

Poverty through policy

The impact of excluding
people seeking asylum from
mainstream social support

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The impact of excluding people seeking asylum from mainstream social support

Over the past decade, the Federal Government has largely withdrawn from its crucial role in providing a safety net to people seeking asylum in Australia. It was left to charities to fill this vacuum created by the government, but this will always be an insufficient approach. With the current rise in the cost of living leading to increased service delivery costs and decreased funding, the unsustainable has become untenable.

Australia as a whole is diminished when people in the community are arbitrarily and cruelly denied rights others enjoy. The government can no longer abdicate its role, it must provide people seeking asylum access to mainstream social support services and to their basic rights.

Recommendation: Provide all people seeking asylum with access to mainstream social support, such as the Special Benefit program.

Recommendation: Refund Status Resolution Support Services to pre-2016 levels of \$300 million and expand eligibility.

Recommendation: Provide ongoing work rights and study rights for people seeking asylum on bridging visas for the duration of their application process.

Introduction

People seeking asylum in Australia are excluded from mainstream social safety nets that others in the community enjoy. The limited support that people did receive has rapidly declined over previous years, despite a sharp increase in the time that people wait for their protection visa applications to be processed.

Founded in 2001, the Asylum Seeker Resource Centre (ASRC) provides essential services to 7,000 people seeking asylum in the community in Victoria and in detention nationally, or held offshore. Our services include casework, legal, housing, medical, education, employment and emergency relief. Based on what we witness through our service delivery, we advocate for change with refugees to ensure their basic rights are met and they are treated fairly.

The following paper has been informed by the frontline services at ASRC as well as people seeking asylum who have been subjected to punitive policy choices that force people into poverty.

Of the people seeking asylum who accessed ASRC programs in 2021- 22, 82% had no income. This is a direct result of the policy choices of successive governments. To make matters worse, no one seeking asylum currently has access to mainstream social support. The small amount of assistance through a 'transitional support' (through Status Resolution Support Services (SRSS)) is insufficient, and access to this support is restricted.

People seeking asylum are in Australia to rebuild their lives after fleeing persecution and violence. Social support systems that set people up to thrive and effectively engage in the protection visa application process, thereby assisting our refugee status determination system to be fair and efficient is integral. This is not the system Australia currently has.

Under the current immigration regime, people seeking asylum live on temporary bridging visas for extraordinary lengths of time while waiting for a final outcome on their protection visa application. Bridging visas were never designed to be granted for protracted periods as they provide limited rights and certainty. People are denied ongoing guaranteed work rights and study rights.

The cumulative impact of the defects in our migration system has devastating consequences for people who came to Australia to seek safety and rebuild their lives, as well as for the wider community and economy. This has been compounded by the recent rise in the cost of living, with people seeking asylum having to turn to charities to ensure their rights that should be guaranteed by the government.

The ASRC has seen the number of people seeking asylum reach out for basic needs, such as utility support, public transport, nappies, clothing and phone credit, increase by 79% in 2020-21, and again by 45% in 2021-22. This follows a lockdown period during COVID-19 that saw people seeking asylum systematically excluded from the often life-saving support of JobSeeker and JobKeeper.

The Federal Government must provide people seeking asylum with access to mainstream social support, such as the Special Benefit program, while they wait for their protection visa application to be processed. These changes in tandem with the government moving towards a more efficient and fair visa processing system will ensure that people's rights to live in safety and with dignity are upheld.

Key facts

- Of the people seeking asylum who accessed ASRC programs in 2021- 22, 82% had no income, 57% are without work rights and 66% are without study rights.
- The ASRC has seen the number of people seeking asylum reach out for basic needs increase by 79% in 2020-21 and again by 45% in 2021-22.
- The Federal Government has cut its budget of support funding for people seeking asylum by nearly 95% since 2016.
- 80-90% of people accessing the ASRC's GP clinic do not have access to Medicare.
- People seeking asylum wait up to 8 years for their application to be reviewed and processed.

Too little to too few

People seeking asylum in Australia cannot access the mainstream social support systems others have when times get tough. The only nominal safety net available is the Status Resolution Support Services (SRSS), which the government refers to as a 'transitional support'. However, this support is insufficient, underfunded and has been reduced over the past decade to the point of irrelevance for the vast majority of people seeking asylum.

