

**Migrants and Poverty in the Private Rented Sector in  
Dublin City: *An Analysis of the Experience of Migrants  
Seeking Assistance from Threshold***

**Threshold – national housing organisation**

**Combat Poverty Agency**

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## Abstract

This report examines the experiences of migrants in the private rented sector (PRS) in Dublin in relation to issues such as access and affordability, living conditions and landlord-tenant relations. The report is based on the findings of a survey of Threshold clients as well as an analysis of Threshold's database for 2008. The study finds that while the PRS in Dublin is satisfactorily meeting the needs of many migrants, most have experienced problems at some stage. Deposit retention was found to be a serious issue for migrants. Migrants on low income were found to be particularly at risk of living in substandard accommodation, with affordability problems especially severe for recipients of Rent Supplement. Based on these findings the report makes a number of policy recommendations including the inclusion of discrimination on the basis of income in equal status legislation, the introduction of a rental deposit scheme and the development of a mandatory certification system for the PRS.

Key Words: Migrants; Accommodation; PRS

### Disclaimer

This report was funded by the Combat Poverty Agency under its Poverty Research Initiative. The views, opinions, findings, conclusions and/or recommendations expressed here are strictly those of the author(s). They do not necessarily reflect the views of the Combat Poverty Agency, which takes no responsibility for any errors or omissions in, or for the accuracy of, the information contained in this Working Paper. It is presented to inform and stimulate wider debate among the policy community and among academics and practitioners in the field.

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## **Abbreviations**

**CWO** Community Welfare Officer

**DoEHLG** Department of the Environment, Heritage and Local Government

**DoSFA** Department of Social and Family Affairs

**EEA** European Economic Area

**EU** European Union

**HRC** Habitual Residence Condition

**HSE** Health Service Executive

**PRS** Private Rented Sector

**PRTB** Private Residential Tenancies Board

**RTA** Residential Tenancies Act 2004

**SWA** Supplementary Welfare Allowance

## **Executive Summary**

### **Background and rationale**

Access to decent and affordable housing is a key factor in the integration of migrants. For most, this housing will be found in the private rented sector. An imperative therefore exists to examine the issues and challenges that migrants encounter in the private rented sector in Ireland, particularly recently arrived migrants with limited resources. This report presents the findings of a study examining the role of the private rented sector in Dublin in meeting the accommodation needs of migrants.

### **Methodology**

- Data relating to every client of non-Irish/UK origin who had accessed advice services, advocacy services, or both from Threshold in 2008 were examined and this information was supplemented by interviews with Threshold staff
- A telephone survey was carried out between November 2007 and June 2008. The initial sample of 85 participants was drawn from Threshold's database of clients, all of whom contacted Threshold in the past in order to resolve a housing problem whilst residing in the private rented sector
- Additional surveys and interviews were conducted with a further 10 migrants. These migrants were chosen because they were identified as residing in a segment of the private rented sector denoted by low quality, relatively inexpensive accommodation
- This study is limited to the work of one organisation and does not involve examination of the experiences of other statutory or voluntary agencies concerned with migrant housing. Additional limitations include the lack of a control group, no focus group interviews and the absence of interviews with key informants (for example, landlords).

## Key findings

### Migrants assisted by Threshold's Dublin advice centre in 2008

**Nationality:** 41 per cent of Dublin clients were originally from outside Ireland/UK; 35 per cent did not have English as their first language.

**Nature of occupancy:** The majority (79 per cent) of migrants assisted were living in the private rented sector, including 7 per cent who were dependent on Rent Supplement and 0.8 per cent whose accommodation was provided through the Rental Accommodation Scheme.

**Minimum standards/repairs:** Of the 2,605 migrants assisted through Threshold's Dublin advice centre in 2008, 110 cases were concerned with minimum standards, while 201 cases related to failure to carry out repairs.

**Statutory obligations:** Breach of statutory obligations on the part of a landlord or agent was the issue in 172 cases involving migrants in 2008.

**Deposit retention:** Deposit retention was an issue in 37 per cent of cases involving migrants in 2008, compared to 28 per cent of cases concerning Irish/UK tenants.

**Illegal eviction:** Threshold's Dublin advice centre received 56 requests for advice from migrants related to illegal evictions in 2008.

### Findings from client survey

**Nature of occupancy:** Reflecting general trends, some 75 per cent of survey respondents rent their accommodation from private landlords.

**Arranging accommodation:** A sizeable proportion of respondents (44 per cent) had not secured accommodation in Ireland prior to emigrating from their country of origin.



**Access to housing information:** Many respondents relied on family and friends for housing information. On issues such as the statutory rights of tenants, it was evident that information gaps had developed. Migrants with poor language skills and/or limited social networks were especially disadvantaged in this regard.

**Clustering, concentrations and segregation:** Evidence from the client survey suggests that localised clustering is apparent to varying degrees. This was most commonly found amongst migrants in receipt of welfare payments.

**Affordability:** Findings were mixed in relation to affordability, but it was evident that Rent Supplement recipients had affordability issues. It was clear that the rent caps in the Rent Supplement scheme place particular groups of tenants at disadvantage. This resulted in some migrants (particularly single people) transferring monies (over and above the contribution required by the scheme) from other welfare payments in order to meet rental costs.

**Living conditions:** Evidence from the study suggests that low income migrants and those in receipt of welfare payments were extremely limited in their choice of accommodation. Many in this group were living in substandard accommodation.

**Landlord-tenant relations:** The overwhelming majority of respondents had experienced various problems with tenancies. The most common 'landlord problem' pointed out by respondents was failure to carry out routine maintenance.

**Deposit retention:** 22 per cent of respondents experienced difficulties with deposit retention.

**Racism/discrimination:** A significant number of respondents pointed out that when attempting to source accommodation they had been informed by landlords that properties had already been rented when they were in fact vacant. Respondents in receipt of Rent Supplement reported discrimination when seeking accommodation. The majority of respondents had experienced some level of racism/discrimination in their immediate neighbourhoods. In most cases this took the form of verbal abuse.

