

Resource Kit

Lentara UnitingCare Asylum Seeker Programs



People Seeking Asylum and Homelessness

Housing is a critical issue for people seeking asylum as they are not eligible for mainstream homelessness accommodation or public housing, and often do not have the income needed to access private rental. People seeking asylum fall outside the homelessness support system. They have to rely on the charity of non-government organisations for assistance.

The actual numbers of people seeking asylum who are homeless is difficult to assess. Lentara UnitingCare does not keep a waiting list due to limited capacity. The Asylum Seeker Resource Centre has a waiting list of at least 40 people in housing crisis at any time, as well as other clients facing housing difficulties.

- **How do asylum seekers access housing if they have no support?**

There are a very small number of agencies that offer accommodation to people seeking asylum. The main agencies are Lentara UnitingCare, Baptistcare, and the Brigidine Sisters. These agencies are able to offer a very limited amount of accommodation to people who have no income.

The eligibility to access accommodation through Lentara UnitingCare is that a person must have no income and no support in the community.

- **Where will the accommodation be found given the current very tight housing rental market?**

The accommodation provided by these agencies is provided through church or community groups or individuals who are able to make the generous donation of access to housing. The support for these houses, such as payments for the utilities, is provided through the support of members of the community making regular donations to these agencies.

- **Will they be forced to the outer suburbs of Melbourne?**

A person seeking asylum might be able to access private rental accommodation if they have sufficient income.

In general, private rental accommodation is so difficult to secure and maintain that people are taking up options anywhere they can. This results in a number of people are finding properties to rent in the outer suburbs. It also means that people are taking up private rental options in houses that are of a low standard, and entering into agreements when they are unsure of their rights as tenants.

- **What kind of supports do they need to maintain their housing**

The most basic need is that people seeking asylum must have an income if they are to access and maintain private rental accommodation. Some people seeking asylum are able to access an income through the Red Cross Asylum Seeker Assistance Scheme (ASAS). This is a fortnightly amount at 89% of the Centrelink special benefit rate. Other people seeking asylum are able to work to support themselves.

People Seeking Asylum and Homelessness

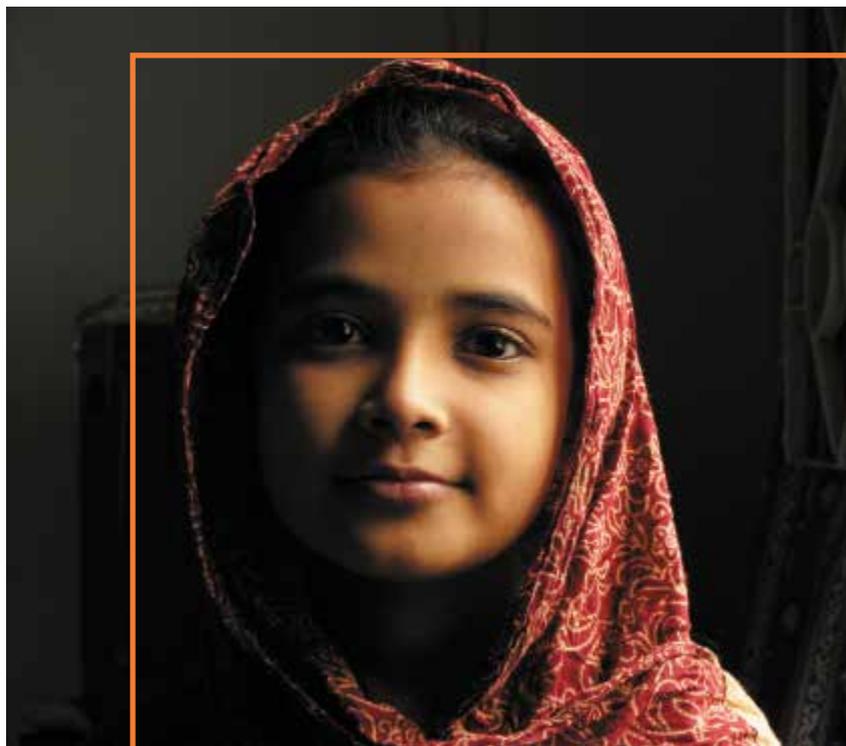
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If a person seeking asylum does have an income they will also need assistance with securing the money for bond and the month's Rent in Advance. They are not eligible for the mainstream Bond Loan Scheme.

They are eligible for assistance through the Housing Establishment Fund (HEF) program. This program provides homelessness assistance for crisis accommodation and rent in Advance to start a private rental. However the funds provided are very limited (2 weeks RIA or 1 week crisis accommodation) and are not able to be accessed multiple times.