Currently, only around 1,500 people receive SRSS funding, down from around 25,000 in 2015.¹ This means that out of the over 70,000 people seeking asylum in Australia awaiting an outcome on their visa application, only 2% have access to social support.²

SRSS was created under the Abbott Government in 2014, replacing and combining various other programs. SRSS is currently separated into 'Bands' that focus on specific cohorts and have different supports available.³

The Department of Home Affairs has the final say on who can access SRSS through a harmful and convoluted eight-step process. This process also requires information as detailed as explanations for any day when a bank account has over \$500 in transactions. The application process is so severe that people are required to declare family income in order to be considered, including from family members outside of Australia. This is dangerous and humiliating with many people fleeing persecution from family and/or families being put at risk through making these declarations. After all this, if someone is rejected or exited from SRSS by the Department, the decision is not reviewable.

1. Department of Home Affairs "Freedom of Information Request: FA221200835" (2023)

2. Department of Home Affairs "Question on Notice: OBE22-233 - Status Resolution Support Services - Income Support" (2022)

3. RCOA "With Empty Hands: How the Australian Government is forcing people seeking asylum to destitution" by Sahar Okhovat (2018)

While the support provided through SRSS can often be indispensable, in particular the specialist counselling and casework, the income support is wholly inadequate to meet the costs of basic necessities such as housing and food. Both housing and income support are only provided at 89% of the relevant rate provided by Centrelink. Experts are currently calling for an increase of the basic JobSeeker Centrelink payment to at least \$73 a day (a \$27 increase from \$46 a day) to keep people out of poverty.⁴ The minority of people seeking asylum that do get SRSS are receiving less than this already insufficient payment, leaving people well below the poverty line.

Furthermore, 12% of people who are receiving SRSS do not receive income support at all and are denied the right to work; a clear example of policy choices enforcing poverty.⁵ Similarly people who are studying full-time are also ineligible for SRSS. Other eligibility criteria can see people kicked off SRSS for multiple reasons, including people making bank transfers amounting to \$1,000 or more over a twelve-month period.⁶ While the casework and specialist torture and trauma counselling offered by SRSS providers is integral, it is insufficient without income and mainstream social support.

To make matters worse, previous Federal Governments, in particular the Morrison Government, oversaw a comprehensive dismantling of the already insufficient social safety net offered to people seeking asylum in Australia. In 2018 there was a substantial cut in SRSS as well as a drastic reduction in eligibility.⁷

Over the past seven years, the Federal Government has cut its budget of support funding for people seeking asylum by nearly 95%. This substantial cut has put thousands of people in poverty and facing homelessness at a time when the cost of living is rising.

4. The Australian Council of Social Service "How JobSeeker and other income support payments are falling behind the cost of living," (2022)

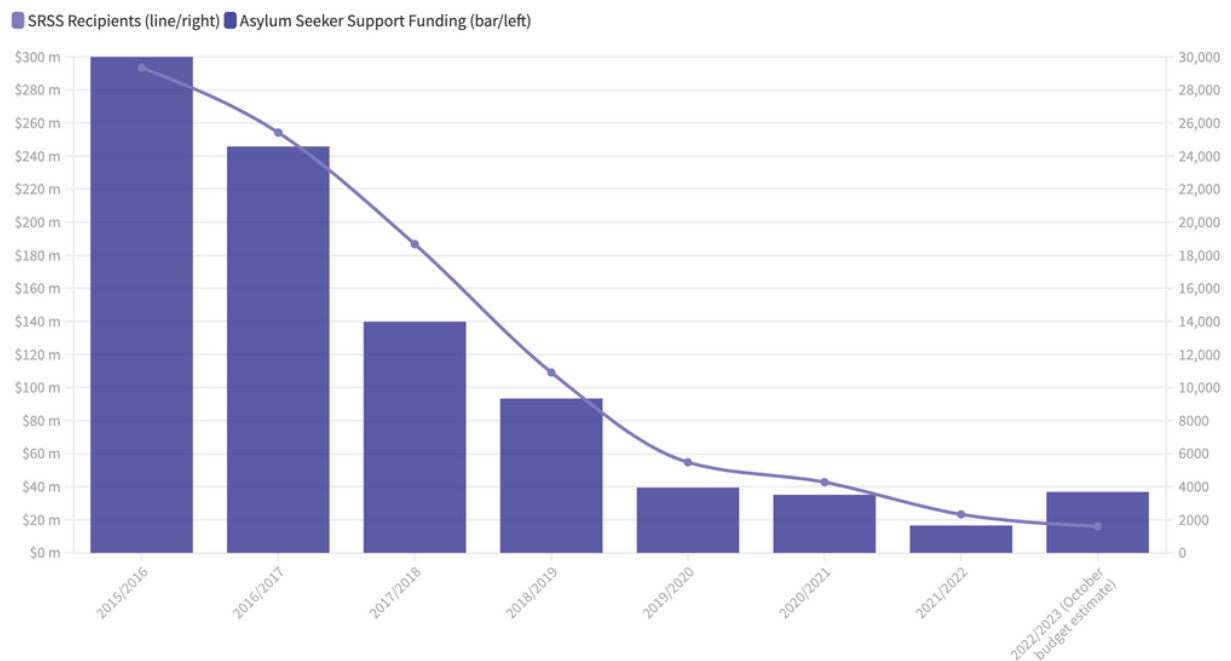
5. SBS "What it's really like being an asylum seeker in Australia" by Aleisha Orr (2023) <http://bit.ly/4OG7FpW>