## **Conclusions and recommendations**

The evidence from this study suggests that while the private rented sector is satisfactorily meeting the accommodation needs of many migrants, most have experienced problems with tenancies at some stage. Particular attention must be directed to the difficulties faced by the significant minority of migrants, especially those in receipt of social welfare payments whose accommodation options are constrained by low income and are consequently at high risk of living in substandard accommodation.

### **Recommendations for policy:**

#### **Access**

1. Threshold reaffirms earlier recommendations to include discrimination on the basis of income source as a ground for discrimination under the Equal Status Acts 2000-2007.
2. The manner in which the Rent Supplement scheme is delivered should be reformed so that payments are made in advance and not in arrears.

#### **Affordability and social support**

3. Reform of Rent Supplement payments should be reconsidered, with particular attention given to the following points:
  - More flexibility should be provided for in relation to Rent Supplement ceiling levels particularly for single persons who can experience particular difficulty in accessing affordable accommodation.
  - Recipients of Rent Supplement should pay no more than 10 per cent of their income in rental costs, and tenant contributions should be revised accordingly.
4. The recommendation by the Special Group on Public Service Numbers and Expenditure Programmes, that the time-period for which individuals

must be in receipt of Rent Supplement to qualify for RAS should be reduced from eighteen months to six months, should be adopted by government.

5. Ensure adequate guidance and training for Community Welfare Officers in relation to the habitual residency condition.
6. Remove the habitual residency condition as it applies to emergency accommodation.

### **Living conditions**

7. A mandatory certification system for all privately rented dwellings should be introduced which obliges landlords to provide documentary evidence that they comply with minimum standards regulations including fire and safety regulations when they register a tenancy with the Private Residential Tenancies Board.
8. Payment of Rent Supplement should be linked to compliance with minimum standards and registration with the PRTB.

### **Deposit retention**

9. A Rental Deposits Board should be established under the auspices of the Private Residential Tenancies Board.

### **Rights and information**

10. Funding should be made available for organisations such as Threshold to provide appropriate services to migrants, particularly those whose first language is not English.

11. The Private Residential Tenancies Board should assume a broader role in terms of disseminating information on the regulatory framework of the private rented sector to vulnerable groups, including migrants.

## **1 Introduction and Policy Context**

This report presents the findings of a study examining the role of the private rented sector in Dublin in meeting the accommodation needs of migrants. It looks at the experiences of migrants in relation to issues such as accessing accommodation and living conditions and explores some of the challenges faced by migrants in relation to rented accommodation. This section sets out the policy context pertaining to migration and the private rented sector and describes the work that Threshold carries out in assisting migrants with accommodation issues. Finally, the aims and objectives of the study and the methodological approach are presented and the structure of the report outlined.

### **1.1 The current policy context in Ireland**

This report has been produced during a period of flux as policy-makers in Ireland attempt to deal with the effects of economic contraction, with a decline in output of the order of 9 per cent projected for 2009 and unemployment expected to reach 17 per cent in 2010 (Barrett et al., 2009). The downturn follows a period of unprecedented economic success; throughout the 1990s Ireland was notable for exceptional growth rates in large part due to success in attracting inward investment. The 'boom' years were associated with significant demographic changes – including major increases in inward migration – which increased demand for housing. This, combined with rising real incomes, an investor-friendly fiscal environment and easy availability of credit, led to a surge in house prices.

It is now widely accepted that economic growth since 2001 was strongly linked to an inflated housing market, with an overdependence on the construction sector a major contributor to our current economic difficulties. In addition it is notable that despite the increase in housing stock over the last decade there remains significant housing need. The most recent assessment of housing need in 2008 shows a rise in local authority housing waiting lists, reflecting the fact that the overwhelming majority of accommodation units

produced over the last decade and a half were the product of private rather than public investment. This was in keeping with the residual approach to social provision which has traditionally characterised Irish housing policy.

## **1.2 Migration trends and policy**

Until the recent economic downturn Ireland's average migration rate was higher than nearly all other OECD countries. Large-scale immigration into Ireland has taken place over a relatively short period of time (Ruhs, 2003; Hughes and Quinn, 2004; NESC, 2005). Accordingly the legislative and policy framework is continually evolving as policy-makers attempt to keep pace both with national developments and with international and EU obligations.

### **1.2.1 Trends**

Traditionally a country of net emigration, since the mid-1990s, Ireland's rapid socio-economic development was accompanied by a significant rise in inward migration. Driven principally by labour migrants and to a lesser extent by returning Irish emigrants and asylum seekers/refugees, recorded net migration became positive in 1997, peaking at 67,000 in 2002. Figures from the 2006 Census found there were some 420,000 non-Irish nationals representing 188 different countries resident in Ireland, making up 10 per cent of the total population (CSO, 2007).

The most recent figures from the CSO show a return to net outward migration for the year ending April 2009 (CSO, 2009). Since the period following EU enlargement in 2004 when ten states<sup>1</sup> joined the union and subsequent enlargement in 2007 when a further two states<sup>2</sup> joined, estimates indicate that the majority of non-Irish migrants to Ireland have been EU nationals, with a high proportion of these migrating from the 12 new member states (EU 15-27)

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<sup>1</sup> The states which joined the European Union on 1 May 2004 are: the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

<sup>2</sup> Bulgaria and Romania

(CSO, 2008). More recently the greatest proportional decline in immigration has been shown by those from the EU15-27 countries (CSO, 2009). In addition, in the year ending April 2009 EU12 nationals made up the largest group out of the 65,100 persons emigrating from the state (CSO, 2009).

