

**Rejected: A Study About The Difficulties Faced By ‘Failed’ Asylum Seekers In The
Accessibility, Adequacy, And Affordability Of Housing**

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ABSTRACT

The status of a 'failed' asylum seeker carries several implications with it, including difficulties in accessing adequate, and affordable housing. This study analyses interviews with 'failed' asylum seekers as well as different stakeholders and service providers on the topic of migration and housing. It focuses on the impact the failed status has on the asylum seekers themselves and on the community. A qualitative approach was used to gather the data and this study was informed by an activist and community development approach and guided by critical theory. The data was interpreted through thematic analysis. The findings that emerged through the most salient themes sustain the notion that 'failed' asylum seekers not only find it difficult to access affordable and adequate housing, but due to their exclusion, it is affecting the community at large. The analysis of the implications and findings of this study should help gain a better understanding of the difficulties that 'failed' asylum seekers face when they try to access affordable and adequate housing. It is anticipated that the findings will encourage critical debate which will then lead to the recommendations to be implemented in order to improve the lives of this marginalised group of people. Alongside the recommendations for future research, awareness raising, and change in policy, this study has provided insight into how systematic structures and policies need to be changed to include 'failed' asylum seekers in society, not just on the individual level but also at the community level.

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Dedication

For Kusi, my dear friend and inspiration, and all those who like you have been a part of my life, shaping my journey in a meaningful way.

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CHAPTER 1 - INTRODUCTION

This research study aims to investigate the challenges that 'failed' asylum seekers face when they try to access housing in Malta. Despite having their asylum claim rejected, these individuals remain in Malta, where they try to rebuild their lives while dealing with uncertainties about their legal status. By examining the experiences of 'failed' asylum seekers, as well as that of various stakeholders and service providers, this study seeks to understand the disadvantages and limitations that arise from their lack of legal status. The research will delve into the issues that 'failed' asylum seekers face, such as living in a state of limbo, and the difficulties they encounter in securing affordable and suitable housing.

According to the Office of the High Commissioner of Human Rights (OHCHR) (2023), around 281 million people live outside their country of origin, many of whom are being forced to leave due to a complex combination of reasons. Leaving one's country of origin brings along many risks which also include difficulties when they are in the host countries, one of which is finding basic shelter or accommodation to be able to live a decent life. Between 1st January and 31st December 2022, the granting of protection status in Malta, which includes Refugee and Subsidiary Protection, went down from 8% to 6%. This left an increased rate of rejection decisions, that is, from 20% in 2021 to 34% in 2022 (UNHCR, 2022). Therefore, in 2022, there were 783 asylum seekers whose application for asylum was rejected, with the majority hailing from Sudan (European Council on Refugees and Exiles, 2023).

1.1 Housing

Defining housing is very subjective, however, in this research study, it will be defined according to its context. There is interest in creating a more inclusive definition of housing stability that incorporates the perspectives of people who have experienced it, in addition to objective measures (Gaetz, Ward, & Kimura, 2019). Affordability is one of the crucial components of the right to adequate housing. A dwelling cannot be considered appropriate and accessible if its cost puts its occupants at risk or hinders their ability to enjoy other fundamental human rights, such as access to food, healthcare, education, and transportation (Sharif, 2020).

1.2 'Failed' and 'Rejected' Asylum Seekers

A 'failed' asylum seeker is a person whose application for international protection has been 'rejected' by the member state (European Commission, n.d.). This dissertation will use the terms 'rejected' and 'failed' when referring to this group of asylum seekers who don't have any form of legal protection. Yet, despite the fact that 'failed' asylum seekers are pending deportation, they are not sent back to their country of origin due to various reasons including humanitarian concerns and a lack of agreement between the country of origin and Malta. Therefore they are stuck in Malta, sometimes for years.

1.3 Positioning and Rationale

During my personal experience working with 'failed' asylum seekers, I recognised the need for such research as they are also part of the Maltese society. Moreover, many have worked and contributed to Malta's economy for several years and set roots and built a life here.

My interest in this research topic stems from observations throughout my experience with non-governmental organizations that work specifically with asylum seekers, people with protection, and those with a rejected status. Apart from observations, there was also direct contact since my work entailed supporting, guiding, and referring our clients to other services including mainstream services. That is where I realised that ‘failed’ asylum seekers lack basic rights in Malta, since due to their lack of status, access to many services was not possible or was made harder to access.

It was mainly during COVID-19 that I noticed that homelessness increased because there were people who ended up without employment, eventually ending up living on the streets as they no longer had the means to pay their rent. When referrals were made to the main services that refer homeless and roofless people to shelters, ‘failed’ asylum seekers were refused this basic right. This experience led to my interest in starting such a research, particularly because at the time, there was not enough understanding and policy attention pertaining to this topic.

As an activist especially in the field of migration, I found that my insider perspective (Adler & Adler, 1987) was an asset in gaining access to information by easily being able to probe to get better insight into what my informants were telling me, especially the ‘failed’ asylum seekers. My personal experience also helped me develop a critical perspective on how to design, execute, and interpret the data analysis. My own personal epistemological position influenced the design, execution, and interpretation of data findings.

With this research, I am hoping to raise awareness about the challenges faced by ‘failed’ asylum seekers, the different services, and current policies related to adequate,

affordable, and accessible housing. Hopefully, this will lead to more research and most importantly, a change in policy and implementation in this area.

1.4 Research Structure

This research begins with an introduction of the research topic. This is followed by Chapter two, which is a comprehensive literature review primarily focused on the basic right to accessible, adequate, and affordable housing and the status of 'failed' asylum. Chapter three will delve into the methodology used to analyse the findings from the primary as well as from the secondary data collected. Chapter four will consist of the data analysis. Lastly, the concluding chapter, will summarize the main findings and will include recommendations from the interviewees, the researcher's own reflections, and recommendations for further research.

1.5 Aims and Objectives

In this dissertation, the focus will be on the importance of dignified housing as a fundamental human right. The absence of proper documentation can lead landlords to either discriminate by not renting out to this community or to rent and exploit their tenants by making them live in inadequate conditions. This is especially due to lack of government policies concerning accommodation for 'failed' asylum seekers. Consequently, it becomes even more challenging for these groups to access both private dwellings and social housing if the need occurs (Hanley et al., 2020).

Although there are a number of studies on homelessness and housing affordability in Malta, there is very limited research that relates to the housing

challenges faced by ‘failed’ asylum seekers. In this study, ‘failed’ asylum seekers’ accessibility to housing, or lack of, will be explored as well as how this affects their lives. Lack of accessibility is due to many reasons including racism and xenophobia, unstable employment, domestic violence, and lack of policies in accessing shelters amongst others. Accessibility is not the only issue. Adequate and affordable quarters are just as important.

This study will also analyse the policies regarding housing and shelter in Malta and their accessibility and referral system. There is generally a lack of support when it comes to housing and shelter for ‘failed’ asylum seekers by government agencies also due to what might be considered a temporary stay and lack of legal status in Malta. This will also be explored through interviews with existing service providers concerning shelter and housing.

The aim is also to raise awareness about certain inadequate policies that can be detrimental not just to the individuals but also to the community and society at large. Migrants who come to Malta, especially those who then receive a ‘failed’ asylum status do not have stability. This will not only affect their employment but also their quality of life, potentially leading to mental health deterioration. It can affect society at large in many ways, such as an increase in homelessness and poverty, which can then lead to criminal activity as a means to survive. As a result, these circumstances have an effect on the sense of social solidarity and cohesion at the community level. Thus, the impact is both on a micro and macro level.

1.6 Theoretical Analysis

This dissertation will be analysed through a critical social theory perspective. Critical social research encompasses an approach to social inquiry that attempts to dig beneath the appearance by critically engaging with current perceptions of the social world (Harvey, 2022). Hence, it is a multidisciplinary framework that is based on in-depth analysis taking a critical approach to the knowledge acquired (Leonardo, 2004). The critical social theory thus aims at analysing social processes by involving an epistemological perspective in which knowledge is explored beyond the surface and does not take history and ideologies for granted but rather assures a critical process of informed knowledge (Harvey, 1990).

Final recommendations will be presented in the last chapter based on the critical analysis approach, literature review, and main findings. The findings from the two types of interviews and the policies that are currently in place will be compared and analysed from a critical perspective. Thus, a dialectical process will be implemented and informed by empirical evidence involving a holistic approach. The motivation behind this research is to effect change. Hence, this study is not just about generating knowledge but is aimed at bringing about a policy change.

The “broken window” theory was also adopted in this research. This theory suggests that crime and disorder are usually inevitably linked and a string of both subsequently develop (Kelling & Wilson, 1982). Kelling and Wilson (1982) state in their theory that if a broken window in a building is not repaired, it can lead to more broken windows. This is because people start to feel that breaking windows is acceptable and there will be no consequences. The theory uses the metaphor of a 'broken window' to explain how disorder and neglect in a community can lead to an increase in crime. Some of the results of this research reflect this theory which will be discussed in the findings.

CHAPTER 2 – LITERATURE REVIEW

2 Introduction

This chapter provides a review of the available literature pertaining to the multi-layered barriers that ‘failed’ asylum seekers face in accessing adequate and affordable housing and shelter in Europe and in Malta. This review will start with discussing the right to adequate housing, affordable tenancy, and shelters. Then it will continue with a more in-depth definition of what it means to be a ‘failed’ and ‘rejected’ asylum seeker, followed by an explanation of the statuses given to ‘failed’ asylum seekers. Finally, it will give an insight into the difficulties ‘failed’ asylum seekers face with these given statuses due to the instability pertaining to them, such as homelessness and mental and physical health amongst others.

2.1 Definition of Terminology

It is of utmost importance that the key definitions are clear in order to avoid inaccuracies and misinterpretations, especially where it concerns migration (Jacobsen & Landau, 2003). The following are the main definitions of terminologies used in this dissertation.

2.1.1 The Right to Adequate Housing

The United Nations Committee on Economic, Social and Cultural Rights (UNCESCR) states that the right to adequate housing is the right to live somewhere in security, peace, and dignity. These rights entail freedom, entitlements, and protection against forced evictions as well as the provision of more than four walls and a roof

(United Nations, 1996-2023). The criteria for housing to be considered adequate include:

- i) Security of tenure: Must have a degree of tenure security that guarantees protection from harassment, threats, and forced evictions.
- ii) Availability of services, materials, facilities, and infrastructure: Safe drinking water; energy for cooking, lighting, heating, food storage; adequate sanitation and refuse disposal.
- iii) Affordability: The cost of housing should not threaten or compromise the tenants' access to other basic human rights.
- iv) Accessibility: If disadvantaged and marginalized groups' needs are not taken into consideration, then it is not considered adequate.
- v) Habitability: There should not be any physical safety threats and lack of adequate space. There should be protection against natural elements such as cold, heat, rain, wind, dampness, and any threats to health or structural hazards.
- vi) Cultural Adequacy: The expression of cultural identity should be respected wherever one lives.
- vii) Location: Tenants must be able to access one's primary needs such as employment opportunities, schools and child care services, health-care services, and other social facilities; housing should not be located in dangerous and/or polluted areas.

Xerri (2019) argues that the International Covenant on Economic, Social, and Cultural Rights (ICESCR) decrees the universal right of the state's need to provide

adequate accommodation to its citizens. However, the covenant does not impose any obligations to eliminate immediate homelessness. One of the key issues addressed by the EU Social Protection and Inclusion Strategy is homelessness which is a major societal problem. To prevent homelessness or help homeless individuals find housing, it is essential to have a comprehensive understanding of the reasons and mechanisms that lead to it. This requires a broad perspective on the concept of homelessness (FEANTSA, n.d.).

Sustainable Development Goal (SDG) 11, “Sustainable Cities and Communities”, is about committing to making housing adequate, affordable, and safe. It is one of the 17 SDGs in the 2030 Agenda for Sustainable Development and it states the need for a strengthened Global Partnership in order to guarantee its fulfilment (United Nations, 2015).

