCJ) and the overall Federal Government responsibility governing eligibility for SRSS and other forms of fundamental support.

Case Study 3

A family of four, including a couple, their four month-old baby and toddler presented at JRS in requesting support. They were homeless. The woman had applied for a PPV and was on a bridging visa, the man on his substantive visa. They had been sleeping in their car as support from the community had dried up. JRS case-workers called Link2Home who said they could not assist due to the family's visa status. A JRS staff member then called FACS (as they were known at that time) who also would not assist and redirected us back to Link2Home even though we explained they had already said no. FACS was not able to give a clear reason as to why assistance was refused but the case-worker indicated it was about their 'visitor in Australia' status and the expectation that they were expected to support themselves. The couple secured accommodation through community networks but it was only short term and only for the woman and children. The man continued to sleep in their car. JRS supported the couple as they moved from place to place, in crisis until the man secured casual work.

When a protection claim has been lodged by a parent or family member, children need to wait until a Bridging Visa (generally 3 months) is issued to be able to attend school for free. Until this time the family is required to pay fees of approximately \$5,600 per child per school year to attend a NSW public school, which for most families is prohibitive. Even if school fees are waived, the administration fee for the application to be looked at (\$110 per child) is compulsory and difficult for clients to pay.

³⁰ DHA [Monthly Update Onshore Protection \(Subclass 866\) Visa Processing, November 2019](https://www.homeaffairs.gov.au/research-and-stats/files/monthly-update-onshore-protection-866-visa-processing-november-2019.pdf),
<https://www.homeaffairs.gov.au/research-and-stats/files/monthly-update-onshore-protection-866-visa-processing-november-2019.pdf>

DHA [Monthly Update: Onshore Protection \(Subclass 866\) Visa Processing, April 2020](https://www.homeaffairs.gov.au/research-and-stats/files/monthly-update-onshore-protection-866-visa-processing-april-2020.pdf),
<https://www.homeaffairs.gov.au/research-and-stats/files/monthly-update-onshore-protection-866-visa-processing-april-2020.pdf>

³¹ DHA Immigration Detention Statistics, March 2020, <https://www.homeaffairs.gov.au/research-and-stats/files/immigration-detention-statistics-31-march-2020.pdf>

Further, even if school fees are waived, there are additional costs that clients struggle to meet for items such as uniforms, stationary, and text books. .

Children not being able to attend school exposes them to situations of overcrowding, whilst exacerbating anxieties for parents and householders at the same time. Overcrowding exposes children to constant and close presence with other adults creating the possibility of unsupervised and inappropriate encounters. The difficulties of overcrowding were particularly felt during Covid-19 when many of clients lost work and adults were at home more than usual, and people were under stay at home orders.

Recommendation 2:

- Ensure parent/ carer eligibility for SRSS income support payments where children are homeless or at risk of homelessness
- Enable families where children are homeless or at risk of homelessness (including overcrowded accommodation) to access NSW housing support services to help obtain secure and affordable housing including temporary and transitional accommodation
- Clarify the pathways of support for a child seeking asylum at risk of homelessness State and Federal Government authorities.

d. people experiencing repeat homelessness

Case Study 4

Moe is a single man from Iran. He presented to JRS shortly after being released from detention. He explains that self-harm and mental health crises were a daily occurrence in the detention centre. Recently, his friend committed suicide in detention. Moe's mental health remains poor, and was one of the reasons he lost track of his protection application and visa. He is currently without a visa and whilst he wants to remain 'lawful,' is also worried about contacting DHA in case he is put back into detention. Moe has attempted suicide several times, and has experienced long stints of homelessness. He would come to JRS in the same clothes day after day, without showering or having slept. JRS provides Moe with a small fortnightly payment and with this he has found a room in a share house to live in. The change in his presentation both physically and mentally since securing accommodation is like night and day. He worries about eviction however, as he does not have a lease and he knows JRS' payments are not ongoing. JRS' payments are due to cease in a matter of months and it is likely that Moe will again become homeless.