### **1.2.2 Immigration law and policy**

Free movement of workers is a central plank of EU policy; under EU directives EU/EEA nationals (and their family members and dependants) are in general accorded an automatic right of entry to other EU/EEA countries and equivalent access to the labour market as citizens. The situation is somewhat different as regards newer member states; the most recent accession treaties in 2004 and 2007 allowed EU-15 states to make transitional arrangements in respect of labour market access.<sup>3</sup> Ireland was one of only three states (along with Sweden and the UK) to immediately allow equal access to the labour market to citizens of each of the ten member states (EU15-25) who joined the European Union in 2004. Since Ireland was one of the first to open its borders, many EU15-25 nationals came here to take up employment. Access to the Irish labour market was not extended to citizens of Romania and Bulgaria when these states joined the EU in 2007. In order to gain employment in Ireland citizens of Romania and Bulgaria must obtain a work permit, unless they had been employed here on work permit for a continuous period of at least one year before 31 December 2006.<sup>4</sup>

As regards non-EEA nationals, immigration policy in Ireland is labour-market led and has traditionally relied on a work permit rather than work visa system. Workers are therefore tied to specified employers, which creates a greater risk of exploitation and can lead to workers becoming undocumented if they lose

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<sup>3</sup> Cyprus and Malta were not affected by the provision for transitional arrangements.

<sup>4</sup> Specific regulations are in place regarding Bulgarian and Romanian nationals. These have recently been updated and are available from the Department of Enterprise, Trade and Employment at [www.entemp.ie](http://www.entemp.ie)

their job (MRCI, 2005). While the current scheme (introduced under the Employment Permits Acts 2003-2006) does allow permit holders to change employers, a new permit must be obtained in order to do so. There is also a time-lag before work permit holders can bring their families to join them. The permit system is based upon a labour market needs test, and changes announced in April 2009 will see the introduction of a more stringent labour market test from 1 June 2009 as well as stricter conditions for the renewal of work permits, a ban on work permits in respect of jobs earning less than €30,000 per annum and an increase in the number of ineligible categories. The Employment Permits Acts 2003-2006 provide for a 'green card' system for skilled workers (earning €60,000+ or €30,000+ for certain specified occupations), which does not require a labour market needs test.

At time of writing the Immigration, Residence and Protection Bill 2008 was before the Oireachtas. As well as consolidating and updating the law in relation to immigration and residency, when enacted the bill will reform the legal and administrative framework for dealing with asylum claims. The bill also places stronger obligations on persons 'unlawfully present in the state' and will facilitate swifter deportation of such persons, a provision that has been strongly criticised by the Irish Human Rights Commission (IHRC, 2008).

### **1.2.3 Social entitlements**

Access to welfare benefits in Ireland varies in accordance with residency entitlements. However, it is probably accurate to say that there has been strong concern to limit the social entitlements of all categories of migrant to Ireland. This is evident in the introduction in 1999 of a dispersal and direct provision policy in respect of asylum seekers. Persons seeking asylum consequently have limited entitlements to welfare provision beyond a nominal sum of €19.10 for adults and €9.60 per week in respect of children. Beyond this, asylum seekers are entitled to emergency needs payments administered through the community welfare service (Moran, 2005), but are excluded from



mainstream welfare schemes such as child benefit (Thornton, 2007). Asylum seekers who leave or are excluded from direct provision centres are not entitled to welfare payments (Moran, 2005) and consequently are at high risk of homelessness. In line with international law, once granted refugee status, individuals have social entitlements equivalent to those of Irish/EEA nationals.

As discussed above, most migrants to Ireland are labour migrants and in recent years the majority of these have been EU/EEA nationals. Under EU regulations EU/EEA workers must be granted the same social security entitlements as citizens. Coinciding with EU enlargement, on 1 May 2004 the Irish government introduced a 'habitual residency condition' (HRC), effectively reserving access to means-tested welfare benefits as well as Child Benefit to persons resident in Ireland for more than two years, regardless of nationality. This condition was placed on a statutory footing in 2005. Amending legislation in 2007 broadened the range of factors to be considered by officials in determining residency beyond that of time, in accordance with EU case law. These factors are:

1. the length and continuity of residence in the State or in any other particular country;
2. the length and purpose of any absence from the State;
3. the nature and pattern of the person's employment;
4. the person's main centre of interest, and
5. the future intentions of the person concerned as they appear from all the circumstances.

Under EU law there are specific exemptions from the habitual residency conditions in respect of 'family benefits' and 'social advantages'. Family Benefits<sup>5</sup> are payable to persons who qualify for EU migrant worker status in respect of dependants who are either habitually resident in Ireland or in

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<sup>5</sup> In Ireland family benefits include Child Benefit, One Parent Family Payment, Family Income Supplement and Guardian's Payment (Non Contributory).

another EEA State. Entitlement to family benefits is retained if a person becomes unemployed and is entitled to Jobseeker's Benefit.

Under EEC Regulation 1612/68 migrant EEA workers or former workers are entitled to equivalent 'social advantages' as national workers, which under the relevant case law includes social benefits guaranteeing the minimum means of subsistence. In Ireland the relevant benefit is Supplementary Welfare Allowance (SWA), which is administered by Community Welfare Officers employed by the HSE. An EEA national who is or has been engaged in 'genuine and effective employment' (defined very broadly in the case law) in Ireland qualifies as a migrant worker and is exempt from the habitual residency condition in respect of SWA, even where he/she fails to satisfy the habitual residency requirement in respect of other payments which are subject to the condition.

The law around 'habitual residency' is complex. Research carried out by MRCI (2005) shortly after the introduction of the HRC found lengthy delays in assessing eligibility and a degree of confusion among officials as to how the condition should be applied. Crosscare, the Social Care Agency of the Dublin Diocese, reports that uncertainty on the part of welfare officials remains a concern, particularly in relation to SWA. The enormous pressure placed on the welfare system by the recent rise in unemployment increases the likelihood of erroneous decisions. Recognition of the seriousness of this problem led to the development of revised guidelines which were issued in June 2009.