2.1.2 Affordable Housing and Shelter

Owning a property is a highly desirable goal for many people because it is considered to be the best investment one can make. However, in the past century, it has become harder for most people to afford buying their own homes. Nowadays, owning a property has become a luxury that is only achievable for those with sufficient financial means (Klesper, 2022). Owning a home is also a fundamental need that provides unparalleled security. However, the high cost of home ownership in Malta means that it is not affordable to everyone. First-time buyers are particularly at risk of being excluded from the housing market (ibid). According to Zammit (2022), there is a growing belief that property prices have become too high and unaffordable, particularly for young people who must accumulate substantial savings to purchase an adequate property. The

high cost of purchasing or renting in Malta compared to salaries is also raising concerns about the accessibility of affordable and adequate housing in the private sector.

The private rental sector has changed significantly also due to the increase in foreign workers who rely on this sector for accommodation (Micallef, 2021). Renting an apartment or even a room has become increasingly difficult due to high prices. Often, these prices continue to rise and do not reflect the individual's living wage. Therefore, it is advisable to estimate rent affordability by calculating the monthly cost of rent as a percentage of monthly earnings. Applying the 30% rule¹ on the minimum wage range, it is estimated that an individual can only afford a room in a shared accommodation (Briguglio & Spiteri, 2022).

The Eurostat indicator, on the other hand, deems 40% of household disposable income to be the cut-off point. In Malta, the Housing Authority considers a more conservative 25% as the national marker (Briguglio & Spiteri, 2022). However, studies have shown that for individuals aged 18 to 35, the actual percentage of income allocated to housing arrangements in Malta can range from 10% to 50% (ibid). In 2020, 'The Private Residential Lease Act' was launched and by the end of 2021, the register had a total of 37,976 active contracts. Registered contracts ranged from a monthly rent between €400 and €899 (Gauci, et al., 2022).

The concept of home includes having a place to live that provides a sense of security and stability. Stability often depends on factors such as employment and identity status. However, many factors can cause housing instability and in the case of asylum seekers, not having any form of international protection is one of them.

¹ The 30% rule is a useful guideline to determine the appropriate amount of rent one should spend from their income. The rationale behind this rule is that by limiting the rent payment to 30% of the monthly income, one can still have enough money left to cover additional living expenses (Lake, 2022).

2.1.3 The 'Failed' or 'Rejected' Status

As briefly mentioned in the introduction, the term 'failed' asylum seeker refers to those persons who have lodged an application for international protection but have been rejected after passing through the whole procedure. The procedure of applying for international protection consists of registration, establishing the applicant's identity, examination of the application which includes an individual interview with the applicant, and decision-making (European Commission, n.d.). When the decision results in the request being rejected, one can appeal this decision by registering the appeal application to The International Protection Appeals Tribunal (Government of Malta, 2001). It has been determined that when the individual is not eligible for protection, they should be returned to their country of origin (UNHCR & IOM, 1997). However, deportation when it comes to asylum seekers is very difficult. 'Failed' or 'Rejected' asylum seekers' are not deported since there is no agreement with the respective country of origin for return and readmission. This makes deportations difficult to enforce, consequently leading to a situation where persons are stuck in limbo; they cannot be returned, but they are also excluded from accessing many services (Jesuit Refugee Service Malta, 2010).

Asylum seekers whose applications have been rejected are often people who have been involuntarily displaced from their home country and are then prevented from establishing a sense of belonging in their new host country, Malta, due to their legal status. 'Displaced' refers to people who have left their country of origin due to war, conflict, disaster, or because they have been denied their human rights (European Commission, n.d.).

According to the European Council of Refugees and Exile (ECRE), in 2021, Malta vetted 76 percent of asylum applications as ‘failed’ and with no successful appeals. This is a significant increase of 10 percent since 2016 (Carabott, 2022). Moreover, ‘failed’ asylum seekers living in Malta are not issued with a travel document. Therefore, they are constrained to remain on the island living in a constant state of uncertainty.

Notwithstanding all that has been mentioned above, in Malta, ‘failed’ asylum seekers are granted an employment license which is renewable every three months (Grech, 2021). Yet, although this gives them the right to work, ‘failed’ asylum seekers often find it difficult to find employment since they cannot apply themselves for their work permit. Their employer needs to apply for it. With other forms of international protection granted to asylum seekers in Malta, people can apply for a work permit themselves without having to depend on the employer’s goodwill to do so. Therefore, for ‘failed’ asylum seekers it is more difficult to find employment since employers tend to prefer employees who already possess a working permit in hand as it is less bureaucratic (JRS & aditus, 2021).

2.1.4 Temporary Humanitarian Protections and Specific Residency Authorization

The Temporary Humanitarian Protection (THP) was put in place in 2005, and it is a national form of protection that was created for those people who did not qualify for any other form of international protection but still needed protection either because they

were unaccompanied minors or because they could not be returned to their country of origin due to humanitarian or medical grounds².

In 2010, the THP was extended and another protection was created that is, the Temporary Humanitarian Protection New (THPN) (Identita', 2020). The THPN provided a type of regularisation for those who had their asylum application rejected but were unable to return to their country of origin due to legal or other reasons beyond their control (aditus, 2016). On the 15th of November 2018, the Ministry of Home Affairs and National Security together with the Parliamentary Secretariat for Reforms, Citizenship, and Simplification of Administration introduced the Specific Residency Authorization (SRA). This was a new policy that replaced the THPN. In 2022, a new protection was created under the name of Temporary Protection (TP). However this time, it was specifically for displaced persons from Ukraine, stateless persons, and non-EU third country nationals who had international/national protection in Ukraine before the 24th February 2022 (EUAA, 2022).

The SRA is managed by Identita' and does no longer require the presentation of a certificate from the Refugee Commission. The policy recognizes the needs of 'failed' asylum seekers who have been residing in Malta for a minimum period of five years and who are actively and officially³ contributing to Maltese society. Applicants must demonstrate regular employment with a minimum accumulation of nine months per year over the period of the five years before the application is submitted with a total of forty-five months. This standard is selected to show evidence of integration efforts and proof of good conduct (aditus, 2021).

² Subsidiary Legislation 420.05: LEGAL NOCTICE 131of 2005, as amended by Legal Notice 188 of 2022. <https://legislation.mt/eli/sl/420.5/eng>

³ Official contribution means proof of legal employment and presenting an employment history by Jobsplus.

The individuals who were granted the SRA in 2018 received a residence permit valid for two years with the possibility of renewal. They were also given an employment license as well as access to state education and training, a travel document, and access to the same core welfare benefits as beneficiaries of protection in Malta are entitled to (Identita', 2020).

In 2020, a decision was taken to revise the SRA Policy since, according to Identita' (2020), certain features needed to be clarified. It was decided that as of 31st December 2020, no new applications were to be accepted. Those who did not renew their document by that date were no longer able to do so, however, existing applications continued to be renewed in line with the updated policy. At the same time, the Assisted Voluntary Return Programme was being promoted to those people whose renewal was rejected (ibid.). This decision to terminate the SRA policy forced many 'failed' asylum seekers into a situation where they were not able to continue accessing basic rights (Grech, 2021). This led to 'failed' asylum seekers panicking and sleeping outside the Identita' offices in Hal Far to be able to be in the queue hoping to apply or renew their documents before the stipulated deadline (Abela, 2020). Non-governmental organizations had warned that this decision would only increase poverty and social exclusion in the migrant communities, especially since the COVID-19 pandemic had already caused a lot of uncertainties (ibid).

When the original policy was introduced, it was welcomed by human rights non-governmental organizations and migrant communities, since at that time, it aimed to ensure security, stability, and dignity for those who had been living in Malta for many years (The Shift, 2018). However, when the policy was revised in 2020, non-governmental organizations stated that its revision would result in the violation of basic human rights (Moviment Graffiti, 2020) since many will be losing the opportunity to

apply for this residency. In the Appeal Court judgement of Ekoglawe Johnbull, who was denied renewal on the first attempt, vs. Identity Malta Agency, the court stated that:

The Court cannot accept that persons who have been living here for several years, who work, who do their best to integrate, who had their status regularised by the applicable criteria, are subsequently asked to leave the country because the appellant decided that the 2020 updated policy should also start to apply to those who are renewing their residence permit.⁴ (Court of Appeal, 2023)

The decision to revise the policy had been addressed in Parliament by Ms Graziella Attard Previ, the Nationalist Party's spokesperson for Equality, Human Rights, and Children's rights. She stated that Malta accommodates a number of people who are undocumented and do not have access to full legal rights and who consequently end up exploited and vulnerable with no legal protection (Izzo Clarke, 2023). Minister of Home Affairs, Byron Camilleri had stated that asylum seekers whose application for asylum has been rejected may be subject to return. He has clarified that the SRA was a one-time program that was not intended to make all failed asylum seekers eligible for a residency permit (Izzo Clarke, 2023).

2.2 Financial Stability and Accessing Accommodation in Malta

As mentioned previously, without employment it is more difficult to access adequate and affordable housing. The relationship between employment and integration is critical and, therefore, asylum seekers and migrants should be allowed to legally work in Malta. Hence, work permits need to be more accessible (Attard et al., 2013).

⁴ Translated court judgement from Maltese to English.

Financial security is an everyday struggle to keep up with the increasing cost of living, and people who do not have stability particularly feel that they are stuck in a financial trap (JRS & aditus, 2021). Participants from the above-mentioned research also explained that the increasing rental prices are impossible to keep up with as many times their salaries are around the minimum wage (ibid.). As indicated by UNHCR (2019) in their report on employment, work permits issued to ‘failed’ asylum seekers are renewable every three months. This makes it extremely difficult for an individual to work legally and regularly.

Increasingly expensive housing leads to loss of stable livelihoods, especially among those who are marginalized (Giddens, 2001). Due to the high rent, it is also common that one opts for unsuitable living conditions just to have a roof on one’s head. Such an example of living in unsuitable conditions is when in 2019, the Malta Police Force raided an area where around 100 migrants had been living in horse stables in very poor conditions and with no access to basic needs (Martin, 2018).

Racism and xenophobia can also be strong barriers in accessing rental properties for asylum seekers and migrants. Maltese people are often reluctant to rent their property to sub-Saharan Africans. This has been documented in a local research that has found that property owners in Malta often inform estate agents that they do not want Africans to rent their property (NCPE, 2012).

According to a study conducted by Ribera-Almadoz et al. (2022), in Spain, shared housing is most common among Sub-Saharan populations. It is not uncommon for members of the same community to live together in their own housing units. The study's interviewees shared their experiences of discomfort while living in shared accommodation, especially in institutional or sheltered housing. The main reasons are

lack of privacy and conflicting relationships with other occupants, often due to language barriers, cultural and national differences, and the number of people sharing the same space. Some also reported a sense of insecurity and instability due to the absence of a housing contract or uncertainty about the duration of their stay. These factors have led to a strong sense of instability and uncertainty causing anxiety, distress, and exclusion which in turn impairs the psychological recovery of these individuals since their arrival in the host country. This hinders them from fully recovering from the traumas experienced during their journey as they continue to deal with these uncertainties (Ribera-Almandoz et al., 2022).

Unfortunately, people's rights are rarely met when it comes to renting in Malta. Rental prices are very high and people who do not have a property of their own, end up renting shared accommodations, either renting rooms or a bed in a shared room. In the past, frequent reports were made especially in Marsa and Hamrun to both respective mayors that there were large groups of migrants living in stables and garages (Diacono, 2017). On some occasions, police raided these particular places and with orders by the Planning Authority, the people had to be removed from where they were housed (Hudson, 2019). Due to high rent, migrants have increasingly experienced homelessness and rooflessness, living in uninhabitable conditions as long as they had a roof over their heads (Diacono, 2017). A resident from Eritrea who was living in one of the above-mentioned stables explained that notwithstanding the fact that the place was obviously not suitable to live in, he did not have any money to rent elsewhere that is more adequate. He stated that as long as he had a place to sleep and was able to go to work, the place was good enough for him (Martin, 2019).