A person will also need ongoing assistance in regard to financial assistance, budgeting on a very small income, and information about their right and responsibilities as a tenant. Access to casework support provides greater numbers of successful and ongoing tenancies.

If a person seeking asylum does not have work rights or access to ASAS they have no chance of gaining or maintaining private rental accommodation.



Keep Children out of Detention

continued

It's time to get children **OUT** of detention.

In April 2013, there were **1632** children in immigration detention in Australia¹. That's over 65 classrooms full of children who ought not to be spending their childhood behind barbed wire!



The impacts of detention on children are clear and they are not positive. Even short periods of time in detention can create and exacerbate physical and mental health problems and lead to significant developmental delays. These can include:

- Depression and anxiety
- Nightmares
- Not eating
- Not sleeping
- Post-traumatic stress disorder
- Impaired cognitive development
- Self-harm

The effects of immigration detention are enduring throughout life they do not resolve when children leave detention. They continue to affect children as they grow up to be adults.

Immigration detention is **never** in the best interests of children.

¹ Australian Government, Department of Immigration and Citizenship, Immigration Detention Statistics Summary, 30 April 2013. Accessed online: http://www.immi.gov.au/managing-australias-borders/detention/_pdf/immigration-detention-statistics-apr2013.pdf



Keep Children out of Detention

The right to liberty

Despite international concern relating to the detainment of children seeking asylum, the Government continues to promise change and either fails to deliver it or fails to keep their promises long term. In October 2010, the Labor government announced that the majority of children would be moved out of detention into Community Detention by June 2011. This was achieved by the Government temporarily and shortly after this success, children were again being held in detention, and still are.

Despite many of these detention facilities being labelled as an 'Alternative Place of Detention', they are in fact, a detention environment which is not appropriate for children. Children and families are still locked up behind fences; subject to continuous surveillance; and have limited liberty.

Enough is enough - it's time to get children **OUT** of detention.

Alternatives to detention

Community Detention allows individuals, families and children to live in the community whilst they wait for the outcome of their visa application instead of being behind barbed wire. Children can attend school, activities, and to access healthcare and other essential services. Importantly, it restores their liberty and enables children to have more positive opportunities throughout their development.

Bridging visas are also an option to enable children and families to live in the community whilst awaiting their visa determination. However, unless parents have the right to work whilst on bridging visas, families risk becoming homeless and destitute in the community.

Advocacy Actions

continued

Support the right to work

We support the rights of all people seeking asylum, regardless of mode, date of arrival, or whether they are released into the community on a bridging visa to be granted the right to work.

Currently some people who are seeking asylum that are living in the Australian community have the right to work. Recent policy changes now deny this right to others based on their time and mode of arrival in Australia.

As a fundamental human right, people seeking asylum should have the right to work.

In November 2012, the Minister for Immigration and Citizenship announced new policy changes affecting people seeking asylum arriving by boat. These changes place people seeking asylum on bridging visas with no right to work and imposing waiting periods of up to five years for processing.

History has proven that having asylum seekers live on welfare without any training or skill development for five years deliberately hinders their potential to be able to gain employment when they do achieve permanent residency – and for boat arrivals 90.8% do become permanent residents in Australia. The contribution of asylum seekers to our community, economy and the Australian way of life is invaluable.

As identified by the United Nations High Commissioner for Refugees “not only will the need for assistance be diminished if the asylum-seeker is permitted to engage in employment, but dignity and self-respect are enhanced.”

It is estimated that in 2013, 10,000 asylum seekers will be released nationally into the community without work rights. There is no guarantee of the level of support provided to these people. This will put strain on an already under resourced sector and will impact the mental health and independence of thousands of people seeking asylum.

As a group of concerned not for profit organisations, individuals, businesses and community groups we are seeking to secure the right to work for people seeking asylum. This includes those who have arrived post August 13, 2012 and are subject to the new policy and those who arrived prior to August 13, 2012 who have not been granted work rights.

As a group, the signatories to this statement call for:

- An undertaking from the Minister for Immigration to make a policy change extending the right to work to all asylum seekers released into the community on bridging visas, regardless of mode or date of arrival or stage in the refugee determination process.
- The right to work is accompanied by the provision of basic employment support services to increase the asylum seekers chance of employment.

Add your name to the statement

Go to www.righttowork.com.au and add your name to the statement. The more names that are added to this statement the more powerful it will be when presented it to the Prime Minister and Minister for Immigration.