In light of the difficulty in accessing assistance, it is unsurprising that non-Irish people face a greater risk of homelessness than natives. The most recent report by the Homeless Agency (December, 2008) found that the proportion of persons sleeping rough in Dublin who were not of Irish origin had grown from 9 per cent in 2005 to 38 per cent last year.

The habitual residency condition impacts on homeless services; migrants must satisfy the condition to obtain a referral to emergency homeless accommodation from Community Welfare Officers. EU 15-27 nationals who

fail to satisfy the condition are to be referred instead to the Reception and Integration Agency who have responsibility for assisting repatriation of EU migrants who lack eligibility for welfare assistance and who do not have the means to return home. Migrants who fail to take up this option are not entitled to any form of support.

### 1.2.4 Migrant accommodation

This report is concerned with migrant accommodation in Dublin, with a particular focus on the private rented sector. This focus reflects the significant differences between migrant and native Irish households in relation to accommodation type, with migrants significantly more likely to be living in private rented accommodation.

**Table 1.1 Households by Nationality and Nature of Occupancy, 2006**

Nature of Occupancy	Nationality						
	Irish nationals	United Kingdom	EU15 excluding Ireland and UK	EU15 to EU25	Other	Not stated	Total
Owner Occupied	78.0	64.3	30.8	5.4	21.7	52.2	73.1
Social Housing	11.6	13.3	13.4	19.7	21.9	13.7	12.3
Private Rented	6.4	18.5	47.2	62.0	43.2	13.6	9.9
Rent Free	1.4	1.9	2.1	1.7	2.4	1.6	1.5
Not stated	2.5	2.0	6.4	11.2	10.8	18.8	3.2
Total	100	100	100	100	100	100	100
N	1296537	46277	16511	35717	47782	19472	1462296

Source: Census 2006

Table 1.1 outlines the tenure distribution of natives and migrants in Ireland based on figures from the 2006 Census. The data reveal that the majority of migrants (excluding UK nationals) live in the private rented sector. While 6.4 per cent of households led by native Irish persons rent their homes from private landlords, the equivalent figures for EU15 nationals (excluding the UK) and EU15-EU25 nationals are 47.2 per cent and 62 per cent respectively. Migrants are also over-represented in the social housing sector, but given the residual nature of social housing in Ireland this accounts for a relatively small proportion of migrant households overall.

### **1.3 The private rented sector**

The private rented sector is relatively small in Ireland, representing approximately 12 per cent of the housing market. The sector has grown by around 50 per cent in the last two decades (Norris and Shields, 2006); recently rents have been falling around the country in response to the current oversupply of accommodation in Ireland, suggesting that further expansion is unlikely in the short term. The private rented sector has traditionally been neglected by policy-makers; in recent years there has been substantial reform of the legislative and policy framework pertaining to the sector.

#### **1.3.1 Regulation**

Until relatively recently the private rented sector in Ireland has been lightly regulated, with a bias towards the rights of landlords. The balance was shifted slightly with the Housing (Miscellaneous Provisions) Act 1992 which introduced a statutory notice to quit of one month, obligatory rent books and minimum physical standards. Registration of rented properties was also provided for under the 1992 Act, but the record of compliance was very poor, at an estimated 20 per cent of rental properties.

The Residential Tenancies Act (RTA) created a new regulatory framework for the private rented sector and has intervened substantially in the relationship between landlord and tenant. For example, the Act gives tenants security of tenure after they have lived in accommodation for over 6 months. This security of tenure – known as a ‘Part 4’ tenancy – means that tenants are entitled to longer periods of notice and restricts the landlord to terminating a tenancy if certain grounds arise. Furthermore, tenants can dispute the validity of any notice of termination and continue in occupation until that dispute is heard.

While representing a significant improvement in terms of safeguarding tenant rights, there are some omissions from the protection offered under the 2004 Act. For instance tenants who share a dwelling with their landlord, for example under the ‘rent a room’ scheme, are not covered by the Act. Neither are ‘licensees’ who are additional occupants, based on an arrangement with an

existing tenant rather than the landlord of a dwelling, and who are not considered as tenants in their own right.

The RTA established the Private Residential Tenancies Board (PRTB) and gave it the functions of maintaining a register of tenancies and of hearing disputes between landlords and tenants. The PRTB dispute resolution service offers mediation or adjudication to decide on disputes and parties are offered the right of appeal to a Tenancy Tribunal. Following on from any Tribunal, there is a limited right of appeal to the High Court on a point of law.

While the dispute resolution service gives landlords and tenants an accessible alternative to the courts, a point of concern is the time delay (currently 12 months) in processing disputes. Threshold is particularly concerned at the delay in processing deposit retention cases. Threshold reports an 83 per cent rise in such cases in 2008 and such cases amounted to 43 per cent of all disputes heard by the PRTB in 2008 and almost two-thirds of cases (61 per cent) brought by tenants (PRTB, 2009). Feely's (2008) analysis of dispute resolution cases in 2006 found that deposit retention was more common among cases involving unregistered tenancies, representing 52 per cent of such cases. This compares to the 22 per cent of cases involving registered tenancies which concerned deposit retention.

### **1.3.2 Standards**

Evidence from available research suggests that the quality of housing in Ireland is high by international standards (Coates and Feely, 2007). Variation is apparent between and within tenures. Results from the National Survey on Housing Conditions carried out in 2001/2002 (Watson and Williams, 2003) demonstrate that owner-occupiers are the least likely to experience problems with the condition of their dwelling. Six per cent of purchasers and 13 per cent of outright owners were found to have problems, compared to 33 per cent of those in the local authority sector and 17 per cent of those in the private rented sector. Within the private rented sector there is considerable variation in terms of quality; as in other European countries sub-standard

accommodation is a particular issue at the lower end of the private rented sector, with welfare recipients particularly at risk (Coates and Feely, 2007).