According to a survey conducted in 2016 by the European Union Agency for Fundamental Rights, the percentage of respondents living in overcrowded housing in

Malta was 45% and these were people of African descent. This constitutes 84%, as per the Eurostat definition. This percentage is much higher than the 17% general population among the European Union countries (European Union Agency for Fundamental Rights, 2016).

Even though the right to adequate housing is a universal human right, ‘failed’ asylum seekers face tremendous challenges in accessing basic housing. The “Common Standards and Procedures for Returning Illegally Staying Third-Country Nationals Regulations” (Government of Malta, 2011) regulate the legal regime of return to their country of origin. Persons falling in this category, including ‘failed’ asylum seekers who do not possess a residency permit, are generally refused contributory benefits and are therefore excluded from the social welfare system. Even if they choose to voluntarily return to their country, they are excluded from emergency health care and “essential treatment of illness” (JRS & aditus, 2021).

2.3 Homelessness, Inclusion, and Marginalisation in Malta

Access to adequate housing is crucial for socioeconomic integration and establishment, as proven by research in housing and refugee studies (Ribera-Almandoz et al., 2022). Evidence suggests that individuals with limited educational resources, language barriers, precarious employment, and lack of support networks in host countries often struggle to find suitable accommodation. This negatively impacts their lives (ibid).

The Foundation for the Social Welfare Services (FSWS, n.d.) in Malta reports that there are four main types of homelessness that they encounter in their service:

- i) Houselessness: people in temporary accommodation due to certain difficulties they are facing.
- ii) Rooflessness: people living rough such as in abandoned buildings and in the streets.
- iii) Couch surfing: people temporarily sharing accommodation with others such as friends.
- iv) Inadequate housing/at risk of homelessness: people under threat of eviction; in a violent environment; living in inadequate housing and/or overcrowded environment.

According to the yearly statistical report by FSWS, the foundation worked with a total of 775 persons from January to December 2022, 254 of whom were non-Maltese (FSWS, 2023). However, there is a problem with the data gathering in this report since the data is not disaggregated by legal status or nationality. Therefore, it is not possible to see where the 254 people are coming from and if their nationality corresponds to the countries of origin where asylum seekers usually come from. There were 23 cases related to domestic violence in which statuses were also not specified. This report only enlists primary issues and does not take into consideration that many clients might have multiple issues and therefore would fall under different categories.

The European Council on Refugees and Exiles (ECRE, 2005) states that when it comes to asylum seekers whose application has been rejected, in most European Union countries, all kinds of support, including housing, are withdrawn. Once rejected, asylum seekers need to leave the open centres following the expiration of their service agreement. They are then expected to find accommodation in the community, but due to racism and xenophobia, this proves to be very difficult (Fondazzjoni Suret il-Bniedem,

2010). Readmittance in the system with the Agency for the Welfare of Asylum Seekers (AWAS) is very difficult, so returning to the open centre is not an option. The reasons for rejection of the request to be readmitted are unclear even when other organizations submit the request on the applicant's behalf (Jesuit Refugee Service Malta, 2010).

In the case of female 'failed' asylum seekers, it becomes even more challenging especially if they have children. Since they have no social safety net to rely on, such as access to childcare and housing, it is more difficult to find employment and, therefore, they experience additional social exclusion and poverty (Pisani, 2011).

According to Giddens (2001), homelessness is considered to be the most severe form of exclusion since it prevents people from participating in activities that others take for granted. Homelessness is commonly described as the condition of being without a home or housing, but it also describes the absence of shelter (Fox O'Mahony & Sweeny, 2010). Vakili-Zad (2006) argues that homelessness is difficult to define due to the deep-seated structural and socio-cultural problems that lead to it. He also argues that homelessness is built upon continuous experiences and/or outcomes that indicate a constant change in both cause and effect.

During the pandemic, the Platform Against Homelessness was set up by a number of organisations, mainly non-governmental organisations, to try and flag the reality of homeless people in Malta (Borg, 2020). The aim of the platform was to come up with solutions, and it addresses the major difficulties persons who do not have a fixed address face when reintegrating into the community. Without a home address, these persons become extremely vulnerable as they cannot apply for social housing, social benefits, or an identity card. They also cannot register for unemployment benefits and cannot access employment opportunities within the government systems.

Moreover, finding shelter also presents other challenges. Very often, due to their other personal challenges related to their status as well as the multiple problems they face, ‘failed’ asylum seekers often make temporary and unstable accommodation arrangements. This constant change in the social environment can destabilize them further (Weinzier et al., 2016). According to Calzolari and Barnes (2009), homelessness and income poverty are inextricably linked. Hesselman (2013) states that it is not hard to imagine the life of a migrant without adequate shelter or dwelling caused by very low income and precarious work conditions.

In 2012, the National Commission for the Promotion of Equality (NCPE) issued a report about the lived experiences of persons from ethnic minorities when accessing rented accommodation. The research interviewees recounted instances of discrimination and abuse by property owners and neighbours and explained that they felt that it was difficult for them to access rented places due to widespread racism and xenophobia. Some reported that estate agents conspired with property owners in continuing to enforce the discrimination. The report explained that asylum seekers experienced difficulties in accessing material and social support including stable employment, and this then led to difficulties in finding adequate and affordable housing leaving individuals no option but to opt for shared accommodation.

Subsequently, the Residential Lease Act came into force in 2020 aiming to provide transparency, stability, and security to those renting from the private residential market. This legal framework specifies the type of lease contracts and duration of rent that are applicable to rental contracts and defines the minimum duration of each lease for shared spaces (Housing Authority, 2021).

In October 2021, the first Anti-Racism Strategy was launched in Malta. This included an action plan against xenophobia, racism, and other forms of intolerance (Government of Malta, 2021). The strategy aims to support and stimulate intercultural inclusion and to confront and eliminate systemic, societal, and individual racism based on the four principles of equality, diversity, interaction, and participation (Government of Malta, 2021).

The action plan for this strategy was welcomed enthusiastically by non-governmental organizations as it shows commitment from the Government of Malta to improve the well-being of vulnerable persons while upholding the inherent dignity and equality of all persons living in Malta (aditus, 2020). The second objective, Measure 8 of the Anti-Racism Strategy, aims to tackle discrimination and racism in the private rental sector. Through its intra-ministerial anti-racism action plan, the strategy proposes to disseminate relevant information about legislation to property owners, provide training to estate agents, and develop a code of practice for this sector. The ultimate goal is to prevent and eliminate discrimination and racism in private rental housing (Government of Malta, 2021). It is crucial to establish a culture within law enforcement agencies and immigration services that does not tolerate racist abuse or the failure to meet equality and human rights standards. Racism must be actively prevented and combatted in all circumstances (ibid.).

2.4 Mental and Physical Health, and Access to Affordable and Adequate Housing

It is well documented that asylum seekers experience dangerous journeys to travel to Malta. These journeys are traumatic, often including abuse and exploitation as well as incidents of sexual and gender-based violence (SGBV). Those risking their lives

in these journeys also experience the loss of family members and the familiar networks in their homeland. Additionally, they also experience trauma within the reception system of detention in the host country (Taylor-East et al., 2016). Post-traumatic disorder (PTSD) is a disorder derived from distressing, frightening, or stressful events. Sufferers of PTSD are more likely to experience suicidal thoughts, self-neglect, and/or suffer depression and anxiety (AlRefaie & Dowrick, 2021).

The asylum process in itself is a stressful process that can take time, hence it puts a toll on the asylum seekers' mental health. They experience stress, insecurity, and fear in anticipation that they will be involuntarily repatriated. In a study by Schoretsanitis et al. (2018), it was found that 90% of those who had their asylum application rejected experienced severe psychotic symptoms, the majority of which were reported for suicidal ideation. Others were diagnosed with high stress levels and symptoms of depression. In this report, it was recommended that an intensive support system should be set up during the final phase of the procedure to prevent symptom aggravation.

Homelessness can be the cause of mental health concerns or the result of it. According to Grech (2019), the incident of a homeless Somali man who was found dead underneath the Marsa bridge highlights the harsh realities and consequences of homelessness in Malta. As she explains, homelessness has been regarded as an issue to be kept hidden or, as she describes it, the "Ugly Duckling" of society (ibid.). Fitzpatrick et al. (2013) state that homelessness is a significant detriment to health and that homeless people are more prone to health problems associated with poor mental and physical health. Sleeping rough and in overcrowded accommodations often leads to respiratory disorders and infectious diseases (Onapa, et al., 2022). According to Seastres

et al. (2020), homelessness is a public health issue in Australia, and there is a close link between housing and mortality risks.

Poverty and homelessness pose a risk to public health. Many homeless people struggle with mental health issues (Ponio, 2021) for various reasons, including past experiences, traumatic journeys, and/or present challenges in the host country. Such situations can also lead to a high rate of crime. People feel unsafe and uncertain, experiencing constant fear and unhealthy and distrustful relationships with other people. This creates more challenges to the development of a healthy community (ibid.). People living in poverty are more likely to be noticed by state authorities as compared to those living with more sustainable income. Due to the inadequacies of social safety nets, poverty can result in people taking extreme measures to sustain themselves which, in turn, contributes to the criminalization of poverty (Owczar & Hapenny, n.d.).

In 2020, four foreign men, three of whom were homeless, attacked and robbed three people in a span of two days in a public garden in Floriana (Cilia, 2022). Another case involved a foreign national who pleaded guilty to stealing from a church. According to his lawyer, he had lost his job and had fallen to “unfortunate vices” (Balzan, 2022). Another related case is when a desperate Sudanese national seeking a better life was imprisoned for six months as he committed the crime of attempting to flee Malta by hiding in a container going to Italy. He explained that he could not keep on living in the open centre and that he found it difficult to find a job. This led him to sleeping in a parking lot (Cilia, 2021). These are a few examples of cases of people that due to poverty had to resort to criminal activity in order to survive.

2.5 Women, Domestic Violence, and Homelessness

Discourses about adequate and affordable housing need to specifically include women and children who are living in shelters since there is very limited research on women and homelessness in Malta and possibly beyond our shores. To date, women are still suffering due to their low status in society and the lack of power in the family which makes them more prone to abuse and violence by their intimate partners (Vakili-Zad, 2013). The majority of homelessness when it comes to women is due to their dependency on the husband/partner which in turn can lead to abuse of power (ibid). Women who are economically dependent on their husbands/partners often run into serious challenges if they decide or are forced to leave them. Many women have no alternative but to move to inadequate housing or end up completely homeless (Baker et al., 2003).

Many female ‘failed’ asylum seekers come from countries where safety is contentious, therefore return will possibly expose them to further danger. As previously mentioned, since Malta still lacks diplomatic relations with these countries, it renders the enforcement of return challenging for the Maltese government (Pisani, 2011).

2.6 Community Development and Social Cohesion

There are various discourses surrounding community development with a wide range of general values that often come up in these discourses, values such as equality, solidarity, fairness, and participation (Varley & Curtin, 2013). In order to transform society into being just and equal, policies need to be built from the people’s lived realities, that is, from the grassroots level (Ledwith, 2011). The “broken window” theory suggests that a negative impact on a community or society can result in serious damage to its image (Ortigueira-Sánchez, 2017). Therefore, in such cases, community

development policies aimed at integration and inclusion are not a matter of assimilation but rather of fostering social cohesion. Social justice embraces equal rights and equity for everyone. Therefore, certain policies and procedures need to be reformed or dismantled in order to be rebuilt to eliminate unjustified inequalities (Ife, 2016). Equal rights are not enough since many cannot access the services they are entitled to for different reasons including lack of social capital and physical limitations amongst others. Equity goes beyond equality since it involves understanding the communities where they are at and what they need to be able to enjoy the rights that they are entitled to.

There is an ongoing debate about the extent to which individuals contribute to and maintain the cohesiveness of societies. According to Durkheim (1933), a society that lacks cohesiveness and regularity is at risk of suffering. This is evidenced by the problems that exist within communities, particularly those belonging to impoverished minority groups. This lack of social cohesion is concerning as it affects the entire society (Forrest & Kearns, 2001). Therefore, working at the grassroots level with ongoing contact and interaction with the communities is essential for understanding the real needs and assets of these communities. This needs to be done for community cohesion policies and practices to be able to break down barriers and combat injustices, divisions, and segregation of minorities.