JRS has witnessed a high incidence of homelessness and rough sleeping amongst a cohort of single men, formerly on BVEs, whose claims for protection have been declined and who have now exhausted all options in the RSD process. A number of the men are Iranian and cannot be returned involuntarily due to that country's policy of only accepting voluntary returnees. This group of people is entirely dependent on support from not for profit organisations, community connections and often amass significant debt with family and friends, banks and credit lenders.

As they are unable to legally work and are not entitled to income support, a number of clients develop dependencies on substances and engage in risky behaviours (e.g. petty crime) or suffer exploitation in casual or underground work situations.

Recommendation 3:

- In cases where a person's claim for protection has been rejected but they cannot be removed from Australia to their country of origin,, accord them the right to work to be able to support

themselves through legally sourcing an income or provide access to income support, to Medicare and to other essential services

e. people exiting institutions and other care arrangements

People leaving detention are entitled to financial support for up to 6 weeks to support the transition into community. However in our experience this does not always ensue. When making an application for release from detention, if it is noted that an applicant can get by without DHA support, and this community support is not forthcoming, then shortly after release or even immediately JRS does see people who have no place to stay, often with significant mental health issues and sometimes an alcohol or drug issue.

In JRS' experience once people admitted for mental illness are released from hospital, they tend to be discharged with a discharge plan that is not comprehensive enough. Discharge plans can lack the detail and relevant information required for other services to provide relevant support. For example, clients are discharged to their mental health counsellor or to the Community Mental Health team without details about the reason for their hospitalisation and destitution.

In our experience, most clients at JRS do not want to live in the emergency accommodation through SHS providers, due to previous trauma of detention facilities where they were held alongside people who had a history of violence or alcohol or other drug issues, and for cultural reasons such as the presence of alcohol or meat or the lack of private space to pray. Given this knowledge, in some cases providing access to services that support the acquiring of long term secure and affordable housing, as well as income support is more appropriate.

Recommendation 4:

- Develop a standardised discharge procedure (including documentation and support) for Hospitals and providers of Health care to people seeking asylum in partnership with DHA, NSW Health, housing and asylum seeker sector and community organisations.
- Ensure hospitals and health care providers release people with adequate supports including access to SRSS, access to housing support services or safe accommodation.
- Ensure case management accompanying SRSS is fully supportive and withdrawal of SRSS payment only occurs once the applicant has secured long-term housing, including the capacity to pay rent.
- Case work support could include access to Rent Start Tenancy Assistance, and other housing support services, and free access to counsellin.

f. people aged 55 or older

Based on DHA data points 5 months apart, people aged 55 and over comprise 6-7% of all PPV applicants, a relatively small proportion.

Most applications are older couples and due to challenges with their skills and qualifications being recognised and seen as transferable, lower than average computer literacy, lack of local experience and a lower proficiency of English, many have difficulty securing work and therefore private rental accommodation. Most are supported with rent and other essential services through their communities, but this can carry a lot of shame.

Many clients also have pre-existing health issues which are exacerbated due to the uncertainty and challenges of navigating the asylum seeking process.

Recommendation 5:

- Review SRSS eligibility guidelines and lower age from 70 to 60 to reflect the working age of people in Australia, whilst taking into account additional difficulties for newly arrived people to find employment.

g. people living with disability;

There is currently not a comprehensive set of data on people seeking asylum with disability.

People seeking asylum with disability are currently not eligible for the NDIS. Even if they have access to Medicare and SRSS, this does not cover costs of all therapeutic needs.

Experiences of housing, particularly house sharing arrangements and access to employment are increasingly difficult and compounded for people seeking asylum with disability as they exhaust their savings and funds to manage their health.