6. RCOA "Starving them out: How our government is making people seeking asylum destitute" (2018)

7. ASRC "Cutting the Safety Net" (2019) <https://bit.ly/3M3iY7w>

Over the past seven years, the Federal Government has cut its budget of support funding for people seeking asylum by nearly 95%. This substantial cut has put thousands of people in poverty and facing homelessness at a time when the cost of living is rising. In 2015/2016 the Federal Government spent \$300 million a year to support people seeking asylum, as of 2021/22 only \$16.6 million was spent, which was only slightly raised under the Albanese Government estimates.^{8 9}

Federal Government support for people seeking asylum in Australia



Source: [The Department of Social Services](#), [The Department of Home Affairs](#), FOI

8. Department of Human Services "Social Services Portfolio: Portfolio Budget Statements 2016-17" (2016) <https://bit.ly/3TR9yhi>

9. Department of Social Services "Social Services Portfolio: Portfolio Budget Statements 2022-23" (2022) <https://bit.ly/3TTLTg4>

The restrictions to both funding and eligibility saw a decrease in the number of people seeking asylum receiving SRSS payments. This was especially apparent in 2018 when the Morrison Government slashed funding and eligibility.

These cuts effectively saw the Federal Government abdicate what little role it had in providing often life-saving support to people seeking asylum. Instead, it was left to SRSS providers with significantly diminished budgets, charities and state governments to fill this vacuum.

It is clear that the current regime is not delivering and provides too few people scant support. This has a devastating impact on the lives of people seeking asylum and the wider community.

Poverty as Policy

Denying people seeking asylum access to mainstream social support and slashing funding are choices by the Federal Government. These policies ensured that people seeking asylum do not have access to their fundamental rights and cannot engage in the community where they are striving to make a home.

The following sections explore how the Federal Government's denial of mainstream social support and other choices over previous years, particularly under the Morrison Government, has devastating flow-on effects. These effects combined with the inability of charities to meet increasing demand have led to a deeply unfair and harmful system.

Work and Study

There are currently thousands of people seeking asylum in Australia who are denied permanent employment due to their visa status. This is despite people seeking asylum in Australia being ready to work, contribute to the community and rebuild their lives.

There are several barriers to employment for people seeking asylum. There is no clear data on how many people seeking asylum in Australia currently have work rights. However, the ASRC estimates that as many as 20% of people seeking asylum and refugees on bridging visas at any given time are without work rights. Of the 7,000 people seeking asylum who access services at the ASRC, around 57% are without work rights and 66% are without study rights.

It is also important to note that people who receive SRSS do not have the right to work. The ASRC has seen numerous examples of people receiving SRSS who are unable to make ends meet. To cover basic costs for food and housing, people might work for a rideshare app or food delivery company for a few hours, only to have their entire SRSS support cancelled.



Benjamin's story

Benjamin arrived in Australia on a student visa after fleeing his country of origin, facing serious harm because of his sexuality. He was unaware that he could apply for a protection visa on these grounds in Australia.

Benjamin's mental health declined due to past experiences of trauma and ongoing threats he received from his ethnic community in Australia. He was unable to meet his student visa requirements and his student visa was cancelled.

Benjamin experienced homelessness, was extremely unwell and unable to seek legal assistance. He was taken into detention and at this time he was connected with the ASRC who advised him about his legal rights and applied for a protection visa.

Due to Benjamin's circumstances, he managed to access SRSS and received housing support, however, this was often insufficient to meet all of Benjamin's expenses.

Benjamin was ready and willing to work and could have supported himself through his protection visa application process if he had work rights, but he was prohibited from working.