Community cohesion goes beyond multiculturalism as it is seen as a positive vision of a diverse society that challenges division and segregation (Cantle, 2023). In Spain, low-income households were affected by the housing crash of the late 2000s which led to a shortage of affordable and adequate housing. Such situations were observed in other countries in Europe which resulted in people extending their stay in reception centres and emergency shelters or sharing accommodation (Ribera-Almandoz

et al., 2022). Social fragmentation often leads to social isolation and, over time, it can raise the level of anxiety and other forms of mental health issues in individuals who are already prone due to their own traumatic personal experiences or who are genetically predisposed to developing anxiety disorders (Mackay, 2019).

2.7 Conclusion

This chapter has explored some of the available literature pertaining to homelessness, failed asylum, and accessible housing. The cycle of poverty is a complex system that individuals and families fall into and find it hard to break free from. The combination of economic, social, and psychological factors keep people trapped in poverty across generations. Housing is tied to health care, employment, and education. Without access to these basic rights, it is more difficult to live adequately and find stability.

In this chapter, it was noted that displaced forced migrants such as asylum seekers, people who benefit from some form of protection, and ‘failed’ asylum seekers have different rights to residence and social welfare, and each category is impacted by their particular assigned socio-legal status (Dwyer & Brown, 2008). According to Fox O’Mahony & Sweeney (2010), ‘failed’ asylum seekers are considered to be ‘double displaced’. This means that they have been displaced from their country of origin and dispossessed from their homes and are, furthermore, being prevented from re-establishing and finding stability and securing a dwelling in the host country.

CHAPTER 3 - METHODOLOGY

3 Introduction

This study aims to investigate how the limited availability of affordable and adequate housing affects the lives of 'failed' asylum seekers and Maltese society at large. It is based on the firsthand experiences of 'failed' asylum seekers and also examines the perceptions of key stakeholders and service providers towards migration and housing services and relevant policies. This chapter outlines how this research was conducted. It begins with an explanation of the research design adopted for this study, then proceeds to describe the recruitment of the interviewees and stakeholders. Next, the process of data collection and data analysis is discussed. Lastly, it concludes with a section on the ethical considerations.

3.1 Research design

This research is based on narrative inquiry whereby 'failed' asylum seekers were interviewed about the challenges they face seeking adequate, accessible, and affordable housing and a more contextual dialogue was conducted with stakeholders and service providers regarding housing in general. The term 'narrative' is used in any assigned qualitative research related to any text or discourse in the context of inquiry which specifically focuses on the individual stories that are narrated during the interviews (Creswell et al., 2007). Qualitative methodology was the research method chosen to understand the participants' lived experiences and realities while the researcher empathised with them to understand their perception of the subject being studied (Taylor, 2015).

The research process commences by inquiring about philosophical assumptions about the nature of reality, hence with an ontological approach and is followed by the knowledge and understanding of the study (Creswell et al., 2007). Apart from the qualitative semi-structured interviews, an analysis of the current housing policies, schemes, and services was conducted to highlight one's eligibility criteria and whether they intrinsically exclude 'failed' asylum seekers. This qualitative research partly adopts a narrative approach and draws on the personal experiences of persons whose asylum applications have been rejected. The interviews with stakeholders concerning access to adequate and affordable housing were analysed and research in the housing and sheltering policies related to migration was conducted while the gaps in these policies were identified.

In this research, a critical approach was adopted during the interviews and while analysing the policies. As a critical form of discourse, the critical social theory cultivates the ability to assess the current situation and conceptual dilemmas, especially those leading to oppression (Zeus, 2004). Hence, critical social theory provides the space to question, deconstruct, and reconstruct the acquired knowledge as well as to highlight the contradictions (ibid.).

3.2 Recruitment of Research Participants

Participants for this study had been invited to participate in a semi-structured interview and recruited via emails sent to gatekeepers (Appendix III). The email consisted of a concise description of the research, a copy of the consent form (Appendix VI), and a list of support services. In some cases, stakeholders requested a meeting to gather more information about the research prior to being interviewed.

Access to the ‘failed’ asylum seekers was a more delicate process. The participants had to have their request for asylum rejected more than two years before the study commenced and be over the age of eighteen. Moreover, if prospective participants were going through difficult circumstances at that time of recruitment, it was decided not to interview them as certain questions might have lead to more anxiety. One of the gatekeepers was a representative of the Sudanese Community who then shared the information about the research with other communities. This created a snowball effect which lead to the recruitment of participants hailing mainly from Gambia and Ivory Coast.

For this research, representatives from entities involved in housing policies, shelters, services, and organizations working in the field of migration were recruited. It was important for this research to have their perspectives heard to also identify any gaps in the current policies. These entities were invited to participate via emails (Appendix II) which were sent to their management system and then forwarded to specific professionals.

3.2.1 Research Participants

Four ‘failed’ asylum seekers were recruited for this research, that is three males and one female, all of whom had been in Malta for over five years and whose application for asylum had been rejected more than two years before the interviewing process. Below is a short introduction of the four ‘failed’ asylum seekers:

- Sandrine* is from Ivory Coast and has been in Malta for the past five years and has been working regularly.

- Ibrahim* is from Ivory Coast and has been living in Malta for around sixteen years. He currently holds a stable job.
- Joseph* is from Gambia and arrived in Malta eight years ago. He currently holds a Specific Residency Authorisation.
- Isaac* is from Ivory Coast. He is a business owner and has been residing in Malta for the past 13 years.

The six interviews with the stakeholders consisted of three participants who represent government entities; a participant who works in a shelter for the homeless; a participant who is a representative from a non-governmental organisation whose work is based on advocacy and support towards asylum seekers; and a participant who is a member in a migrant community. Each stakeholder is represented by one individual. Pseudonyms were not used for this group of interviewees, but the term 'representative' was used to conceal their identities, except for the Sudanese community member who is referred to with a pseudonym. Below is a brief introduction to the stakeholders:

- A representative from the Foundation for the Social Welfare of Society (FSWS) which is a government entity in Malta that provides social welfare services with a focus on family welfare, children, and community to prevent social exclusion. FSWS comprises of three agencies and three directorates, each with its specific responsibilities (FSWS, n.d.).
- A representative from the Agency for the Welfare of Asylum Seekers (AWAS). AWAS is a government agency responsible for implementing national legislation and policies concerning the welfare of asylum seekers and those who have been granted international protection. The

agency manages open centres and provides information programs related to housing, health, welfare, employment, and education (AWAS, 2023).

- Christian Okyere Inkum is a representative from YMCA Malta which is a non-governmental organization that specializes in supporting, assisting, and reintegrating homeless and roofless individuals (YMCA Malta, n.d.). Christian gave his consent to use his real name.
- Marco* is an active member and volunteer from the Sudanese Community in Malta. The Sudanese community supports the Sudanese people with different statuses who live in Malta.
- A representative from the Housing Authority which is a government entity that provides social and affordable housing. This authority also provides diverse schemes to sustain those who are vulnerable (Housing Authority, 2024).
- A representative from the Migrants Commission that is, the Commission of the Catholic Archdiocese of Malta. This entity provides social assistance and legal aid to asylum seekers and migrants (Migrants Commission, n.d).

3.3 Data Collection and Research Question

The primary data was collected from the semi-structured open-ended one-to-one interviews that were conducted. All interviews were held face-to-face, one at a time, and were conducted at a time and place convenient to the participants. The interviews with the ‘failed’ asylum seekers were easier and faster to set up and took place within two weeks mostly because they were easily available during the weekends. The interviews

were conducted during a period of three months, that is, between August and October 2023.

A set of research questions was compiled and served as a guideline for all the interviews. The interview guide was specific to each interviewee. For the interviews with the asylum seekers, the questions revolved around their personal experiences of living with their current asylum status and the challenges they face in finding affordable and suitable housing. However, being open-ended in-depth interviews, there were instances where it was possible to probe further and guide the interviewee to get a better understanding of what was being said and hence to get richer data. With this interviewing method, often the interview took the form of a guided conversation.

For the interviews with the representatives from the different entities, it was necessary, at times, to engage in guided informed dialogue while asking open-ended questions related to the immigration and housing policies in Malta. The data was collected and analysed by comparing and deconstructing the questions and answers.

In addition to the primary data collected from the interviews, secondary data was collected through literature and various policies related to migration, human rights laws, and housing policies and schemes which was then analysed.

3.4 Data Analysis

Thematic analysis was the method used in this qualitative research. Adopting Braun & Clarke's (2006) model, the process adopted for data collection involved the following steps: familiarisation with interview data; the formulation of codes; development of themes; the review of emerging themes and their definition; classification of themes, and the drafting of the report.

A thematic map was created to illustrate the relationships between the themes that were of relevance to this study. The thematic map starts with the status of ‘failed’ asylum seekers and leads to two separate arguments which are lack of basic rights and difficulty accessing basic shelter/adequate and affordable housing. The thematic map is found in Appendix VIII.

The main objective of social inquiry is to study how people articulate and comprehend their own experiences. Thus, researchers aim to understand the social reality of individuals, cultures, and groups of people (Holloway, 1997). The interpretative approach underlies the qualitative research and helps to identify social reality (ibid.). Moreover, the data gathered from the interviews was subsequently compared and contrasted to the policy documents.

Each interview was transcribed either in Maltese or English, depending on the language used during the interview.

3.5 Ethical Considerations

Ethical considerations were of utmost importance due to the sensitive nature of the topic and to protect and safeguard the interviewees, especially the ‘failed’ asylum seekers who gave their time and shared their personal and difficult life experiences with the researcher. Being ethically sensitive is of utmost importance in community development work, where the professional pledges to protect fellow human beings in a vulnerable situation (Sullivan, 2005). Community development workers need to be knowledgeable of the moral norms and principles (Jensen & Delany, 2016). Conducting in-depth interviews in qualitative research is a very intimate experience. During these

interviews, participants open up about very sensitive matters and the interviewer needs to be empathic and must make the interviewee feel safe. There are important values that researchers need to abide by while doing research and these include preserving privacy, minimizing harm, respecting personal autonomy, and equity in dealing with different people (Hammersley, 2019). Harm can arise in research, therefore the researcher should be cautious on how the information is going to be used and avoid any negative effect on people's lives and reputations (ibid.).

For this research, a consent form was provided to the interviewees, and its content was explained to them before signing (Appendix VI). The interviewees were given the choice, by ticking a box, if they wanted their name and/or organization to be mentioned in the study. However, all the stakeholder interviewees agreed to mention where they worked. All interviewees also had the choice to use their real names or a pseudonym of their choice. The roles of the interviewees in the organisations have not been revealed to respect confidentiality. Interviewees were informed that if they were not comfortable answering some questions they could decline to answer and move forward. The interview guide (Appendix VII) was also adapted according to the entity or individual being interviewed. No personal information was asked, apart from asking the 'failed' asylum seekers for how long they have been living in Malta since it was relevant to the research.

A list of support services was also included in the recruiting email. This list included free services which offer psychological support as well as others that offer services against payment (Appendix V).

This research was conducted with the approval of the Faculty Research Ethics Committee and in compliance with data protection regulations for interviewees

(University of Malta, 2019). The approval letter is found in Appendix I. All transcripts were saved securely with a password, and no one else except for the researcher has access to them.

3.6 Conclusion

The next chapter will discuss the findings and recommendations that were brought up during the interviews. It will also include the most salient themes that emerged from the semi-structured open-ended interviews and desktop research that took place during this study about the policies related to accessible, affordable, and adequate housing.

CHAPTER 4 – DATA ANALYSIS

4 Introduction

This chapter brings up the key themes that have emerged from the data extracted from the two sets of interviews that were conducted with a sample of ‘failed’ asylum seekers, service providers and policy makers, and from the researched policies related to housing and migration. The themes were identified through a thematic map (Appendix VIII) to extract relevant data from the interviews. The thematic map illustrates a comprehensive understanding of the plight of ‘failed’ asylum seekers. Due to the absence of proper documentation, they are often deprived of basic human rights, making them vulnerable and unstable. This, in turn, may lead to poverty and even involvement in criminal activities as a means of survival. Finding basic shelter or affordable housing can be extremely challenging, especially when rental prices are high and discrimination and racism hinder accessibility.