Case Study 5

JRS works with a person seeking asylum with a disability, who is in need of 24 hour care. He is not eligible for SRSS support to enable access to this care because he had a son in Australia, who was a permanent resident. However, again due to ineligibility to the NDIS, the son cannot not afford the 24 hour care or nursing home fees for his father.

Recommendation 6:

- Ensure people seeking asylum, particularly children and young people are able to access the NDIS.

7. The suitability of mainstream services for people who are homeless or at risk of homelessness

People seeking Asylum are neither explicitly excluded from mainstream DCJ housing services including SHS providers, nor are they eligible due to the income requirements of most services. People seeking asylum can at times obtain a couple of nights of emergency accommodation but access to longer term transitional accommodation and access to housing support such as bond loans or Rent Start and Tenancy Assistance and Brokerage is heavily restricted. Where people are provided a couple of nights of emergency accommodation, they return to sleeping rough or to other inadequate and unsafe housing, until they re-present at community organisations, SHS providers or at hospitals, having exhausted other avenues for housing.

In JRS' experience of contacting housing and homelessness services we note there is a need for more culturally safe approaches at services. In our research³² with NSW DV services we found that only

³² Foundations Housing Report, 2020

42% of services included diverse cultural supports including through bi-lingual staff members or to access to TIS.

Recommendation 7:

- Provide training for staff at Link2Home Homelessness helpline and other frontline homeless services to build awareness of the context of people seeking asylum, including visa statuses and cultural backgrounds.
- Provide free access to TIS to all SHS providers
- Increase the number of relevant (by population) bi-lingual staff at SHS providers
- In cases of repeat homelessness (rough sleeping / mental illness / risk of self harm or harm to others), develop a direct pathway for SHS providers to make emergency applications for SRSS financial support. This is also relevant for people being discharged from hospital into likely homelessness, in particular where people are:
 - post-review their protection claim; and/or
 - experiencing severe mental illness, and / or
 - cannot be removed from Australia

8. Examples of best-practice approaches in Australia and internationally in preventing and addressing homelessness

In a comparative study of housing and homelessness of people seeking asylum in 12 European countries³³, the European Observatory on Homelessness and FEANTSA (European Federation of National Organisations Working with the Homeless) found that all 12 countries had accommodation systems in place for the reception of asylum seekers. The presence of these systems tended to mean that a high proportion, though not necessarily all, asylum seekers were given accommodation while awaiting a decision.

Many of the 12 countries used dedicated accommodation, though the UK and, to an extent, Finland and Sweden, also employed ordinary housing to accommodate asylum seekers while they were awaiting a decision. If an asylum application and any appeal against a first decision has been rejected, most countries provide some form of temporary accommodation until the point of removal.

Generally, people were not allowed to work unless the claim determination period went beyond the stipulated period. Alongside and as a result of having a separate accommodation system, it was found that homelessness sector services were used negligibly by people seeking asylum (except in France where until 2006, there was no separate accommodation support for people seeking asylum, and also in France, Greece and Italy where repatriation of asylum seekers whose claims have been rejected did not always occur).

The study highlights two findings that are useful for this Inquiry:

1. A separate, supported accommodation system is necessary in order for State run homelessness services not to be overburdened

³³ Asylum Seekers, Refugees and Homelessness : The Humanitarian Crisis and the Homelessness Sector in Europe, 2016

2. Access to this accommodation is bound by the time taken by the Federal or National governments' RSD process, thus incentivising governments to process people quickly and efficiently and creating a limit for how long people have to survive in conditions that are not ideal
3. Where people's claims are finally determined as unsuccessful, and they cannot go home, the evidence shows that they will be accessing homelessness services and there needs to be a provision for that (i.e. funding and access through the SAAP agreement for SHS providers).

The Australian government does not provide universal income support or accommodation, and as described above, claims for on shore arrivals are taking years to be finally determined, leading to an increased likelihood of the need to access homelessness services.