Benjamin waited over 5 years for his protection visa to be granted and could not work during this time. He was unable to access Medicare despite his complex needs and he could not access timely healthcare through SRSS, which exacerbated his poor health.

The government's refusal to provide people with the right to work is not the only reason people seeking asylum struggle to find employment and steady income. Short-term bridging visas, which often last only for 6 months before renewal is required, are a disincentive for employers to hire people seeking asylum. Furthermore, study and work rights are sometimes mutually exclusive conditions on bridging visas, meaning people cannot upskill or participate in training to effectively contribute to their workplaces and further their careers.

It is important to note that women seeking employment have been uniquely impacted by these harmful policies. For example, during the COVID-19 lockdowns childcare was provided to all people. However, once this support ended ASRC saw a notable decrease in women accessing employment services, with programs such as the Child Care Subsidy (CCS) excluding people seeking asylum.

There are numerous reasons for people seeking asylum being unable to work, however, one is simply that currently working and accessing social support are mutually exclusive for people seeking asylum. This is a dangerously misguided and harmful view detached from reality. People seeking asylum in Australia are ready to work but are denied the right to rebuild their lives with the support services that others in our community access. Mainstream social support provides the security and stability needed for people to enter the job market and find rewarding employment.

Health

People seeking asylum are often prevented from receiving adequate healthcare because they are excluded from mainstream social support. This can mean that medicine, medical appointments and medical equipment are unobtainable. Ongoing guaranteed Medicare and access to subsidised medical support are essential to ensuring a healthy and caring community.

Medicare is one of the few protections the Federal Government nominally offers people seeking asylum in Australia on bridging visas. However, even this is limited with an estimated 20% of people seeking asylum on bridging visas not having access to Medicare at any given time.¹⁰

This is due to various reasons including deliberate choices by the government to revoke Medicare access, as well as refusing to grant work rights, which are linked to a person's access to Medicare. But there are also other issues such as delays in issuing Medicare cards and a lack of straightforward procedures. The constant renewal of bridging visas for people seeking asylum is also responsible for people losing access to Medicare. Concerningly, this loss of access to healthcare can occur at critical times, with ASRC seeing people losing access during pregnancies.

The threat that Medicare can be revoked at any time makes effective healthcare difficult. People seeking asylum can also be hesitant to go to the hospital, even in emergency situations, if they do not have Medicare at that time due to the exorbitant fees. Currently, 80-90% of people accessing the ASRC's GP clinic do not have access to Medicare.

10. Rick Morton "Asylum seekers and Medicare access" The Saturday Paper, (2021) <http://bit.ly/42Nipok>

Even for those with access to Medicare, the lack of a robust social support system means that urgent medical needs are not met. These issues include the falling rate of doctors that bulk bill, lack of access to medical services and inability to afford medication.¹¹ It is not uncommon for a person seeking asylum to wait long periods to see a doctor who bulk bills only to be prescribed medication that they cannot afford; this occurs within the context where Medicare can be withdrawn at any moment. The Federal Government has created a system where even people receiving medical appointments are prevented from accessing affordable medicine, this has seen ASRC in 2021-22 provide nearly \$50,000 in pharmacy bills to members.

Guaranteed ongoing Medicare is essential. There are too many cracks in the system for people seeking asylum to slip through. Both access to ongoing guaranteed Medicare and mainstream income support for people seeking asylum is required to ensure people have access to healthcare and do not suffer the consequences of not receiving timely medical assistance.

One way to help people access affordable medication would be to provide healthcare concession cards to people seeking asylum. However, these concession cards are often tied to mainstream social support, such as Special Benefit, which people seeking asylum are prevented from receiving. This means the current policy prevents people from accessing income support to afford medication as well as subsidies for medicine.

11. Anthony Galloway "Falling rate of bulk-billing sparks urgent call for overhaul of Medicare" Sydney Morning Herald, (2023) <http://bit.ly/3Kellv6>



Ahmed's story

Ahmed has been in Australia for a decade held on a Bridging Visa E. He fled his country of origin and sought asylum in Australia by sea in 2012. He currently does not have Medicare as he is waiting for his bridging visa to be renewed and assumed that because of this he could not go to a hospital for treatment.

This is despite suffering from numerous mental and physical health issues, including lack of immunisations, PTSD, tooth decay and diabetes.

The ASRC, the local council and other medical charities have been able to meet his immediate medical needs, providing him access to dental care and immunisations (noting that dental care will not be covered when Ahmed's Medicare access is restored). However, after being rejected from accessing SRSS and being too unwell to work, Ahmed will not be able to afford ongoing medication even with Medicare.