The analysis begins by exploring the affordability and adequacy of residential housing which includes access to shelter, short-term accommodation, and housing schemes. This will be followed by an exploration of the lived experiences of ‘failed’ asylum seekers and their basic rights as well as their ability to access private accommodation, their vulnerability, and the implications of a lack of access to adequate and affordable housing. Finally, the impact of these issues on both the individual and structural levels will be discussed.

The main focus of the data analysis was on the lived experiences of ‘failed’ asylum seekers and their access to adequate housing due to the lack of proper documentation. However, this research also delved into the difficulties they encountered in accessing basic rights which, in turn, affected their living conditions. With regards to

the stakeholders, this research focused on the services and policies related to ‘failed’ asylum seekers’ access to housing and shelter.

4.1 Social Housing

In Malta, the Housing Authority's mission is to “provide and sustain decent social and affordable housing opportunities promoting stability and supporting social mobility” (Housing Authority, 2024). This authority provides various schemes to support those individuals and families who might be going through diverse financial difficulties (Government of Malta, 2023).

Apart from the applications for social housing, the Housing Authority provides financial grants to those who would like to purchase their first residential property, hence the grant will be given through payments over a period of ten years. The authority also subsidises finishing works for private or government residential rentals. A 10% payment of the deposit scheme is also available when purchasing a property. Alternatively, one can opt to apply for a social loan, where there is a collaboration between the FSWS and two local banks to give support to individuals buying a property for personal and residential purposes.

These are only some of the schemes that are offered by the Housing Authority. All this can be found on their website. The schemes below describe the eligibility criteria for the above mentioned schemes:

- Housing benefits on privately rented dwelling – Maltese citizens or European Union citizens, persons holding a refugee status or subsidiary protection, persons holding a long-term residency or a specific residency authorisation.

- Application for Social Housing – One of the applicants must be a citizen of the European Union (including Malta) or have refugee status.
- Property Acquisition Grant Scheme; Subsidy on Adaptation Works; Scheme on 10% deposit for the Purchase of Property – Maltese citizens or a European Union citizens.
- Social loan scheme – Maltese citizens.
- Tax reduction scheme through fiscal incentives – No specifications were given on status.

From the information above and the data gathered through the interview with the Housing Authority representative, it is clear that the housing benefits scheme on privately rented dwellings is the only one accessible to ‘failed’ asylum seekers who have obtained the SRA. This is not available for those who hold the Immigration police document. Those who do not obtain the SRA are left behind and without any possibility of having a stable residency although they have been in Malta for several years working and paying taxes. Excluding ‘failed’ asylum seekers from these schemes can only lead to marginalisation and leave them with a sense of instability. Such policies go against what is stated by the UNCESCR which addresses an individual’s right to live with dignity, in peace, and have security (United Nations, 1996-2023).

4.2 Shelters and Temporary Accommodation Policies

Access to shelters and adequate accommodation is crucial for supporting individuals and families. Having a safe shelter is fundamental to ensure people's physical well-being, safety, and security. Shelters and temporary accommodation also play a vital role in preserving human dignity, cultural identity, and family unity of those

affected while promoting community organisation. In addition to these, safe shelter also ensures mental, physical, and psychological stability of individuals and their families (Global Disaster Preparedness Centre, 2017-2022). Policies and procedures should be implemented in the accommodations sector as they serve as guidelines, however, policies have to be non-discriminatory.

Christian Okyere Inkum, from YMCA, explains the procedure of referral to shelter in Malta. He states that people who are suffering from homelessness or rooflessness are generally referred to the Intake and Family Support Services (IFSS) at the Homelessness Service. These services fall under FSWS. Those individuals who are residing or are in the location of one of the catchment areas of the Community Services within the same foundation can be supported by the services of that same locality. While the individual is registered on Intake, an assessment by a social worker is done to evaluate the situation. The person is then referred to an emergency shelter or long-term shelter depending on the person's requirements (FSWS, n.d.).

The representative from FSWS stated that their service starts by exploring the possibility of finding alternative accommodation with family or friends. If that is not possible, they proceed by referring the individual to a shelter or assisted accommodation that offers a maximum stay of six weeks. After that, they will be referred to long-term shelters which offer a maximum stay of one and a half years. She also states that everyone is eligible to have the necessary support including 'failed' asylum seekers, and they can also be referred for long-term shelters as long as they have some kind of valid document.

If they don't have a valid document, professionals will assess their situation and explore whether they have any other kind of documents that they might not be aware of.

If they don't have the necessary documentation, they will explore how to obtain it. FSWS generally collaborates with the Immigration police who start the process of obtaining a “Yellow Book”⁵ if the individual is eligible. Once this document is obtained they will become eligible to be referred to a shelter. Emergency shelters accept those individuals who have an official paper from the police office confirming that their document is lost.

In 2020, during the COVID-19 pandemic, one of the injustices observed was the refusal of shelter for 'failed' asylum seekers. The FSWS representative stated that during the pandemic, ‘failed’ asylum seekers were not being seen due to their status and were sent away. However, over time, the policy within the foundation changed after an assessment was done, and now ‘failed’ asylum seekers are eligible for support. Again, not allowing someone access to adequate basic shelter goes against the Universal Declaration of Human Rights (United Nations, 1996-2023) and prevents the fulfilment of an important Sustainable goal which aims towards ‘Sustainable Cities and Communities’.

Christian, from YMCA, explained that they are currently running three shelters, and there is a plan to open another two in 2024. Christian states that homelessness “used to be an invisible problem in the past. But it became more visible, you know. Even the recognition of the fact that there is homelessness was not there. It was not accepted by government.” He explains that YMCA works together with government agencies such as FSWS, “the mother social organization” in Malta, and they get referrals from them. Once FSWS makes the assessment, they send the referral to YMCA. Referrals can also be made from outside FSWS on an emergency basis and YMCA does an assessment

⁵ The ‘Yellow Book’ is a document issued by the Immigration Police in terms of Article 9 of the Immigration Act (Chapter 217).

through an online tool. FSWS is then contacted and the person is sent to them for a proper assessment.

AWAS is the entity that manages the reception centres and runs other programmes related to the welfare of asylum seekers. It also promotes government schemes associated with voluntary returns (AWAS, 2023). According to the “Strategy for the Reception of Asylum Seekers and Irregular Migrants”, ‘failed’ asylum seekers may also be offered accommodation if humanitarian reasons are identified and as long as priority is given to asylum seekers and people with protection (Ministry for Home Affairs and National Security, 2023).

On the other hand, despite these various services and policy frameworks, Marco*, a representative from the Sudanese Community stated that when he is informed about someone who is homelessness and/or rooflessness, he would refer them directly to a specific shelter. When asked if he knew about specific services related to shelter and housing, he admitted that he was not aware of the official referral system. This statement shows that there is still lack of awareness of such services especially to non-Maltese nationals and their respected communities. Hence this shows that there is a gap between the policies in place and what happens in practice.

4.3 Living in Malta as a ‘Failed’ Asylum Seeker

The individuals interviewed for this research have been residing in Malta for a period of five to sixteen years and have shared their varied yet somewhat similar experiences. The four of them stated that during the period that they were living in the Hal Far open or closed centres, they felt that they did not find the necessary support and guidance to find private accommodation. However, they found the support of friends or

acquaintances, and today they all live in rented accommodation. Isaac* recounts, that in the beginning, he had a “tough challenge” because nobody wanted to give him a place to stay due to the Immigration document (Yellow book), so he had to sleep in his shop for some time until he found a landlord who understood his situation and rented out his place to him. Henceforth, he stated that when the landlord tried to register the rental contract with the tenant’s identity number, it was difficult as the document was not a Maltese residency identity card. Albeit this claim, in the Private Residential Lease Act, there is no mention of the required documentation when registering the contract with the Housing Authority (Government of Malta, 2020). Notwithstanding this new Act, not all landowners are registering their property for rent and the data collected during the interviews with ‘failed’ asylum seekers is evidence that there is a lack of awareness from the tenants’ side about the procedure and their rights as tenants. Consequently, they accept all the conditions that the owner imposes since they are aware that they have limited options available.

Photo: The front page of the Immigration Police document or better known as the Yellow Book. Photo taken by African Media Association (Nguini, 2024).



4.3.1 Employment and Access to Bank Services

Employment has also been very difficult for the ‘failed’ asylum seekers since their document and working permits need to be renewed every three months. This renders their situation more precarious because employment is the only legal right they have in Malta, although it is also slowly being withdrawn according to the changes in policy of employment (2021).

Ibrahim*, hailing from Ivory Coast, has been living in Malta for the past 16 years. He is in his late 30s and has been consistently employed without any issues. However, he still faces difficulties since he cannot re-open a bank account due to his current document, the “yellow book”, which consequently makes it difficult for him to send money back to his home country. In the past, he used to hold a THPN status, but it was not renewed due to his insufficient employment history. He mentioned that in 2015, during his last trip to his country of origin in Africa, he did not have a proper work contract. As a result, when he returned to Malta and it was also time to renew his THPN status, he was denied renewal because he did not have stable employment. This shows the lack of awareness about the issued status. This means that it should have been specified that even though he could travel with the THPN status, he would need stable employment to be able to renew this status so that he could have anticipated or postponed his trip to give priority to fulfilling the criteria to be able to renew. Since then, he has been unable to renew his status, even though he now has a stable job. When asked if he had the opportunity to apply for the SRA, he was not aware of this type of residency permit. Due to the issue of his renewal, he was contacted by the bank to close his account once his ID card was removed.

Similarly Sandrine*, from Ivory Coast, has been in Malta for the past five years and she states that people like her with a ‘failed’ asylum status find it hard to find stable employment because of their Immigration documents since a working permit and their police book need to be renewed every three months. She adds that “with that yellow book, if you are working with a company but without contract, they will withdraw the yellow book. They will take it away from you.” She continues that “you can find employers who are willing to employ you with a contract. But it depends on everyone’s luck.”

The SRA was updated in 2020, and no new applications were to be considered after December 31st of that year. Therefore, Ibrahim* had missed the opportunity to apply for it. Having that authorisation would have made his life more stable. The policy stated that existing applicants could continue to renew their documents in line with the updated policy (Identita', 2020). This decision left many people who would have qualified at a later stage stranded, leading to social exclusion and poverty. Many non-governmental organizations were disappointed and argued that it destroyed the hard-earned integration efforts of ‘failed’ asylum seekers and excluded them from being able to access their basic rights (Moviment Graffitti, 2020).

In 2021, the Malta Refugee Council raised concerns about a change in policy⁶ set by the Ministry of Home Affairs, National Security and Law Enforcement in Malta. According to this policy, ‘failed’ asylum seekers who hail from any of the countries listed as safe countries of origin within the International Protection Act (Cap 420), will not be granted access to the labour market. This policy is still valid until today, and it raises concerns as it will lead to people living in poverty and feeling marginalised.

⁶ Changes to the policy on employment access to asylum seekers (2021): Ministry for Home Affairs, National Security and Law Enforcement

However, in certain instances where Assisted Voluntary Return is not possible due to circumstances beyond their control, these individuals can be considered for access to the labour market.

According to some interviewees, ‘failed’ asylum seekers encounter several other challenges. One that hinders peace of mind is the difficulty in accessing banking services such as opening a bank account. This makes it extremely challenging for them to even have a business account for their business. Having a bank account is key to accessing different financial services. Without a bank account, one cannot take a loan to buy a property. Isaac* stated that he cannot have a bank account because he does not have a proper identity card or residency card. He also mentioned other barriers. He added that it was not possible to order products online and he could not even apply for an electronic point of sale (EPOS) for his shop. This limits his business since his clients can only pay him in cash. He feels stuck even when it comes to employment or business.