Advocacy Actions

How can I help?

One of the most powerful ways to take action on these important issues is to contact your local MP. You can write a letter, make a phone call, or request a meeting.

In the lead up to the election (and following the election) it is crucial for us to let our MP's know which issues are most important to their communities.

Key points to make when contacting your MP:

Support the right to work:

- I am a voter who is concerned with the current treatment of asylum seekers in Australia.
- As a fundamental human right, asylum seekers should have the right to work.
- There is a right to work in International Law that we should uphold proudly as signatory to UN conventions such as the Refugee Convention and International Covenant on Civil and Political Rights.
- Asylum seekers make a valuable contribution to our community and way of life.
- I care about the humane treatment of asylum seekers in Australia.
- All asylum seekers released into the community on bridging visas, regardless of mode or date of arrival or stage in the refugee determination process should be granted the right to work.
- The right to work should be accompanied by the provision of basic employment support services to increase the asylum seekers chance of employment.

Keep children out of detention:

- Community Detention is an effective alternative to detention which enable children to live in the Australian community
- I am a voter who is concerned with the welfare of all children in Australia.
- Children should have the fundamental right of liberty.
- The detention environment has a negative impact of the physical health, mental health, and development of children.
- We should uphold the right to liberty proudly as a signatory to the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.

Community based asylum seekers

continued

This information sheet aims to provide clarity in relation to asylum seekers' visa types, and related health and welfare entitlements, including housing arrangements.

Who are asylum seekers?

An asylum seeker is a person who has applied for a Protection Visa and is awaiting a decision on this application.

In contrast a refugee is someone whose asylum claim has been successful. This is an important distinction.

Depending on mode of arrival to Australia, the experiences, living arrangements and service eligibility for people seeking asylum varies.

Below are details of four groups of asylum seekers. It is important to recognise that individuals may move from group to group (e.g. from detention facilities to Community Detention programs or onto a Bridging Visa) and that eligibility for certain services (including Medicare) can change during the visa determination process.

Asylum seekers (who arrived by plane and are) living in the community

Until relatively recently, most people seeking asylum in Australia arrived by air with a valid visa such as a tourist visa or a student visa, and then applied for a Protection Visa.

People in this group are typically given a Bridging Visa A (BVA), Bridging Visa C (BVC) or a Bridging Visa E (BVE), which allows them to stay lawfully in the community while their application is being processed.

They are reliant on the private rental market for accommodation and due to high costs and rental barriers may live with friends or relatives while their claim is being processed.

Asylum seekers in this group are generally Medicare eligible and have work rights although work rights are often withdrawn for a range of reasons including failure to lodge an asylum application within a certain timeframe, or if the asylum seeker has had a negative decision at the Refugee Review Tribunal.

There are currently approximately 10,000 asylum seekers in this group.

Asylum seekers in immigration detention (no visa status)

Asylum seekers who arrive without valid entry documents (typically by sea) are usually subject to periods of immigration detention. Those arriving by boat are usually detained on Christmas Island in the first instance and then moved to mainland immigration detention facilities.

People in this group have no visa status.

As at May 2013 there are 2,962 people seeking asylum being detained on Christmas Island, a further 5,892 in mainland detention centres, and 714 asylum seekers detained on Manus Island and Nauru.



Community based asylum seekers

continued

Asylum seekers in Community Detention (no visa status)

Some asylum seekers are released from immigration detention facilities into the community under the Community Detention (CD) Program. Placement in the community allows people to move about without being accompanied by an immigration officer.

Asylum seekers in community detention are mostly families and unaccompanied minors and have:

- no Bridging Visa
- no right to work

CD program support includes:

- living allowance (70% of Centrelink Special Benefits) for those arriving prior to August 13th 2012 and 60% post 13 August 2012);
- accommodation (where clients must live under the terms of their Community Detention);
- furniture and household goods supplied (owned by Department of Immigration and Citizenship (DIAC);
- assistance to access healthcare, including mental health care and pharmaceuticals (as approved by DIAC); and
- education for school-age children (fees, uniforms, textbooks etc.).

Asylum seekers in Community Detention are not eligible for Medicare. Instead International Health Medical Service (IHMS) is contracted by DIAC to facilitate and pay for a specified range of health services for this group.

As at May 2013 there were 2,840 asylum seekers in community detention.

Asylum seekers on a Bridging Visa post-detention

DIAC is increasingly releasing asylum seekers from detention into the community on Bridging Visa E, rather than placing them in Community Detention.

