



Martyn Shaddick
Men's Casework and Housing Coordinator
33 Blyth Street
Brunswick Victoria 3056
Phone (03) 9385 6534
Fax (03) 9385 6527

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Asylum Seekers – Wellbeing and Belonging

Abstract

Around 40% of asylum seekers living lawfully in the Australian community have no right to work or secure welfare services such as Medicare.

The implications of this Government policy are acute; many asylum seekers live in abject poverty with no way to fund accommodation, food or medical needs. There is a high prevalence of homelessness, anxiety and many have long lasting experiences of depression and post traumatic stress due to torture and trauma.

Asylum seekers are not eligible for Centrelink support or the crisis housing services afforded to other Australian residents.

In 2008 Baptcare established Sanctuary, a transitional supported accommodation program for asylum seekers facing homelessness. Baptcare Sanctuary provides free or low cost accommodation along with onsite Casework and Pastoral Care support. Advocacy, referral and basic welfare assistance is provided via links to medical, legal, counselling and other essential services.

Baptcare Sanctuary aims to improve the psychosocial wellbeing of all residents, establishing a positive community connection through strengths based and empowerment models. Residents are supported to secure the best possible outcomes throughout the asylum seeker process, including those that secure refugee status and those who are unsuccessful and are returned to their country of origin.

This paper will use case studies as examples to demonstrate the empowerment, justice and the building of community for asylum seekers living at Baptcare Sanctuary.

Key Words

Asylum Seekers, Homelessness, Supported Accommodation, Advocacy, Casework, Pastoral Care



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Background

Despite being free to live lawfully in the Australian community, Federal immigration legislation denies many asylum seekers on a range of bridging visas the right to work, secure Medicare or financial welfare support (Commonwealth of Australia 2009). In November 2006, the Department of Immigration and Multicultural Affairs (2006) reported that 7,021 asylum seekers were living in the Australian community on bridging visas, but that 4,474 (or 64%) were prevented from the right to work or secure access to healthcare or welfare support.

The requirement to lodge an application within 45 days of arriving in Australia (the 45-day rule) has been an additional issue, as failure to meet this deadline has resulted in the prevention of work and welfare support rights for the entire duration of the application review process (Asylum Seeker Project 2004). While legislation passed on 1 July 2009 removed the 45-day rule, many asylum seekers who failed to meet this requirement prior to the change in legislation are still unable to secure work rights or Medicare (Commonwealth of Australia 2009).

Direct consequences of being denied the right to work or obtain mainstream financial welfare support include the inability to purchase food (Asylum Seeker Resource Centre 2007) or secure stable housing (Asylum Seeker Resource Centre 2009). To this end, current bridging visa conditions fail to meet several international obligations for the provision of adequate standards of living and health care for people in our community. These conditions include;

- *UNHCR ExCom Conclusions, 2002;*
 - *Article 24(1) of the Convention on the Rights of the Child;*
 - *International Covenant on Social, Economic and Cultural Rights.*
- (National Council of Churches in Australia 2006).

An extensive review of the literature has identified that there is a dearth of published research on the plight of asylum seekers living lawfully in the Australian community. The published documents available are largely limited to policy recommendations submitted to the Federal Government by key agencies supporting asylum seekers in Australia [for example: Parliament of Australia (2006); Human Rights and Equal Opportunity Commission (2001); Justice for Asylum Seekers Alliance (2002); The Asylum Seekers Centre (2003); Hotham Mission (2003a; 2005a; 2005b); Pittaway (2005); Asylum Seeker Resource Centre (2009)].



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The media

Despite the numerous policy submissions, the lack of rigorous published research on the plight of asylum seekers living lawfully in the community leaves a significant knowledge gap in this field of social science. Furthermore, media coverage of asylum seeker issues is ubiquitous; it is heavily weighted by a right wing “border protection” discourse. With a distinct lack of bipartisan political intervention, the messages disseminated through the media are value laden using language like “queue jumpers” and “boat people” without critique (Edmund Rice Centre 2001).