*Minimum standards regulations for the private rented sector*

Revised minimum standards regulations for the Irish private rented sector were introduced on 1 February 2009, replacing the widely criticised Housing (Standards for Rented Houses) Regulations 1993. The 1993 Regulations permitted sharing of a single toilet and a bath/shower by up to four one-person flats, while landlords were not obliged to provide cooking facilities or central heating. The new regulations have introduced a 'bedsit ban' which will ensure that one-room dwellings with shared toilet/washing facilities are phased out.

New standards for heating and ventilation, food preparation, laundry and refuse facilities as well as fire safety provisions – a significant omission under the 1993 Regulations – have also been included in the new regulations. Existing landlords have been granted a four-year period (until 2013) to bring their properties up to the required standards while new rental accommodation must comply with the standards with immediate effect.

Enforcement of standards in the private rented sector is the responsibility of local authorities. Most authorities have a poor inspection record, with the notable exceptions of Dublin City Council and to a lesser extent Cork City Council. The bulk of registration fees paid to the Private Residential Tenancies Board is given to local authorities to fund inspections. Until 2006, local authorities received these funds regardless of whether inspections were carried out; reform of the system has brought about a rise in the inspection rate. Inspections have identified a substantial number of sub-standard properties (c.17,000 between 2000 and 2007). However, weaknesses in the legislative framework provided under the Housing Act 1992 has limited legal action, an obstacle that will be rectified in planned legislative reforms.

Threshold has argued that given the size of the private rented sector (approximately 250,000 private rented tenancies according to PRTB figures), the introduction of a certification system for rented housing would ease the

burden on local authorities. By obliging landlords to provide evidence of compliance with minimum standards on registration with the Private Residential Tenancies Board, local authorities would be freed up to focus on older properties or those in 'blackspot' areas.

### *Apartment design guidelines*

A growing proportion of rental property in Ireland is apartment accommodation, most of which was built in the last two decades with the support of tax incentives. It is estimated that 500,000 people in Ireland now live in apartments, the majority of whom are tenants. Apartment builds have been predominantly geared towards 'young professionals', with limited provision of family-oriented accommodation in Ireland. Until the introduction of new national apartment standard guidelines in September 2007 apartment design was a matter for developers (DoEHLG, 2007). The new guidelines were introduced as a response to the growing numbers of families living in apartments in urban areas. The guidelines set out minimum standards for size and design of apartments and provide for limits or increases of certain apartment types. In Dublin the national guidelines have been supplemented by guidelines from the city council which set out even more stringent size standards in addition to other stipulations (Dublin City Council, 2007).

### **1.3.3 Access and affordability**

Of the three main tenure types, access to the private rented sector is of course the most straight-forward, in general dependent on the ability to pay a deposit (usually a month's rent) and to meet rental costs. Equal status legislation introduced in 2000 prohibits landlords from discriminating against prospective tenants on the basis of nine grounds including race/ethnicity or membership of the Traveller community. One serious basis of discrimination that is not addressed in equal status legislation is the bias against welfare recipients evinced by many landlords in the private rented sector (Threshold,



2004; Stanley, 2008). Threshold has previously recommended that this gap be addressed by legislative reform.

Research suggests that persons living in the private rented sector in Ireland experience more severe problems of affordability than those in other tenure types (Fahey and Nolan, 2004). Reflecting the economic downturn, rents have fallen since 2008; but this must be seen against the backdrop of dramatic increases in rental costs since the late 1980s. Figures from the CSO suggest that there was a near doubling of rental costs in the twelve-year period between 1990 and 2002. Modest reductions between 2002 and 2004 were followed by sharp increases in rental costs between 2005 and 2007, so that despite recent reductions the burden on tenants in the private rented sector remains high, particularly for lower-income households.

#### **1.3.4 Subvention**

There are three main ways in which the state supports tenants in meeting their rental costs:

##### **Tax relief**

Tenants can claim tax relief on rent paid. This is available at the standard rate only (20 per cent), up to a maximum of €2,000 for a single person under 55 and €4,000 over 55 (the rates are double for a married couple).

##### **Rent Supplement**

Introduced in 1989, Rent Supplement is a means-tested payment made to persons who rent private accommodation and are unable to meet their housing costs. The scheme is regulated and funded by the Department of Social and Family Affairs but administered through Community Welfare Service offices under the aegis of the Health Service Executive (HSE) as part of the Supplementary Welfare Allowance scheme.

Rent Supplement is intended to operate as an income support rather than a housing benefit. It is directed at welfare recipients and cannot be received by

persons in full-time employment (defined as more than thirty hours per week). Changes in the scheme in 2003 as part of a range of social welfare cutbacks have resulted in couples being disqualified where one partner works more than thirty hours per week. Despite these restrictions, in the context of the residual nature of social housing the scheme has evolved to become the primary means of housing support in Ireland. The number of recipients has grown considerably, from 30,100 in 1994 (note: figures are not available for 1989-1994), to around 60,000 during the period 2003-2007, when the number of claimants was relatively static, rising sharply since then to reach 74,038 at the end of 2008. It is estimated by the Department of Social and Family Affairs that approximately 40 per cent of private rented tenants are in receipt of Rent Supplement.

The profile of recipients of Rent Supplement differs markedly from that of the general population. Research carried out on behalf of the Centre for Housing Research (Coates and Norris, 2006) found that women, single people and persons between the ages of 20 and 44 are over-represented among recipients. Of particular relevance to this report is the finding that migrants make up a disproportionate number – at least 24.1 per cent – of recipients. It is highlighted in the report that despite making up only 1.1 per cent of the Irish population in the 2002 Census, African and non-EU European nationals represented 13 per cent of Rent Supplement recipients in 2005.