Anyone released into the community on a Bridging Visa E, who arrived in Australia by boat after 13 August 2013, will have **NO WORK RIGHTS**. This group are mainly adult single males and are provided an initial 6 week period of support called Community Assistance Support (CAS) Transitional Support, which includes:

- basic living allowance (89% of Centrelink Special Benefits payments);
- short term accommodation (4 - 6 weeks) at various locations (clients pay a DIAC set rate of \$85 per week); and
- access to Medicare and assistance to access physical and mental health care, & pharmaceuticals (approved by DIAC).

At the end of the six week Transitional Support period most asylum seekers in this group will move off CAS Transitional Support onto ASAS, so will have reduced casework support and will receive 89% of Centrelink Special Benefits.

People seeking asylum in the community who have been released from detention onto bridging visas rely on the private rental market for accommodation. Due to their low income, and for many, lack of work rights, many are likely to be vulnerable to destitution and homelessness.

In the last eighteen months 16,477 people have been released on Bridging Visas while their claims for protection are considered. Of these, 7,256 are post 13 August arrivals so they have no rights to work and are eligible for just 89% of Centrelink Special Benefits, being about \$220 per week.

Community based asylum seekers

continued

Protection Visa Holders (866 Protection visa)

If successful in their application for refugee status, asylum applicants are granted a Protection Visa (typically Visa Sub Class 866 and occasionally other types of visas). At this point they cease to be an asylum seeker.

The 866 Protection Visa grants Australian permanent residence and eligibility for the same services available to Australian permanent residents such as full Centrelink benefits and Medicare.

Most people who hold Protection Visas are eligible for settlement support which is provided by AMES Consortium in Victoria.

Key points:

- Asylum seekers do not have access to Centrelink (i.e. if a client has a Health Care Card then they are not an asylum seeker) and their access to income support is limited.
- There are three groups of asylum seekers that may present to emergency services:
 1. Asylum seekers who **arrived by plane**, who are on bridging visas and who have no Centrelink entitlement, and who may not have work rights as their claim has progressed beyond a certain point. Some may be on ASAS or CAS.
 2. Asylum seekers who are in **Community Detention** who are provided housing and a percentage of Centrelink Special Benefits, and have no visa status (i.e. are NOT on a Bridging Visa). They are technically still in detention and must comply with curfews and other rules. Asylum seekers in this group are predominantly unaccompanied minors, families and vulnerable adult males. Some may move out of Community Detention and onto Bridging Visas (see next group), i.e. unaccompanied minors when they turn 18 years old.
 3. Asylum seekers who arrived after 13 August 2012 and are released from closed detention into the community on **Bridging Visas which have no work rights attached**. Asylum seekers in this group are provided 6 weeks CAS Transitional Support, and receive 89% of Centrelink Special Benefit. At present these asylum seekers have been told they may be waiting at least 5 years before they can move from this visa to a permanent visa (should their claim be upheld).

Questions to ask asylum seeker clients to ascertain which group they belong:

Do you need an interpreter?

Do you have a Health Care Card ?

- If yes they are possibly a refugee, NOT an asylum seeker. Asylum seekers do not have access to Centrelink, therefore will not have a Health Care Card.

Are you on a bridging visa?

If no they are possibly in Community Detention.

If yes they may or may not have work rights:

If they arrived after 13 Aug 2012 they will not have work rights.

If they their claim is post Refugee Review Tribunal (RRT) they may not have work rights

They may not have work rights for a range of other reasons.

They may have work rights but be unable to work due to a range of reasons including language barrier, ill health or mental health concerns that may relate to trauma and torture.



Community based asylum seekers

continued

Are you receiving any payments?

- If no the client will be especially vulnerable to being destitute. It is important to note that even if a client has work rights they may not be able to work.
- If yes the client is receiving either Community Assistance Support (CAS) or Asylum Seeker Assistance Scheme (ASAS) which is 89% of Centrelink payment, per fortnight. At the current time this is roughly \$440 per fortnight.

Do you have a caseworker? What organisation is your caseworker from?

- Client may not have a caseworker – if an asylum seeker is post Refugee Review Tribunal they may not be receiving ASAS or CAS and not have a caseworker.
- If yes the caseworker may be from Red Cross, Lentara Asylum Seeker Programs (formerly Hotham Mission), McKillop Family Services, Life without Barriers, Anglicare, Berry St, Jesuit Social Services, Wesley Mission, the Asylum Seeker Resource Centre, or Baptcare Sanctuary.