9. The adequacy of the collection and publication of housing, homelessness, and housing affordability related data;

Currently the vast majority of people seeking asylum - at least 85% - who are waiting for a decision on their protection application or a review of a decision are people who have applied on shore for a PPV. There is currently no data available on the postcode, Local Government Area or State location of PPV applicants on bridging visas. This data is available on the Department of Home Affairs' site for BVE holders. This data, in the same format as currently provided for BVE holders, is key to better understanding the incidence and nature of homelessness affecting people who are seeking asylum.

There is currently no data available on the number of people (women) seeking complementary protection on shore as a result of experiencing sexual or gender-based violence (i.e. domestic and/ or family violence). Where the data can easily be de-identified it would also be useful to understand at the State and if possible Local Government Area level - the location of applicants in order to better target prevention and response interventions.

To better understand the trajectory of homelessness journeys of people seeking asylum and their utilisation of SHS and support services, we need data on their presentation at SHS providers as recommended by *Locked Out: A position paper on homelessness of asylum seekers living in the community* (Burns, ASRC) 2010

Recommendation 8:

- Timely provision of data in accordance with minimum international standards³⁴ (including disaggregating data by age, gender and other diversity for context and analysis) protection including:
 - Cumulative current totals for applicants of TPVs, SHEVs, and PPVs, disaggregated by gender and age and other diversity, with total numbers by State / Territory.
 - Data on people seeking asylum and disability.
- The number of applicants for complementary protection, on-shore due to sexual and gender-based violence (SGBV), and if appropriate totals by LGA.

³⁴ UNHCR's AGD approach ensures that a protection lens is used in designing assistance and service programmes. Targeted actions to advance gender equality and support individual and community capacities to address protection risks and gaps.
<https://www.unhcr.org/en-au/protection/women/4e7757449/unhcr-age-gender-and-diversity-policy.html>

- Data for PPV applicants including, total number of applicants at primary stage, review & post-review by LGA.
- Statistics on people seeking asylum and presentation at Specialist Homelessness Services
- Average time taken for people's claim for protection to be finally determined including average times for DHA decisions, IAA decisions, AAT decisions, Judicial review, and ministerial decisions.

10. Governance and funding arrangements in relation to housing and homelessness, particularly as they relate to the responsibility of Local, State, Territory and Federal Governments.

The Commonwealth *Supported Accommodation Assistance Act (SAAP) 1994* references Australia's ratification of the International Covenant on Economic, Social and Cultural Rights in which Article 11 says:

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.”

Acting to protect its citizens, while referencing international obligations that include everyone, and noting there is nothing in the *SAAP Act 1994* and derivative SHS provider agreements that prohibits people seeking asylum (or non citizens) from accessing homelessness services, there is a lack of clarity of how people seeking asylum who are at risk of homelessness or are homeless can be included in the the services that enable the aim of the *Act* to be achieved.

In between the Federal government (DHA's) processing times of refugee claims, stringent income support guidelines, lack of specific accommodation pathways for people seeking asylum and the desire and commitment through the NSW Premier's Priorities to reduce homelessness, lies a policy a gap in which asylum-seeker populations continue to fall through. Current eligibility at most SHS providers includes a financial contribution, generally a proportion of income support where people have no other source of income. As most people seeking asylum are ineligible for income support they are indirectly ineligible for emergency and transitional accommodation.

While there is a need for emergency accommodation for people who are sleeping rough or women and children at risk of DV/FV, the greatest need is for people to be able to access services that help them secure long-term affordable housing (e.g through tenancy assistance programs). There is currently no clear avenue for homelessness services to report on their capacity and approach to working with people seeking asylum, whose experience of homelessness is a direct result of Federal Government policy (regarding income support and the right to work) and process (time taken to determine a refugee claim) and highlight the need for reinstatement of an advisory body such as Commonwealth Advisory Committee on Homelessness (CACH) stipulated in the *Act*.