The cost of the Rent Supplement scheme to the exchequer has grown considerably since its inception, from €8 million in 1989 to €441 million in 2008. There has been a large increase in claims over the past year, reflecting accelerating economic difficulties and associated rise in unemployment, so that by June 2009 the number of recipients stood at 89,710, with a projected cost of €530 million in 2009. Given the escalating costs it is unsurprising that Rent Supplement has been identified as a target for further cutbacks. The payment is made directly to tenants who until recently were obliged to pay €13 per week from their own resources towards their rental costs. This was increased to €18 per week in Budget 2009 (October 2008) and to €24 in the supplementary budget of April 2009. Payments under the scheme are set in relation to rent limits for particular geographical areas which are decided

centrally. Under the supplementary budget these maximum rent limits are to be reduced by on average 6-7 per cent from May 2009. In addition, the payment received by existing recipients is to be reduced by 8 per cent as an incentive for tenants to re-negotiate rents with landlords. As a means of limiting claims, the payment may now only be accessed by individuals who have been tenants for more than six months. (This rule was originally introduced as one of the range of cutbacks in 2003 but was subsequently rescinded.)

While these measures have been framed as a rational response to falling rental costs in the sector as a whole, it is important to emphasise the particular position of Rent Supplement recipients in the private rented sector. The manner in which the scheme operates places recipients at a disadvantage in the market as the payment is made in arrears while the norm in the sector is that rent is paid monthly in advance. Studies have found that rent ceilings are commonly set below market rates so that tenants are frequently forced to make further contributions from their own resources (Threshold, 2004; Stanley, 2008). In addition, research has found evidence of considerable prejudice against recipients on the part of landlords (Threshold, 2004; Stanley, 2008).

There is reason to believe, therefore, that even in the context of a surfeit of rental property, recipients of Rent Supplement may experience difficulties in finding accommodation, and even greater difficulty in finding high quality accommodation that meets their needs. Consequently a high proportion of Rent Supplement recipients are living in sub-standard accommodation. In a study carried out in Cork by Threshold in 2004 half of the Rent Supplement recipients surveyed reported that their accommodation was seriously deficient in at least one respect. Research carried out recently on behalf of the Centre for Housing Research found that 78 per cent of dwellings in Dublin City occupied by Rent Supplement tenants failed to meet the existing minimum standards (Coates and Feely, 2007).

While migrants as a group are disproportionately affected by problems associated with *receipt* of Rent Supplement, for many migrants the issue is

their inability to access the scheme on the basis of the habitual residency condition. This obviously affects those who have recently arrived in Ireland and who fail to satisfy the condition after the five relevant factors have been considered. As discussed above confusion on the part of welfare officials can result in individuals being refused payment even though they may actually fulfil the condition. In some cases EEA migrants may qualify for a basic payment under the Supplementary Welfare Allowance scheme under EU regulations on 'social advantages', but be turned down for Rent Supplement, and consequently are left with virtually no disposable income. In addition, some migrant workers who qualify under the habitual residency condition may be refused Rent Supplement on the basis they have not been renting for six months, in line with the new conditions.

### **Rental Accommodation Scheme**

The Rental Accommodation Scheme (RAS), involving both the Department of the Environment, Heritage and Local Government and the Department of Social and Family Affairs, was introduced in 2004. The scheme is designed to provide for long-term housing need through a variety of arrangements including with private landlords. Landlords who participate in the scheme enter into an arrangement directly with local authorities who are responsible for arranging tenancies and paying rental costs. 'Long term housing need' was initially defined as having been in receipt of Rent Supplement for a period of no less than eighteen months, with special provision for homeless people. At the time the scheme was announced almost half of all Rent Supplement recipients (almost 30,000 households) were eligible for the scheme. Department of the Environment statistics show that almost 10,000 tenants had been transferred to the Rental Accommodation Scheme by the end of 2008 (significantly less than had been envisaged in initial projections), of which over 6,000 had been transferred via private landlords and less than 4,000 through the voluntary sector. In addition, almost 9,000 private sector tenants – mostly families – have been socially housed as eligible RAS candidates.

Participation in the rental accommodation scheme offers significant advantages from the tenant point of view as the scheme provides greater

security of tenure than mandated by legislation and offers the potential to raise standards in the private rented sector. In addition, the new scheme does not create the same disincentive effects as Rent Supplement as there are no barriers to labour market participation, with tenants in the scheme being subject to differential rents in a similar manner to local authority tenants. At the same time, it is important to emphasise that RAS tenants do not enjoy equivalent security of tenure as those in the local authority sector. In addition, local authority tenants are generally offered the opportunity to buy their dwelling at a discount as well as having preferential access to the shared ownership scheme, advantages which are not shared by RAS tenants. It is also important to emphasise that the Rental Accommodation Scheme is designed to cater for those in 'long-term housing need'. It is imperative that the introduction of the scheme does not obscure the pressing need to reform the manner in which Rent Supplement is administered so that welfare recipients are not disadvantaged in accessing private rented accommodation.

#### **1.4 The role of Threshold in assisting migrants experiencing housing difficulties**

Threshold is a national non-profit organisation which provides independent advice and advocacy services through advice centres in Dublin, Cork and Galway to anyone who may be experiencing housing problems. In addition, through the work of the Access Housing Unit in Dublin and regional placement services outside of the capital, Threshold is involved in assisting people to move from homelessness to private rented sector accommodation.

The overwhelming majority of Threshold's clients are living in the private rented sector. Issues frequently dealt with include deposit retention, accommodation which fails to meet minimum standards and illegal eviction. Many of those seeking assistance could be categorised as particularly vulnerable. A high proportion of clients are dependent on social welfare; a common issue dealt with by Threshold is the difficulty in accessing rental accommodation experienced by recipients of Rent Supplement.