The facts and data covering refugees and asylum seekers

The Refugee Council of Australia (2011) reports that there is currently 11.4 million displaced refugees worldwide. The countries accommodating the largest numbers of refugees are compared with the Australian intake below:

1,740,711	(15.3%)	Pakistan
1,070,488	(9.4%)	Syria
450,756	(4.0%)	Jordan
358,928	(3.1%)	Kenya
338,495	(3.0%)	Chad
13,017	(0.1%)	Australia in 2007

(Refugee Council of Australia, 2011).

The United Nations High Commission for Refugees (2007) report that in addition to the 11.4 million displaced refugees worldwide, there are also 740,000 people seeking asylum.

The Department of Immigration and Citizenship (2011) provides the following breakdown of refugee intakes into Australia between 2004 and 2011:

	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11
Offshore	6585	6736	5183	4795	4511	3233	6000
On-shore	5511	6022	6003	6004	6499	6003	7750
Onshore (humanitarian)	1065	1372	1793	2131	2492	4534	
Totals:	13 178	14 144	13 017	13 014	13 507	13 770	13750

The salient information provided above is that the total intake of refugees into Australia changes little from year to year and is not related to the visa determination process (off-shore or on-shore).



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The consequences of Australian Government asylum seeker policy

Being unable to work or secure healthcare or welfare services while living in the community places asylum seekers on a bridging visa in an untenable situation. The Asylum Seeker Project (2007) Annual Report details that the policy to remove entitlements from asylum seekers 'has caused a welfare crisis, including homelessness, health and nutrition problems, isolation and depression'. As a result of federal policy, asylum seekers living in the community on a bridging visa experience a life of abject poverty (Asylum Seeker Project 2004). Direct consequences of being denied the rights to work or secure welfare support include the fundamental issues of homelessness and the inability to purchase food (Asylum Seeker Resource Centre 2007).

The long waiting period for the granting of asylum status, impacts on asylum seekers health. The Asylum Seeker Project (2004) reports that high anxiety, depression, mental health issues and a general reduction in overall nutrition and health are prevalent amongst people on a bridging visa. The impact of the current policy on asylum seekers also results in a high level of family breakdown, and it is particularly stressful for single mothers, young asylum seekers and individuals (Asylum Seekers Project 2004). The only means of support for asylum seekers who are ineligible to work or secure welfare services is community and church groups and this is unsustainable, particularly for asylum seekers with high level needs (Asylum Seekers Project 2004).

By refusing the right to work or secure welfare services, current Government policy removes the ability of asylum seekers in the community to secure funds to purchase food, secure permanent accommodation and basic medical services. To this end, the current Australian policy fails to meet several international obligations for the provision of adequate standards of living and health care for people in our community (National Council of Churches in Australia 2006).

Homelessness and asylum seekers

Specific literature on the issues associated with managing homelessness amongst asylum seekers is saliently limited. A national critique of social policy and services addressing homelessness in Australia (SAAP 2004) fails entirely to cover the plight of asylum seekers. Similarly, the Victorian Government's Homelessness Strategy, Action Plan and Strategic Framework (Department of Human Services 2002) makes no reference to homelessness amongst asylum seekers living in the community. More recently, the white paper on homelessness prepared by the Australian Government in 2008 completely failed to address the plight of homelessness for asylum seekers



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(Asylum Seeker Resource Centre 2009).

In a research study conducted by the Australian Housing and Urban Research Institute (2003) at Queensland University of Technology, it was found that asylum seekers face significant barriers securing access to housing. These barriers were found to be a result of government policy not allowing asylum seekers on bridging visas to register for state and federally funded government services.

The Baptcare Sanctuary Project

In May 2008, Baptcare opened Sanctuary, a transitional supported accommodation program for male asylum seekers experiencing or at imminent risk of homelessness. Casework and housing provision at Baptcare Sanctuary are provided in line with the recommendations detailed by the Council to Homeless Persons (2006).