4.3.2 Transitioning from Shelter to a More Stable Accommodation

Asylum seekers need to leave the open centre once their stay is due. The ‘failed’ asylum seekers interviewed all recall their different experiences. Sandrine* narrates that after a year, she needed to leave the open centre where she was residing although she was still an asylum seeker. She adds that “after that, I had to leave. I met someone, a friend, who helped me out. That friend is the one who really helped me because I couldn’t find accommodation because of the yellow book status.” This coincides with AWAS policy and confirms that the maximum length of stay in an open centre is six months for single men and one year for women and families (UNHCR, n.d.). According

to Westendorp (2022), during the period when asylum seekers are waiting for the decision on their application, the European States should provide accommodation that meets the standards of human rights and is in line with the International Covenant on Economic, Social and Cultural Rights (ICESCR). As per the ICESCR, asylum seekers have the right to basic minimum rights, including housing rights.

Another interviewee, Joseph* from Gambia, stated that he stayed in a camp but did not specify whether it was an open or closed centre. He further stated that he had been working with the same company regularly for the past six years and did not face any difficulties in finding a place to live after he left the open centre as he found someone who helped him find accommodation. He stated that throughout the years, the rent has increased. Before he used to have his own room, while now he has to share it with another person as he cannot afford to rent one on his own. Joseph* also stated that he deals with an agent to pay the rent for his current accommodation and he has never met the landlord. He also doesn't know if the contract is registered with the Housing Authority and admitted that he is reluctant to ask the agent since he states that "it's a long time he give me rent. I never ask him. But when I ask him now, maybe he can complicate, but I can ask him."

These interviewees share similar experiences regarding transitioning from the reception centre to finding private accommodation. They managed to do so with the help of acquaintances who provided them with the necessary support. This shows the importance of social capital and resilience. They found support and guidance, not from the services that are already in place but from friends and acquaintances or local people. However, from the interviews, it also transpired that some individuals fear facing problems if they inquire about their rights, so they prefer to remain silent in their status quo.

Not being supported in finding alternative accommodation while transitioning from open centres can create further problems. However, according to the open centres policy, they cannot stay longer than their stipulated agreement, although they are finding it hard to find affordable and adequate accommodation. This confirms that their only option when it comes to accommodation is in the private rental sector which is still difficult to access for some of them due to discriminatory treatment, high rent, and because they are not eligible for any benefits or governmental rental subsidies offered by the Housing Authority. 'Failed' asylum seekers endure legal issues and injustices which are making them vulnerable and ostracised from society and are often considered to be merely working bodies. Poor mental and physical health, precarious employment, inadequate shelter, racism, and poverty are all problems that 'failed' asylum seekers face due to bureaucratic barriers and lack of proper status. These issues lead to marginalisation and have a negative impact on the Maltese society.

4.3.3 Vulnerability and the Sense of Instability

Individuals who lack basic rights and face constant rejection tend to feel vulnerable and unstable. 'Failed' asylum seekers are often left confused and neglected. During the interviews, many expressed concerns about the implications of this status, which goes beyond accommodation. The lack of rights often leads to bureaucratic complications such as having difficulties opening a bank account. Enduring circumstances such as these on a regular basis and in many spheres besides frustrating is also humiliating and can have negative impacts on one's mental health.

Marco* explained that some individuals often get confused and have trouble understanding the process of seeking shelter when they are homeless. He said that due

to their rejected status, ‘failed’ asylum seekers face even more difficulties in finding work and accommodation, and many individuals end up feeling helpless since they are unable to attain a legal status. Consequently, they end up with little money to be able to live independently.

As Marco* argues in a very descriptive way, instability not only leads to a sense of helplessness, it also forces the individual to take paths that can worsen their situation, both health and legal-wise. The stress of finding a stable job and a place to live often leads to substance abuse as a way to cope with their situation. Sandrine* also confirmed that she sees a lot of people in Marsa that “sleep in the street” and she finds it very hurtful and sad to see other asylum seekers like her living in such a state.

Isaac* also mentioned the challenges they face to be able to travel abroad. He added that people with his legal status do not even have the option of leaving for a better life abroad if they are not managing to live independently and with dignity in Malta.

4.4 Lack of Access to Adequate and Affordable Housing: The Implications

Considering that property is a highly desirable goal for many people, nowadays it has become a luxury due to the high rise in property prices that do not reflect the current salaries in Malta. This also applies to renting a property, where very often one has to share an apartment to be able to afford it. And even this is getting harder with the rental prices increasing at a very fast pace. Because of this, there are groups of people, including ‘failed’ asylum seekers who are being excluded from the housing market. As can be seen from the housing authority schemes, ‘failed’ asylum seekers are not eligible for any of the schemes since they do not own a residency document.

As Sandrine* mentioned, she feels sad to see many migrants sleeping in the streets in Marsa which is also her neighbourhood. She explained that her concern is that if “for example, a woman doesn’t have where to go, if she’s in the street, that will only lead to bad things.” Living on a small island with a population of over half a million, one is aware of what is happening in their neighbourhood where homelessness, substance abuse, and criminal activity are often present. This can make one feel uncomfortable and unsafe. Structural inequalities, discrimination, systematic racism, and inadequate social safety nets can lead to unsustainable living among marginalized groups (Ponio, 2023). The experience of not having a stable accommodation can be incredibly stressful, traumatic, and isolating. Unfortunately, this can exacerbate existing mental health conditions, leading individuals to turn to self-medication through substance use as a means of coping (Ponio, 2023).

The European Union's approach to migration is primarily focused on discouraging irregular migration, which includes making irregular entry, stay, and return a criminal offense (PICUM, 2023). However, such policies lead to a hostile environment that excludes people and marginalises them. These policies can make people dependent on employers or spouses and increase their vulnerability to exploitation and abuse. Furthermore, such policies may limit access to social protection mechanisms and healthcare, thus worsening their risk of poverty, homelessness, violence, and exploitation (ibid.). Christian from YMCA argues that people who do not have proper documents to work with to make a sustainable income, end up living in poorer areas of the community because that is what they can afford. In comparison to others who do have a legal status, life is different since they can have a stable job and they can travel. He also argues that landlords from certain localities refuse to rent to them, hence they end up going to live in rougher and overcrowded areas such as Marsa,

Hamrun, and sometimes in St. Paul's Bay. He explains that "what is happening as a society, we are inadvertently creating ghettoization without being aware. The second part is that I think that the economy is losing because then you cut off a section of the population not paying taxes because of some of these difficulties."

The representative from AWAS argues that if the system is setting people to fail, it is obvious that it will affect the Maltese society in general. She continues to argue that this makes them feel rejected as human beings, therefore they won't feel a sense of belonging and hence will not respect the society they are living in.

According to the representative of FSWS, the situation for asylum seekers has not improved but has regressed. She states that the main issue is the long waiting time for the International Protection Agency to provide a decision on their asylum application. This prolonged waiting period is causing emotional and behavioural effects on the asylum seekers as they are unable to plan their future. Many people are feeling understandably angry especially due to the lack of sense of belonging which, consequently, reflects on how they act in the community. She recounted that once a client told her that if one does not give him the chance to integrate they will not show respect. "Why do I have to show respect in the community when no one is interested in giving me a future. I don't have anything to lose. I'm not interested. Here is not my future. If I insist, probably I will still lose".

The representative from the Migrants' Commission argues that a homeless person who has been denied asylum is different from other homeless individuals. He argues that:

It is complicated since the failed asylum seeker is not just any other homeless person. I mean, there are legal issues. There are injustice issues. I mean, you

have someone who is a 'failed' asylum seeker and you cannot do much because when you see the case, that's about it. And then you have the issue of homelessness too.

He continues to argue that “then to access legal services, to reopen the case, to fight that case” when they need to appeal their status, the case itself brings along anxieties.

Professionals often get stuck when they encounter such cases. The representative of FSWS also believes that there are issues of injustice in the way institutions in Malta are operating today.

The above statements by the interviewees prove that there are still gaps in the system when it comes to homeless and roofless people who are suffering from substance abuse. As discussed earlier, homelessness has been regarded as the “Ugly Duckling” of society (Grech, 2019), and until today homelessness is still considered illegal in Malta. However, substance users and abusers cannot stay in a shelter, therefore it is difficult for an individual who has been under the influence of substances to just quit to go into a shelter. They need support to first deal with their addiction or to detox. Where should they go? They don't seem to be referred to any service according to the data gathered in this research. No one should be denied accommodation no matter what the circumstances are and a sheltering system for people with similar problems of addictions, especially since there has been such an increase lately, should be put in place to avoid further exclusion. If the current homeless shelters lack the capacity to support individuals struggling with substance abuse, which can be a significant factor in many homelessness cases beyond just 'failed' asylum seekers, then there is a critical gap in the system.

4.5 Impact on the Individual and Structural Level

From the diverse interviews, it is evident that the impact on the Maltese society is broad. It does not only impact the neighbourhood due to the instability of the people living in the area, it also impacts the employers of people with a 'failed' status. The Migrants' Commission representative also argues that there are employers who were impacted by this system since it has worked against them. He explains that the changes in policies have forced them to employ people irregularly even though they have been working with them for a number of years. He adds that this has led to challenges faced by the care professionals, such as social workers and other professionals that work in the field, who have to find a way to give their support. Christian, from YMCA, also discussed that employers often face difficulties when hiring individuals with a working permit that requires renewal every three months. Even when employers are willing to do so, there are challenges posed by the standard probation period of six months. This makes the process more complicated due to the shorter duration of the working permit, resulting in many employers not employing 'failed' asylum seekers.

It is crucial to acknowledge the social housing sector, especially for those who are categorized as 'failed' asylum seekers who face uncertainties in finding accommodation. There should be alternative options in place until such individuals are financially stable. The mission of social housing is mainly to supply affordable housing to those who are defined as vulnerable or have a low socio-economic status. Social housing has been created to support the latter by providing support and financial assistance through different schemes for either purchasing a property or renting (Braga & Palvarini, 2013).

4.6 Conclusion

This chapter presented the analysis of the main findings that emerged from the desktop research related to policies and interviews with ‘failed’ asylum seekers and relevant stakeholders. By conducting interviews with various stakeholders in the housing and migration sectors, it was possible to gather rich data from my sample of 'failed' asylum seekers. Through the interpretation of this data, both from the interviews and from my desktop research, insight was gained into how 'failed' asylum seekers feel about living in a community that has created barriers for them to settle and build a rich and meaningful life. Through the collection of data and analysis, recommendations have been brought up, which will be discussed in the next chapter.

CHAPTER 5 – RECOMMENDATIONS AND CONCLUSION

5 Introduction

This section will give a brief overview of the main findings which were analysed in the previous chapter followed by the research strengths and limitations.

Recommendations that were put forward by the interviewees will also be discussed together with recommendations for policy and programme implementation emerging from the findings of this research. However, it will also include other possible recommendations which are related to the legal status and will conclude with some final remarks.

5.1 Main Findings

This study highlights the fact that insufficient documentation can lead to instability. It also emphasises the significance of understanding not only human rights but other essential rights, such as access to healthcare, employment opportunities, and the right to suitable housing. The research findings reveal the challenges and barriers faced by individuals whose asylum applications were unsuccessful and how the lack of being included in already stipulated policies impacts their lives. These findings also indicate how the policies researched, both related to housing and migration, underline pertinent themes such as living in a state of uncertainty, living a concealed life, living with a sense of impermanence, mental health problems, dealing with substance abuse as a coping mechanism, dealing with abusive employers, and the inaccessibility of adequacy and affordability of housing. This research highlights how the absence of basic rights may lead to homelessness, difficulty accessing healthcare, and bureaucratic

hurdles. All of these have negative effects not just on the individuals but also on Maltese society at large.

5.2 Strengths and Limitations

The strengths of this research come from the rich narratives collected during the open-ended interviews with the ‘failed’ asylum seekers whereby each and every person expressed the different struggles they face while living with this status. Due to the participants showing trust and feeling comfortable during the interview process, it was possible to probe further when it was deemed appropriate. Having work experience in the field of migration and having worked for many years with refugees and asylum seekers was another strength especially due to the knowledge gained in the field. This also sped up their trust in me as a researcher. The triangulation analysis is a qualitative research strategy that tests the validity of information by converging data from various sources (Carter, et al., 2014). In this study, interviews with ‘failed’ asylum seekers, policymakers, and service providers gave a better understanding of the situation which prompted a thorough investigation into this topic.