Eligibility for and assistance provided by Red Cross ASAS and CAS program

Asylum Seeker Assistance Scheme (ASAS)

ASAS is facilitated by Australia Red Cross whose workers assist eligible asylum seekers to access financial assistance to cover: basic living expenses (equivalent to 89% of Centrelink Special Benefit); general healthcare (including access to pharmaceuticals at the Health Care Card rate) and Protection Visa health/character checks.

Case workers assist with referral to health, counselling, legal and housing services. To receive support people need to meet financial hardship criteria and have been waiting for a Protection Visa for six months or more.

For more information please refer to the DIAC ASAS Fact Sheet at:

<http://www.immi.gov.au/media/fact-sheets/62assistance.htm>

Or visit the Australian Red Cross ASAS Fact Sheet http://www.redcross.org.au/files/20120203_ASAS_Fact_Sheet_.pdf

The CAS program is for clients who are highly vulnerable and who have complex needs. The program provides eligible clients with: complex case support; income support to cover basic living expenses; access to healthcare (incl. pharmaceuticals) and counselling; and assistance with accessing accommodation, crisis accommodation and long term housing. CAS also provides Transition Support to people leaving detention facilities.

Asylum seeker Support agencies and health services

Red Cross Migration Support (casework) (03) 8327 7883

Lentara UnitedCare Asylum Seeker Programs (casework and housing) (03) 9326 8343

Asylum Seeker Resource Centre (casework and other support) (03) 9326 6066

Foundation House (Victorian Foundation for Survivors of Torture) (03) 9388 0022



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Asylum Seeker Programs

Snapshot of Entitlements of Asylum Seekers in Victoria, based on mode of arrival and Visa Status

continued

Legal Status	Asylum Seeker	Asylum Seeker	Asylum Seeker	Asylum Seeker	Refugee
Mode of arrival	Typically plane	Typically boat	Typically boat	Typically boat	Plane or boat
Living	In the community	In detention	In Community Detention Program	In the community	In the community
Visa	Bridging Visa/other	No visa	No Visa	Bridging Visa E	866 Protection visa
Centrelink	No	No	No	No	Yes
Payment amount	Varies – some clients will have no payment, some will be on CAS or ASAS (89% of Centrelink special benefits payments).	N/A	basic living allowance (70% of Centrelink special benefits prior to August 13th 2012 and 60% post August 13th 2012).	89% of Centrelink special benefits payments	Centrelink if not working
Work rights	Maybe	No	No	If arrived before 13 August – possibly, if arrived after 13 August – no	Yes
Education (children)	Yes	Yes	Yes	Yes	Yes
Education (adult)	Education (adult) Study rights attached to work rights, so maybe. Usually lose study rights if they apply for Ministerial Intervention regarding their visa.	ESL classes	Access to ESL classes. No access to vocational programs	If arrived before 13 August, possibly, if arrived after 13 August - no	510 hours of English language through AMES. Adult education – same as other Victorians.



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Asylum Seeker Programs

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Mode of arrival	Typically plane	Typically boat	Typically boat	Typically boat	Plane or boat
Living	In the community	In detention	In Community Detention Program	In the community	In the community
Travel overseas	No	No	No	No	Yes
Migration legal advice	Immigration Advice and Application Assistance scheme (IAAAS) – see DIAC Fact Sheet 63.	Immigration Advice and Application Assistance scheme (IAAAS) – see DIAC Fact Sheet 63.	Immigration Advice and Application Assistance scheme (IAAAS) – see DIAC Fact Sheet 63.	Immigration Advice and Application Assistance scheme (IAAAS), post 13 August 2012 NO assistance from IAAAS to apply for Permanent Visa.	Refugee and Immigration Legal Centre, Legal Aid, Community Legal Centres.
Medicare	Medicare eligible if client has work rights. Medicare ineligible asylum seekers able to access public hospital emergency department	Medicare ineligible. International Health Medical Service (IHMS) provide medical care.	Medicare ineligible. International Health Medical Service (IHMS) fund a network of health providers. Access to public hospital emergency depts.	Medicare eligible (but client may not know this). If pre 13 August, and have no work rights, also will have no Medicare entitlement. Post 13 August 2012 will have Medicare.	Eligibility for Medicare and Centrelink Health Care Card as other Victorians.
Pharmaceuticals	If Medicare: PBS access but no Health Care Card.	IHMS to pay.	Pharmaceuticals provided through IHMS subcontracted pharmacy networks.	DIAC will fund \$580 toward any medication or pharmaceutical on a prescription.	Access to PBS and to Centrelink health care card as other Victorians