Sanctuary eligibility and tenancy

- Sanctuary eligibility is limited to male asylum seekers experiencing or at imminent risk of homelessness.
- Sanctuary residents earning 25% less than the income provided under the Department of Immigration and Citizenship ASAS (Asylum Seeker Assistance Scheme) or CASP (Community Assistance Support Programme) will not be charged rent at Sanctuary.
- Residents at Sanctuary earning equivalent to or in excess of ASAS or CASP income will be charged rent at 25% of their disclosed income.
- Residents on Departure Grounds with an imminent and enforced departure date (by DIAC) will have their rent requirement ceased to allow them to save money for their impending departure.
- Regardless of the rent arrangement, all residents will be provided with a tenancy agreement (lease) in accordance with the *Residential Tenancies Act 1997*. Residents not paying rent, will have "zero" rent written at section 2 of the tenancy agreement, indicating that no rent is payable.



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Kitchen packs and kitchen cleaning

- All residents will be provided with a Sanctuary Kitchen Pack consisting of the basic cutlery, crockery, cup, water glass, pot, pan and utensils required for everyday cooking and eating needs.
- This Kitchen Pack is provided to residents to keep when they leave Sanctuary.
- While at Sanctuary, each resident is responsible for their own Kitchen Pack.

Exit Planning

Residents who are in a position to live independently in the community will be supported to do so via an appropriate client focussed exit plan. This process would apply to residents who have:

- secured stable employment providing an adequate income to secure and maintain appropriate independent living
- secured a permanent visa to live in Australia
- have lodged a spouse visa application with DIAC

Casework

Clients not provided with Casework support by another agency, will be provided with this support by a Sanctuary Caseworker.

This Casework support will aim to identify and address any welfare or immigration concerns for the client. More specifically, Casework aims to address the following considerations through direct support or appropriate referrals:

- Housing and accommodation
- Financial welfare
- Employment
- Physical health
- Mental health (including issues related to torture)
- Family / personal Relationship
- Substance abuse
- Legal and immigration



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Residents who receive their primary Casework support from another agency (such as the Red Cross) are provided with secondary support by the Sanctuary Caseworker as agreed with the primary support agency. Such secondary Casework support includes use of the Sanctuary 24-hour on-call emergency support service.

Sanctuary Emergency support service

All Sanctuary residents are provided with a 24-hour on-call emergency support service. This service will support residents with emergency health, mental health and safety issues.

Chaplain/ Pastoral Care and Community Development

Sanctuary residents are offered personal support to improve their wellbeing through:

- integration and support of new residents
- maintaining regular and supportive pastoral contact on request from individual residents
- providing pastoral care to those experiencing rejection & uncertainty
- providing support to residents in a crisis situation
- facilitating appropriate rituals and ceremonies for the residents

Confidentiality

Privacy and confidentiality for all Sanctuary residents will be guaranteed in accordance with applicable privacy legislation. To this end, client information will only be shared between Baptcare and other agencies with the informed and signed consent of the resident.

Client confidentiality will only be breached in cases where there is significant concern for the there is significant concern of self harm or harm to others. This approach to confidentiality will be explained to all residents at the outset.



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Departure grounds but married to an Australian citizen

Client name: Joe *
Age: 33 years *
Country of origin: Middle East *

Joe arrived in Australia in May 2009 and immediately applied for a protection visa with the Department of Immigration and Citizenship (DIAC). Joe was placed on a Bridging Visa class A (known as a BVA) with full work and study rights, including Medicare (but of course no access to Centrelink).

As Joe had escaped both torture and trauma, he was suffering post traumatic stress disorder and was unable to work. Without an income, Joe quickly used all the remaining funds from his business back home to pay for a cheap hotel room and food and soon became homeless.

Joe moved into Sanctuary in September 2009 and was provided with a case plan and referrals to specialist agencies. The support of Foundation House (The Victorian Foundation for Survivors of Torture) was secured to assist Joe with the effects of post traumatic stress disorder.

In June 2010, however, Joe had been unsuccessful through all stages of the refugee determination process and Joe applied to the Minister for Immigration and Citizenship for intervention on humanitarian grounds.

In July 2010, Joe developed a relationship with an Australian citizen and by late 2010; they were married. Joe advised DIAC of his relationship, but unknown to him, under the guidelines of Ministerial intervention, the Minister can only view a case if there are no other legal avenues available to the client. The Ministerial unit of DIAC thus immediately cancelled Joe's request to the Minister stating that Joe could apply for a spouse visa to live in Australia.