On the other hand, due to the time constraints of this research, it was not possible to explore each theme that emerged from the data more in depth. Another limitation was that this research mainly focuses on accessible, affordable, and adequate housing for ‘failed’ asylum seekers. However, they face many more challenges other than what was looked into and what was mentioned in this research. Longitudinal research suggests that the negative impact of a ‘failed’ asylum status has long-term effects on both the individual and society at large.

Another significant limitation in this study is that there is little research and literature currently available as well as the lack of official statistics that could be accessed specifically regarding asylum seekers whose request for asylum has been rejected and the challenges they face to access affordable and adequate housing. Another limitation is the small sample size due to the limited number of professionals who work directly with 'failed' asylum seekers. Moreover, the interviews conducted with the 'failed' asylum seekers cannot be considered as representing the entire population of 'failed' asylum seekers in Malta due to the small sample size. Therefore, it is not possible to generalize the findings of the study.

Due to the limitation in the length of this study, it was not possible to interview representatives from other relevant entities that work in the migration field, not merely limited to working with 'failed' asylum seekers, for a more comparative research. Hence, a very small sample of the main representatives of stakeholders was used.

5.3 Recommendations for Further Research

The following were recommendations that were identified through the analysis of the findings:

- To conduct comparative research to compare the lives of people with 'failed' asylum status and those who obtained international protection. This kind of research will give more insight to the different experiences according to legal status when it comes to accessing basic rights.
- To conduct qualitative research on the issues that 'failed' asylum seekers face due to their documentation should give a better analysis of the extent of the investigation.

- To conduct more qualitative studies about the lack of basic rights to see the extent of instability and injustices they are facing due to their status and the repercussions on society.
- To conduct a more thorough research on the living conditions and difficulties while trying to access affordable and adequate housing.
- Further research about access and affordable and adequate housing, especially regarding homelessness, since there is no single tool to deal with it and to tackle homelessness in a more holistic approach.

5.4 Recommendations for Policy and Programme Implementation

The following recommendations were brought forward by the interviewees. This section will start with the recommendations brought forward by the ‘failed’ asylum seekers, followed by the ones suggested by the stakeholders and service providers.

5.4.1 Recommendations by the ‘failed asylum seekers

- To reinstate the Specific Residency Authorisation (SRA) or any other residency card that will regularise their stay in Malta. Such documents will allow them to have basic rights, including the right to travel, own a bank account, access to healthcare, marry, and access shelter amongst others.
- Reduction of the waiting time in issuing residency cards and renewals. A more efficient service will significantly reduce mental stress.
- There was great emphasis on the importance of raising awareness regarding the realities that ‘failed’ asylum seekers face. This would help the population at large to understand why people leave their country and hence reduce racism and

xenophobia. Furthermore, the governments consequently, need to improve their policies for better inclusion.

5.4.2 Recommendations by the stakeholder

- To recognise certain skills that do not come with any certification.
- Time spent in detention and/or an open centres should be used to provide training, especially to teach Maltese and English as well as specific skills which are in demand in Malta, considering that migrants are filling gaps when it comes to certain types of skills that are beneficial to the Maltese economy.
- Change in procedures and improvement in the approach toward asylum seekers when it comes to the International Protection Agency assessment. It is recommended that the agency should be more aware of the political and cultural realities of the countries where people are coming from.
- Status results for asylum applications should not take too long to be issued. It was also recommended that results should be addressed in an empathic manner.
- ‘Failed’ asylum seekers who have not been returned to their country of origin should be allowed to apply for Long-Term Residency rather than leaving them without any hope. Such residency documents will allow them access to basic rights.
- Services should be more fast-tracked when giving support, and people should not be kept on waiting lists for too long.
- Recommendations to work more on prevention. As the European Union policy (European Parliament, 2023) suggests, there should be more specialized programs for individuals rather than one-size-fits-all policies.

- It was recommended that the agency for asylum seekers should change its approach and broaden its services to support all migrants, regardless of their status.
- Awareness-raising campaigns and educational programmes for resilience to be fostered by creating communities that work together for the common good.

5.4.3 Other recommendations

- To review the housing policy and make it more inclusive by reducing bureaucratic paths to avoid financial exclusion.
- To consider resettlement options for those who wish to explore better opportunities elsewhere.
- To explore and improve different voluntary return programmes. These should be made available in a more humane manner to support individuals who are considering returning to their home country.
- Health services should give better attention to the mental health and well-being of ‘failed’ asylum seekers.

5.5 Final Remarks

Although this research was targeted toward adequate, affordable, and accessible housing, it is very clear from the findings that the main issue surrounding the status of ‘failed’ asylum seekers is a legal issue where basic human rights are denied. Without proper documentation, one should recognise that leaving people living in instability can cause many problems that can be detrimental to society. Vincent Enu (Carabott, 2024) spoke about his legal status and especially that of his children and he argues that: “We

are working hard, invested all our strength and are standing on our own two feet. We are not asking for any special treatment. We are just asking for our rights to be recognised.”

Community Development encompasses the principles and duties of a fair society. However, it should also strive to bring about significant changes towards social equity and create a sense of belonging instead of living in a divided society. The International Association for Community Development (IACD) is an organization that upholds values such as equality, human rights, social and economic justice, and empowerment. Their goal is to promote mutual respect, equal work, and dignity through collective action that challenges the system concerning injustices, inequalities, social exclusion, and other related issues (IACD, 2020).

It is important to prioritize research that can lead to legal changes regarding the documentation of 'failed' asylum seekers. This research not only focuses on the local level but also at a European level, taking a more general perspective into account. Financial inclusion has been identified as a key factor in achieving seven out of the 17 Sustainable Development Goals (Worldbank, 2024). This means that people should have access to affordable financial products and services that meet their needs.

To conclude, it is hoped that this research increases awareness about the challenges faced by 'failed' asylum seekers while advocating for policy changes that would enable them to live a stable life, including being able to live in a place they can call home.

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[and%20families\)](https://help.unhcr.org/malta/arriving-in-malta-by-sea/#:~:text=During%20your%20stay%20in%20the,year%20for%20women%20and%20families)

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APPENDICES

APPENDIX I – FREC APPROVAL



Rita Ann Ellul <rita.ellul.11@um.edu.mt>

Research Ethics Application - Approved by FREC, no UREC decision needed

1 message

SWB FREC <research-ethics.fsw@um.edu.mt>

28 August 2023 at 12:19

To: rita.ellul.11@um.edu.mt

Cc: Mary Grace Vella <marygrace.vella@um.edu.mt>, Dr Maria Pisani <maria.pisani@um.edu.mt>

REDP Application ID: SWB-2023-00803

Dear Rita Ann Ellul,

Since your supervisor has confirmed that the changes have been carried out AND/OR the gatekeepers' permissions have been obtained and uploaded (as per email below), your ethics application regarding your research titled *Rejected: A Study About The Difficulties Faced By 'Failed' Asylum Seekers In The Accessibility, Adequacy, And Affordability Of Housing* has been **approved**.

Faculty Research Ethics Committees are authorised to review and approve research ethics applications on behalf of the University of Malta, except in the case of sensitive personal data. In this regard, your ethics proposal **does not need to be sent to UREC-DP**. Hence, **you may now start your research**.

***Disclaimer:** The research team should note that only the English versions of the documents submitted have been reviewed by FREC. It is the duty of the research team to ensure that all documents in Maltese (or any other language) are faithful translations of the English version.*

Regards,



Faculty Research Ethics Committee

Faculty for Social Wellbeing
Room 113, Humanities A Building
+356 2340 2237 / 3956 / 3220

um.edu.mt/socialwellbeing/students/researchethics



On Fri, 25 Aug 2023 at 09:39, Mary Grace Vella <marygrace.vella@um.edu.mt> wrote:

Dear FREC admin,

With regard to the ethical clearance application in subject, I confirm that I am aware that as supervisor it is my responsibility to ensure that all feedback from FREC has been processed and any requested changes have been made.

I hereby confirm that I have reviewed the student's application and confirm that the student has implemented all the changes requested by FREC.

Mary Grace Vella
Department of Criminology

APPENDIX II – RECRUITMENT EMAIL TO GATEKEEPERS

‘Rejected: A study about the difficulties faced by ‘Failed’ asylum seekers in the accessibility, adequacy, and affordability of housing’

Dear Sir/Madam,

My name is Rita Ann Ellul and I am a student at the University of Malta, presently reading for a Masters in Community Action and Development. I am presently conducting a research study titled ‘Rejected: A study about the difficulties faced by ‘Failed’ asylum seekers in the accessibility, adequacy, and affordability of housing’; this is being supervised by Dr. Mary Grace Vella.

I am writing to ask if it would be possible for you to act as my gatekeeper and support me in recruiting participants among the migrant communities that you are failed asylum seekers over the age of 18 and who you are in contact with. The recruitment will be possible after I receive approval from the University Ethics Committee, approximately by the end of June 2023.

The aim of my study is to explore the social and legal experiences of housing by ‘failed’ asylum seekers who although their asylum claim has been rejected, are still living in Malta where they are trying to build a life, amidst uncertainties about their legal status. During this study, I will also be exploring how this impacts the community and Maltese society in general. Your participation in this study would help contribute to a better understanding of legal experiences faced by failed asylum seekers when it comes to access to housing. Any data collected from this research will be used solely for the purpose of this study.

The participants will be interviewed either through face-to-face interaction or through a video call. The interview will last no longer than 40 minutes, and the conversation will be audio recorded; however, nobody except for me, my supervisor and examiners will listen to the recording, or will have access to the transcripts, which will be destroyed once the research is finalised by the 30th November 2024. The location of the interview will be chosen together with the participant for their convenience. All measures to adhere to the ethical regulation will be strictly followed, confidentiality and anonymity will be ensured and guaranteed during all stages of the research and participants can choose to withdraw from the research at any time. All personal details will be kept confidential and a pseudonym will be utilized. The persons who are volunteering to participate in this study will be properly informed and will have to sign an informed consent for them to keep.

Thank you for your time and consideration. Should you wish to act as my gatekeeper, or need any clarifications before making a decision, please contact me on my email address rita.ellul.11@um.edu.mt or contact no. 79934287; you can also contact my supervisor via email: marygrace.vella@um.edu.mt.

Rita Ann Ellul
rita.ellul.11@um.edu.mt

Dr. Mary Grace Vella
marygrace.vella@um.edu.mt

APPENDIX III – RECRUITMENT AND INFORMATION EMAIL

‘Rejected: A study about the difficulties faced by ‘Failed’ asylum seekers in the accessibility, adequacy, and affordability of housing’

Dear Sir/Madam,

My name is Rita Ann Ellul and I am a student at the University of Malta, presently reading for a Masters in Community Action and Development. I am presently conducting a research study titled ‘Rejected: A study about the difficulties faced by ‘Failed’ asylum seekers in the accessibility, adequacy, and affordability of housing’; this is being supervised by Dr. Mary Grace Vella. This letter is an invitation to participate in this study. Below you will find information about the study and what your involvement would entail, should you decide to participate.

My study aims to explore the social and legal experiences of housing by ‘failed’ asylum seekers who, although their asylum claim has been rejected, are still living in Malta where they are trying to build a life, amidst uncertainties about their legal status. During this study, I will also be exploring how this impacts the community and Maltese society in general. Your participation in this study would help contribute to a better understanding of legal experiences faced by failed asylum seekers when it comes to access to housing. Any data collected from this research will be used solely for purpose of this study.

Should you choose to participate, you will be asked to participate in an interview which will be possible be after I receive approval from the University Ethics Committee.

Thank you for your time and consideration. Should you have any questions or concerns, please do not hesitate to contact me by e-mail rita.ellul.11@um.edu.mt or contact no. 79934287; you can also contact my supervisor via email: marygrace.vella@um.edu.mt.