Over the last few years an increasing proportion of Threshold's clients have been drawn from the new communities in Ireland, with a growing number of clients accessing services who do not have English as their first language. In 2008 the number of clients who did not have English as their first language increased to 29 per cent, from 26 per cent in 2007 and 18 per cent in 2006; 37 per cent of clients in 2008 were born outside Ireland.

Threshold has adapted its service in various ways to meet the needs of non-English speakers, in particular the translation of advice booklets into various different languages. From February 2008 until April 2009, with the assistance of funding from the Minister for Integration, an outreach worker was employed in the Dublin advice centre to assist EU15-25 nationals. The outreach worker was of Polish origin and made a valuable contribution in making Threshold's advice and advocacy service accessible to Polish nationals. This service raised Threshold's profile through the Irish-based Polish media and amongst Irish-based NGOs working with migrants of all nationalities. Although it is still very much needed, funding restrictions mean that it is not possible to continue to provide this service. Threshold continues to assist clients of all nationalities through each of its three advice centres.

### **1.5 Research objectives**

The available evidence suggests that the private rented sector in Ireland is currently satisfactorily meeting the housing needs of many migrants. At the same time, migrants, particularly those who have recently arrived in Ireland and those whose first language is not English, have been found to be particularly vulnerable to problems such as difficulties in accessing accommodation and poor housing conditions. Dublin is Ireland's largest urban centre by a significant margin and has attracted a significant number of migrants over the last two decades. The aim of this research is to explore the experiences of migrants in the private rented sector in Dublin and the problems encountered. The research examines experiences with:

- Arranging accommodation
- Accessing information
- Living conditions
- Problems with landlords
- Racism/discrimination

## **1.6 Methodology**

The research is principally based upon an analysis of Threshold's database for 2008 and a telephone survey of Threshold clients. In order to gain a general overview of issues affecting migrants in the private rented sector both in Dublin and nationally, data were examined relating to every individual case in which Threshold provided assistance to clients of non-Irish/UK origin in 2008. (Within this report references to clients assisted by Threshold relate to cases where Threshold staff provided advice or advocacy or both and does not include services provided such as one-off responses to telephone queries.) This information was supplemented by interviews with Threshold staff.

The telephone survey was carried out by Threshold research staff between January 2008 and June 2008, after being piloted in the period November-December 2007. A telephone survey was chosen to maximise responses as this is the principal means by which clients contact Threshold for assistance. The initial sample of 85 participants was drawn from all migrant contacts on Threshold's database of clients that contacted the Dublin advice centre in the previous three months in order to resolve a housing problem.

Threshold advice workers record on a database the contact and demographic details of every client to whom they provide advice or advocacy. The database, in its current form, commenced operation on 1 January 2008 so the client groups concerned were in contact with Threshold around or after that

date. The survey was piloted using data from the database test site before it went live.

Included in the database record is information regarding the client's country of birth and his/her first language. The survey identified those database entries who recorded a country of birth other than Ireland/UK. They were contacted at random by telephoning them at the number provided. Each Threshold client is assigned a case number, and a random sampling of the case numbers relating to migrants was used. If contact was successfully made with the client, it was confirmed that Threshold had properly recorded his/her country of birth as being other than Ireland. The researcher also confirmed that the client's first language had been accurately recorded.

The researcher conducting the survey outlined the purpose of the call and asked for the client's consent to complete the survey. If the client could not be reached or did not consent to complete the survey, the researcher moved on to the next person in the printed list, arranged alphabetically. The survey was not structured to achieve a sample of any particular nationality or group of nationalities.

The survey achieved a response rate of 30 per cent and a total of 85 surveys was completed in this way. A diverse range of countries were represented by respondents including Poland, Somalia, Nigeria and Ghana. Some 66 per cent of respondents were aged 30 years or more, 58 per cent of respondents were male and 42 per cent female. A further 10 qualitative interviews were conducted, by way of selecting cases from the total list, to provide supplementary information according to the standard and type of accommodation and to reflect the experiences of different nationalities.



### **1.7 Limitations of report**

The experiences of asylum seekers are outside the scope of this report as they are confined to direct provision accommodation rather than mainstream private rented accommodation

The findings presented in this report are necessarily limited in that they are based on analysis of the work of one organisation and do not involve examination of the experiences of other statutory or voluntary agencies concerned with migrant housing. Further limitations are the absence of a control group in the survey design, lack of interviews with key informants (for example, landlords and letting agents) and the absence of focus group interviews with migrants.

Since the research is confined to those who have received assistance from Threshold the focus is on migrants who have experienced some kind of housing problem since their arrival in Ireland. The study thus cannot be taken as broadly representative of the experiences of migrants in private rented sector accommodation, but as providing an insight into the difficulties encountered by a significant minority.

### **1.8 Structure of report**

Section 2 examines international evidence in relation to migrants and housing. The main findings are presented in section 3 while section 4 examines the policy implications of the findings and outlines key recommendations.

## **2 Survey of Literature on Migrants and Housing**

This section of the report will examine the Irish and international evidence on migrants and housing in order to demonstrate that migrants tend to be over-represented among groups facing housing hardship and are therefore at greater risk of social exclusion and poverty than natives.

### **2.1 Housing conditions**

The research evidence reveals that migrants typically live in poor quality, inappropriate accommodation (Harrison et al., 2005). For instance, in the United Kingdom commonly reported problems include overcrowding, lack of adequate heating, and damp living conditions which can be compounded by the reluctance of landlords to perform routine maintenance in rented properties (Robinson and Reeve, 2006). The extent of these problems differs between country and migrant group; evidence from a number of countries reveals that a disproportionate number of migrants will be represented in segments of the private rented sector denoted by less expensive and poor quality accommodation (Özüekren and van Kempen, 2003).