However, Joe's visa on entry to Australia contained an important clause known as condition 8503 – no further stay. This meant that Joe could not apply for a spouse visa within Australia and he was thus placed on departure grounds and provided with a strict deadline to leave Australia.

Joe departed Australia in April 2011 and there will be a significant time before he is able to return to Australia to be with his wife.

* details changed to protect client privacy



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The unrecognised value of asylum seekers

Client name: Tom *
Age: 30 years *
Country of origin: Africa *

In 2007, Tom arrived in Australia on a student visa to complete post graduate studies in a specialist area related to his original qualification. After six months into this study, Tom heard from his parents in Africa that his family (including his parents and his wife and child) had been targeted by religious extremists as a result of the family's change in religion (from Muslim to Christian).

Tom's wife and children had gone missing and his parents had fled into hiding.

Tom immediately lodged an application for protection with the Department of Immigration and Citizenship (in accordance with the International Refugee Convention) and also sought assistance from the Red Cross Tracing and Refugee Service to locate his wife and child in Africa.

As Tom had been in Australia for over 45 days before lodging a protection visa application, he was placed on a Bridging Visa Class E (known as a BVE). The conditions of a BVE include no work rights, no study rights, no Medicare and off course no Centrelink support. This is known as the 45 day rule.

At the end of 2007, the Red Cross Tracing Service had been unable to locate Tom's wife and child.

By the start of 2008, Tom had become financially destitute (as he could no longer work and funds from his parents had dried up as they were still hiding in exile) and he had amassed significant rent arrears in the shared student accommodation where he was living.

Tom was asked to leave this accommodation and was thankfully provided with temporary accommodation by another agency assisting asylum seekers. Tom was then referred to Baptcare and became one of the first residents to be housed at Sanctuary in May 2008.

In June 2009, the new Federal Government removed the 45 day rule, but not retrospectively. Nevertheless, Sanctuary Casework advocated at DIAC for Tom to be granted study rights on mental health grounds and this advocacy was successful (study wrights were awarded).



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Tom immediately re-enrolled in the post graduate studies and in 2010 was awarded a Masters degree.

Shortly after securing this higher qualification, Tom was employed by the Federal Government in this specialist field. By this time, however, Tom's case had passed through the 1st three stages of the asylum seeker process and he was then at the final stage; appealing to the Minister for Immigration and Citizenship to intervene in his case on humanitarian grounds.

In February 2011 (3 ½ years after applying for asylum), Tom finally secured a visa to live permanently in Australia. It should be noted that this visa was granted on humanitarian grounds and Tom was never recognised as a refugee given the Australian Government's narrow approach to the guidelines of the International Refugee Convention (DIAC was not convinced that Tom would be personally targeted for persecution in his country of origin under the guidelines of the International Refugee Convention).

The visa Tom secured was granted with two year Centrelink exclusion, but thankfully, Tom's qualification and experience are in short supply and highly sort after in Australia (and he has been offered several positions with other employers since securing his higher qualification in 2010).

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Conclusion and directions for future work

In order to ensure that Sanctuary has and continues to provide best practice services to asylum seekers experiencing homelessness, Baptcare have commissioned an extensive and independent review of the program. This review will investigate all aspects of the service provision at Sanctuary, including; housing, casework and pastoral care support. More specifically, the review will provide:

- A contemporary assessment of best practice models via an extensive literature review.
- An assessment of Sanctuary provisions related to:
 - Housing
 - Intake
 - Tenancy management
 - House rules and implementation procedures
 - Facilities and amenities
 - Casework
 - Theoretical framework
 - Policies and practice
 - Confidentiality and case notes
 - Advocacy
 - ER provisions
 - Pastoral Care
 - Theoretical framework
 - Policies and procedures
 - Confidentiality and case notes
 - Multidisciplinary support service provision
 - Interaction between services
 - Client confidentiality between services
 - Complimentary service delivery issues
 - Interaction with other agencies
 - Interviews of other agencies
 - Client satisfaction with service delivery
 - Interviews with past and present clients



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Baptcare aims to provide a best practice model for housing and support to asylum seekers via the Sanctuary program. Baptcare urges the Australian Government to review current policies that impact on asylum seekers ability to secure accommodation. Australian polices need to be centred on humanitarian approach with a focus on social justice and human rights.



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