Sincerely,

Rita Ann Ellul
rita.ellul.11@um.edu.mt

Dr. Mary Grace Vella
marygrace.vella@um.edu.mt

APPENDIX IV – PARTICIPANTS INFORMATION SHEET

Dear Prospective Participant,

I am currently reading for a Master in Arts in Community Action and Development at the University of Malta. As part of my course requirements, I am conducting a research study titled, *Rejected: A study about the difficulties faced by 'failed' asylum seekers in the accessibility, adequacy, and affordability of housing*. The supervisor of this dissertation is Dr. Mary Grace Vella.

This study aims to explore the social and legal experiences of housing by 'failed' asylum seekers who, although their asylum claim has been rejected, are still living in Malta where they are trying to build a life, amidst uncertainties about their legal status. During this study, I will also be exploring how this impacts the community and Maltese society in general.

Your participation in this study would help contribute to a better understanding of the legal experiences faced by failed asylum seekers when it comes to access to housing. Any data collected from this research will be used solely for the purpose of this study.

You are being invited to participate in a one-time, audio-recorded, individual, semi-structured interview exploring your knowledge and how to better understand the situation of 'failed' asylum seekers access to adequate and affordable housing. The interview will take approximately 40 minutes and will be held online or face-to-face at a venue and at a time most convenient for you. You are not obliged to answer all the questions and may withdraw from the study at any time without giving a reason. Furthermore, withdrawal from the study will not have any negative repercussions on you, and any data collected will be erased immediately.

Data will be stored pseudonymously. I can assure you that confidentiality with regard to your personal data will be maintained throughout the study, and will not be revealed in any publications, reports, or presentations arising from this research. All data collected will be pseudonymised and you will have the opportunity to choose your own pseudonym. Your personal data will be stored securely and separately and only I, my supervisor and examiners will have access to this data. My academic supervisor, and in exceptional circumstances and if necessary, the examiners, may have access to the pseudonymised raw data. The pseudonymised audio-recordings, and verbatim transcripts will be stored on my personal computer that is password protected and in an encrypted format. Any material in hard-copy form will be placed in a locked cupboard which I will have access to.

Participation in this study is completely voluntary on a first come first served basis and you are free to accept or refuse to take part without giving a reason. A copy of the information sheet and consent form will be provided for future reference. As a participant, you have the right, under the General Data Protection Regulation (GDPR) and national legislation that implements and further specifies the relevant provisions of said regulation, to access, rectify and where applicable ask for the data concerning you to be erased. Personally identifiable data will be deleted when it is no longer necessary for this study, which should be around November 2024. Any subsequent anonymised data may be kept indefinitely.

Kindly note that if you participate this will be of no benefit directly to you.

This study has been approved by the Research Ethics Committee of the Faculty for Social Wellbeing at the University of Malta.

Thank you for your time and consideration. Should you have any questions or concerns do not hesitate to contact me on 79934287 or by e-mail rita.ellul.11@um.edu.mt or my supervisor Mary Grace Vella on marygrace.vella@um.edu.mt.

APPENDIX V – LIST OF SUPPORT SERVICES

Dear Participant,

I hope this email finds you well.

I would like to take this opportunity to thank you for your participation in this study. I appreciate your involvement and cooperation throughout this entire process.

I would like to remind you of the aims of this study; namely ‘Rejected: A study about the difficulties faced by ‘Failed’ asylum seekers in the accessibility, adequacy, and affordability of housing’.

This study was not anticipated to cause distress and the interview questions were formatted as sensitively as possible. However, if your participation has led to experience distress or discomfort for whatever reason, then overleaf I have included some information about services that offer free and fee-paying professional support that you might find helpful.

Kindly do not hesitate to contact me if you have any queries.

If you require any additional information or wish to report any concerns about this study, please do not hesitate to contact both myself, on 79934287 or my research supervisor on marygrace.vella@um.edu.mt.

Kind regards,

Rita Ann Ellul

rita.ellul.11@um.edu.mt

Dr. Mary Grace Vella

marygrace.vella@um.edu.mt

APPENDIX V – LIST OF SUPPORT SERVICES (continued)

Free Services

Richmond Foundation	info@richmond.org.mt	+356 21 224580/21 480045
Supportline 179 (24/7 access)		179
Kellimni.com (24/7 online service)	http://kellimni.com/	Online chat
Crisis Resolution Malta	crisismalta@gmail.com	+356 99339966
Crisis Intervention Mater Dei		+25453950
ADHD Malta	www.adhdmalta.org.mt	
Jesuit Refugee Service	info@jrsmalta.org	+356 21 442751

Paid Professionals

Malta Association for the Counselling Profession (MACP)	www.macpmalta.org
Council for the Counselling Profession (CCP)	ccp.msfc@gov.mt
Malta Chambers of Psychologists	mcp.org.mt
Malta Psychology Profession Board	Mppb.msfc@gov.mt
Malta Association of Psychiatrists	Map.org.mt
Malta Association for Psychotherapy	info@maltapsychotherapy.com

APPENDIX VI – PARTICIPANTS CONSENT FORM

I, the undersigned, give my consent to take part in the study conducted by Rita Ann Ellul. This consent form specifies the terms of my participation in this research study.

1. I have been given written and/or verbal information about the purpose of the study; I have had the opportunity to ask questions and any questions that I had were answered fully and to my satisfaction.
2. I also understand that I am free to accept to participate or to refuse or stop participation at any time without giving any reason and without any penalty. Should I choose to participate, I may choose to decline to answer any questions asked. In the event that I choose to withdraw from the study, any data collected from me will be erased as long as this is technically possible before it is published, unless erasure of data would render impossible or seriously impair achievement of the research objectives, in which case it shall be retained in an anonymised form.
3. I understand that recruitment was based on the inclusion criteria for participation and a first-come-first-served basis, namely the first ten participants who had contacted Rita Ann Ellul.
4. I understand that I have been invited to participate in a one-time, individual semi-structured audio-recorded interview, in which the researcher will ask interview questions to participants, to explore and investigate the topic of the dissertation. I am aware that the semi-structured audio-recorded interview will take approximately forty minutes. I understand that the semi-structured audio-recorded interview is to be conducted in a place and at a time that is convenient for me.
5. I am aware that, if I choose to hold the interview online, or if it is not possible to hold the interview face-to-face due to health conditions, Rita Ann Ellul will use Zoom and activate the Require Encryption for 3rd party endpoints SIP/H-323 function. Rita Ann Ellul will also only audio-record the ZOOM session.
6. I understand that whilst my participation does not entail any known or anticipated risks and all efforts will be made to ensure the questions posed do not cause any psychological distress, notwithstanding, if I feel that the semi-structured interview has distressed me in any way, I am aware that I may make use of the support services information sheet that Rita Ann Ellul will give me at the beginning of the interview. I am aware that this document comprises a list of free services. The document also includes fee-paying services which I understand I will have to pay for should I decide not to use free services.
7. I understand that there are no direct benefits to me from participating in this study. I also understand that this research may benefit others by raising awareness and propose changes in policies.
8. I understand that, under the General Data Protection Regulation (GDPR) and national legislation, I have the right to access, rectify and, where applicable, ask for the data concerning me to be erased.
9. I understand that all data collected will be erased on completion of the study by 30th November 2024.
10. I have been provided with a copy of the information letter and understand that I will also be given a copy of this consent form.
11. I am aware that, by marking the first-tick box below, I am giving my consent for this semi-structured interview to be audio-recorded and converted to text as it has been recorded (transcribed verbatim). **MARK ONLY IF AND AS APPLICABLE**

- I agree to this semi-structured interview being audio recorded.
 - I do not agree to this semi-structured being audio recorded.
12. With respect to the Zoom audio recording, I am aware that, even though Rita Ann Ellul will not be video-recording, I will keep my camera on. I am also aware that Rita Ann Ellul will instruct me how to change my Zoom name to only display and orally use my pseudonym, so that the audio-recordings as well as the transcripts are pseudonymised.
 13. I am aware that after the interview, I can request to Rita Ann Ellul to send me my verbatim transcripts for review and that I will have a 15-day window from receipt of transcript to give my feedback. I am aware that Rita Ann Ellul will only use a pseudonym instead of my name in the Verbatim transcript I will receive, which pseudonym I will have the option to choose myself. I am aware that, during the interview, I will inform Rita Ann Ellul if I prefer that the transcript would be e-mailed or snail-mailed to me.
 14. I am aware that extracts from my interview may be reproduced in these outputs or using a pseudonym [a made-up name] which I will have the opportunity to choose myself.
 15. I am aware that my data will be pseudonymised; i.e., my identity will not be noted on transcripts or notes from my interview, but instead, a pseudonym will be assigned. The pseudonyms that link my data to my identity will be stored securely and separately from the data, in an encrypted file on the researcher's password-protected computer, and only your supervisor Dr. Mary Grace Vella , if necessary, the examiners of this study, will have access to this information. Any hard-copy materials will be placed in a locked cabinet/drawer, which only Rita Ann Ellul can access. Any material that identifies me as a participant in this study will be stored securely until the dissertation has been completed and submitted, approximately by November 2024.
 16. I am aware that my identity and personal information will not be revealed in any publications, reports or presentations arising from this research.
 17. I am aware that, by marking the first tick-box below, I am giving my consent for *my identity/the identity of the organisation I represent* [select appropriate option] to be revealed in publications, reports or presentations arising from this research, and responses I provide may be quoted directly or indirectly.

MARK ONLY IF AND AS APPLICABLE

- I agree that my identity/the identity of the organisation I represent may be disclosed in research outputs.
- I do not agree that my identity/the identity of the organisation I represent may be disclosed in research outputs.

I have read and understood the above statements and agree to participate in this study.

Name of participant: _____

Signature: _____

Date: _____

Rita Ann Ellul
rita.ellul.11@um.edu.mt

Dr. Mary Grace Vella
marygrace.vella@um.edu.mt

APPENDIX VII – INTERVIEW GUIDE

Note: Interview questions are subject to applicability according to the individual or entity being interviewed.

1. Please tell me your name and role in the entity/organization. (if applicable)
2. Can you please tell me something about yourself? How long have you been living in Malta? (if applicable)
3. How is it for you to live with no proper documents? (if applicable)
4. Did you ever find it difficult to find a place to stay because of your status? If yes, what difficulties did you face and where did you go for support? (if applicable)
5. Are you aware of which services you can access if you want a place to stay in case you end up homeless? (if applicable)
6. Did you ever end up without a roof over your head? If yes, where did you go for support? (if applicable)
7. Can you briefly tell me about your service regarding shelter and/or housing? (if applicable)
8. How long has this service been set up? (if applicable)
9. How many of the clients requesting support from your service are failed asylum seekers? (if applicable)
10. When you have a homeless client who is looking for shelter or housing, where do you refer them to? And what kind of support you can provide to them in this case? (if applicable)
11. Who is eligible for this service? (if applicable)
12. Is this process also applicable to ‘failed’ asylum seekers? (if applicable)
13. Do you encounter any difficulties when the client is a ‘failed’ asylum seeker? If yes, what are the difficulties you encounter and how do you go about it? (if applicable)
14. During the pandemic, did you see an increase in the number of ‘failed’ asylum seekers looking for shelter? If yes, how so? (if applicable)
15. What kind of difficulties do ‘failed’ asylum seekers usually encounter in order for them to ask for shelter/housing? (if applicable)
16. Why do you think ‘failed’ asylum seekers face these difficulties regarding access to shelter and/or housing? (if applicable)

17. Do you think that this situation is impacting you, your community and the Maltese society in general? If yes, how do you think it is being impacted (if applicable)
18. Did you try to challenge the present policies regarding shelter and housing when it comes to 'failed' asylum seekers? (if applicable)
19. Do you think that there is place for change in government policies? (if applicable)
20. Any suggestions or recommendations from your end to change or improve such policies? (if applicable)
21. Is there anything you would like to say or recommend that would improve the shelter and housing services for people of the same status as you? (if applicable)

APPENDIX VIII – THEMATIC MAP