If Ahmed received ongoing guaranteed Medicare, mainstream social support and a concession card linked to these supports, he would have been able to stay up-to-date on immunisations and receive medical care for health conditions before they reached a crisis point. Instead, Ahmed was subjected to a decade of deteriorating health from which the recovery will be protracted and needlessly difficult.

Like with housing and food, charities and state governments are trying to meet the needs of the community in the absence of mainstream social support from the Federal level. However, it is a vacuum that can only be filled by the Federal Government offering affordable ongoing healthcare services and the mainstream social support integral to accessing medical care.

Eligibility for SRSS has become so restrictive that the likelihood of people being able to access the services is low, even for those with urgent medical needs.

Without ongoing mainstream social support, Medicare is insufficient, and people seeking asylum will be unable to afford medicine, and receive the treatment required to recover from injury and illness.

Food

No one in Australia should go hungry or struggle to put food on the table, however, for people seeking asylum, this is a reality due to the restrictions they face while waiting for their protection visa applications to be processed.

Lack of access to food is a consequence of punitive visa conditions that make it difficult for people to work and access social support systems. With people denied the right to work or only able to access below-poverty-line income support, the rise in the cost of living and increase in food prices by 9.4% in 2022 has had a devastating impact.¹²

This is compounded by the fact that charities are also facing the same increases in their service delivery costs. For example, the ASRC's Foodbank has seen the price of food and those needing our service increase at the same time as donations from the public and the Federal Government's role have reduced.

The ASRC's average monthly expenditure on food and groceries has more than doubled between 2019-2022, in part due to the rising cost of living. Similarly, the rise in prices has impacted donations too with the ASRC previously receiving over 80% of our food from public donations; currently, these donations have dropped to around 40% of the food donation budget.

Thousands of people seeking asylum are struggling to put food on the table as a direct result of government policy that actively seeks to deny people their rights and ability to engage in the community. This was starkly seen when people seeking asylum were excluded from JobKeeper and JobSeeker during the COVID-19 lockdown, with parents going without food so their children could eat. Now the rising cost of living combined with these various other preexisting factors have created a crisis.

12. SMH, "Mixed bag: How the price of your grocery basket will change in 2023" by Jessica Yun (2023) <http://bit.ly/3lO8iPo>

Charities cannot stretch resources any further, the community can no longer step in to fill the void left by the Federal Government. Access to mainstream social support is the key solution to ensuring men, women and children seeking asylum in Australia have access to food and basic necessities.

Housing

The answer to homelessness is almost always suitable and affordable housing. However, the exclusion from income support and the insecurity built into bridging visas creates unique barriers for people seeking asylum to find secure housing.

Maryam's Story

Maryam is a single woman from Bangladesh seeking asylum in Australia and is a victim-survivor of family violence.

Maryam lodged her protection visa application as a dependent on her husband's application. Their protection visa application was refused and her husband appealed to the Administrative Appeals Tribunal (AAT).

Maryam did not have work rights or access to SRSS while at the AAT and was unaware that she could apply for it. Her husband knew about her work rights options but withheld this information from her. At the same time her husband was perpetrating family violence throughout the 6 years that the Department of Home Affairs (Department) and AAT were assessing their visa applications.

After the AAT refused their application and Maryam and her husband lodged at the Federal Circuit Court (FCC), Maryam was connected to a family violence service by a friend. Maryam separated from her husband and sought independent legal advice while at the FCC.



Unfortunately, because she did not have work rights on her bridging visa prior to lodging at the FCC, she is unable to obtain work rights while her application is considered.

She lodged at the FCC almost 3 years ago. During this time, she has relied on organisations such as the Red Cross and the ASRC for assistance with her basic necessities such as food, housing and medical care. However, this support was often insufficient.

Just as people seeking asylum are excluded from mainstream income support, they are also excluded from accessing supported or transitional housing. As a result, they are not eligible for the state government waitlists for public and community housing, such as the Victorian Housing Register.

Even if people seeking asylum fulfil the criteria for priority access to public housing and support for longer-term housing, they are excluded. These accommodation options are also subsidised based on mainstream income support payments, which people seeking asylum do not receive.

Affordable and sustainable formal tenancies are often the best housing option, however, paying the bond in order to secure a property is a major challenge without secure work and mainstream social support. This often means that it is not possible for many to find housing without reliance on charities.

For those who need to access emergency or crisis accommodation, the situation is also dire. Often people seeking asylum cannot access emergency accommodation because they cannot be transitioned into longer-term accommodation due to the conditions of their visa. This leaves organisations in a difficult position where the already stretched crisis accommodation providers cannot afford people staying for long periods, which means that people with a clear pathway to sustainable housing are prioritised and people seeking asylum are deprioritised.

Denied access to public or community housing and often crisis accommodation there are few options available for people seeking asylum. The ASRC in 2021-22 alone provided 102,797 nights of shelter for 324 adults and 235 children, but this by no means met the demand.

People seeking asylum can also be prevented from accessing housing even when they do have some economic stability to find secure housing. For example, banks are unable to provide loans for longer than the duration of a person's visa, which means that for people on bridging visas that expire after a matter of months, it is effectively impossible to get a mortgage.

If mainstream social support and ongoing work rights were provided to people seeking asylum, they would be empowered to secure their own accommodation and lessen the pressure on crisis accommodation.

Legal assistance & fair processing

A fair, humane and efficient refugee status determination process can only occur when people are provided adequate social support. If people seeking asylum do not have access to basic necessities such as food, housing and healthcare, they are forced into survival mode and prevented from effectively engaging with the protection visa application process.

The defunding of pro bono legal assistance to people seeking asylum has contributed to people experiencing poverty because they are unaware of their rights and often face greater processing times without a lawyer, which means they are subjected to living on uncertain bridging visas for excessive periods of time. People can also be forced into debt as often their only way to understand the legal process is to seek private legal assistance which costs thousands of dollars.

Since 2014, successive governments have whittled down funding for legal aid to people seeking asylum. As of August 2022, there has been no government-funded legal assistance for protection visa applicants.

The lack of free legal assistance to people seeking asylum has had a devastating impact on their ability to engage with the complex visa application process and exercise their rights. This has been clearly shown by recent research that found a person seeking asylum represented by a lawyer is seven times more likely to receive a favourable protection claim at the AAT, with only 4% of unrepresented people seeking asylum being successful.¹³

When the lack of legal assistance is combined with the inconsistent right to work and no mainstream social support, people seeking asylum are unable to effectively engage in the refugee status determination process.

13. The Conversation "How refugees succeed in visa reviews: new research reveals the factors that matter" Daniel Ghezlbash <http://bit.ly/3zILKbP>

To make matters worse, ineffective decision-making at the departmental and review stages of the protection visa application process due to underfunding and unmeritorious appointments has contributed to people seeking asylum being subjected to living on short-term bridging visas for unacceptable periods of time.

For example, in 2018-2019 the average time to process a Permanent Protection Visa was 334 days at the Department of Home Affairs, however, by 2022-2023 the delay had more than quadrupled to 1,076 days.¹⁴ In the experience of lawyers at the ASRC, it also takes up to 3 years for a protection visa application to be invited to a Department interview. Even when a person is found to be owed protection, it can take another year for the visa to be granted.

There has been a similar blowout in wait times at the AAT level, which went from an average application processing time in the refugee division of 217 days in 2017-18 to 1,115 days in 2022-23.¹⁵

These long wait times are a direct result of Federal Government decisions to withdraw funding and make unmeritorious appointments. As such it is not uncommon for people to wait 8 years for their application to be reviewed and processed. The people who bear the consequences of these deliberate choices are people seeking asylum, who are forced to live in indefinite limbo with no access to mainstream social support.

14. Department of Home Affairs "OBE22-180 - Visa Processing - Permanent Protection Visa" (2022)

15. The Administrative Appeals Tribunal (AAT) "AAT Caseload Report" (2017-23)

Conclusion

The exclusion of people seeking asylum from mainstream social supports and in particular, income support has devastating flow-on effects. Without the safety net others in the community rely on when times get tough, people seeking asylum are forced through government policy into poverty.

People seeking asylum must have access to mainstream social support services, including Centrelink programs such as Special Benefit, for the duration of their protection visa application process, including merits review and judicial review stages.

Mainstream social support, combined with work rights, will allow people seeking asylum to put food on the table, a roof over their heads and get the medical treatment they need. This will not only alleviate the pressure on state governments and charities but also ensure people seeking asylum start rebuilding their lives with the rights all others are afforded.



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The ASRC would like to acknowledge the Wurundjeri and Bunurong people of the Kulin Nation as traditional owners and custodians of the land on which the ASRC stands. We acknowledge that the land was never ceded and we pay our respect to them, their customs, their culture, to elders past and present and to their emerging leaders.