The issue of poor quality accommodation is particularly relevant in relation to recently arrived migrants whose increased vulnerability is reflected in their problematic housing experiences (Edgar et al., 2004). This is a concern in the Irish context given that a particularly high proportion of migrants are relatively new arrivals. In a study carried out on behalf of the National Consultative Committee on Racism and Interculturalism, analysis of Census data and evidence from local case studies suggested that while most migrants were accommodated in relatively high quality, recently built accommodation – generally apartments – in the private rented sector, some were living in ‘damp and cramped conditions without central heating, particularly in older private rented properties’ (NCCRI, 2008b:32). Recent research conducted in Ireland by the International Organisation for Migration found evidence of migrants living in sub-standard accommodation. The high cost of living in Ireland had forced some migrants to share poor quality and overcrowded private rented

housing, in order to reduce costs. Examples of poor living conditions identified include damp and dirty properties, rodent infestations and a lack of adequate heating (IOM, 2006).

## **2.2 Affordability**

There are a number of issues typically faced by migrants which have the effect of creating particular difficulties in relation to housing costs. Firstly, within the research literature it is well established that migrants often occupy weak labour market positions, placing them at a particular disadvantage in the housing market (Rex and Moore, 1967; O'Daley, 1998; Özüekren and van Kempen, 2003). There is some evidence to suggest that poor labour market position and the inherent housing affordability problems experienced by migrants is a matter of some concern in Ireland. Compared to natives, migrants have been found to be at greater risk of unemployment in Ireland and when employed are more likely to be working below their educational level (Barrett et al., 2006).

Labour market disadvantage may be compounded by language barriers which can increase the risk of poverty among migrants by impeding access to employment, resulting in an income and earnings penalty that transmits into the housing market (Burnley, 2005). In their analysis of EU-SILC for 2005, Barrett and McCarthy (2007) found that migrants in Ireland from non-English speaking countries, despite their high level of education, experience labour market disadvantage relative to natives in terms of occupational attainment and wages. They suggest the earning gap relative to natives to be in the region of 30 per cent.

Migrants often have an obligation to send money home to their country of origin in order to support family or to repay the loans that funded their migration. In their analysis of the flow of remittances from the EU, Jiménez-Martín et al. (2007) show that these payments feature prominently in the migration experience of non-nationals. These remittance payments are a strain on the financial resources of migrants, reducing their housing options.

Murdie's (2002) research suggests that affordability problems were a particular issue for recently arrived migrants, some of whom also found it difficult to translate relatively high levels of education into well paying jobs. This often resulted in a strategy of sharing accommodation commonly leading to overcrowding, which as discussed above has been found to be a feature of the migrant experience in Ireland (IOM, 2006). Research carried out for the Migrant Rights Centre Ireland (MRCI, 2007) found that sharing with family or friends was a very widely used strategy for reducing costs among low paid migrant workers in Dublin City. There appears to be variance between nationalities in terms of the use of this strategy in Ireland. Analysis of Census 2006 data in the NCCRI report suggests that 'family overcrowding' (resulting from families sharing their homes with other families/individuals) is particularly prevalent among Filipino nationals (25 per cent) as well as those originally from Lithuania (24 per cent), Latvia (19 per cent) and Poland (13 per cent).

### **2.3 Clustering and segregation**

The research evidence suggests that migrant communities tend to be spatially clustered and that this propensity for clustered neighbourhoods can be both beneficial and problematic. For instance, studies in the UK show that migrants living in clustered neighbourhoods often benefit from the informal support networks provided by family, friends and associates. In turn, these networks provide migrants with access to resources such as employment and housing information that would otherwise be unavailable (Philips, 1998; Casey et al., 2007). However, as migrants living in clustered neighbourhoods are by definition segregated from the native population their inability to integrate into a wider community often results in socio-economic disadvantage and exclusion.

In Germany, for instance, Hanhörster's (2001) study of a clustered neighbourhood found that migrants had much lower living standards than natives and often occupied poor quality rented accommodation. In addition, migrants were found to be less informed of their rights as tenants, with some paying above market rates for their rented dwellings. The disadvantaged

position of these migrants was further compounded by the scarcity of employment opportunities available in the neighbourhood which greatly reduced their chances of improving their housing situation.

Research on behalf of the NCCRI (NCCCRI, 2008a; NCCRI, 2008b) found that thus far segregation is not a serious issue in the Irish context. It is possible that localised clustering, which is evident in some areas around the country, could lead to segregation in the future. The over-representation of migrants in the private rented sector was noted as a cause for concern as this represents a potential barrier to integration.

### **2.3.1 Poverty neighbourhoods**

The capacity of migrant households to improve their housing situation has been the subject of some research. Based on the premise that migrant households are over-represented in neighbourhoods characterised by high poverty levels, Bolt and Van Kempen (2003) examined the potential of migrant households to escape these deprived areas. The evidence shows that migrant households are less likely to move out of poverty neighbourhoods than their native counterparts. Determining factors in this regard include lower income and education levels, and the concentration of migrant households in large cities where many poverty neighbourhoods are located and where the number of other housing options are limited. The evidence also reveals that life-cycle characteristics have a significant effect on residential mobility and shows that young adults will more often than older people move out of poverty neighbourhoods.

### **2.3.2 Persistence of poverty**

A study conducted in the US by Dawkins (2005) also highlights the disadvantages faced by migrants living in concentrated neighbourhoods and suggests that these conditions can persist between generations. The evidence suggests that children who experience the socio-economic exclusion associated with own race segregation are at risk of being trapped in comparable neighbourhoods upon reaching adulthood. In turn, the author suggests that children living in neighbourhoods with a more even distribution of native and migrant households are less likely to experience social exclusion upon reaching adulthood. However, as other research suggests, barriers exist that prevent the development of this advantageous social mix within neighbourhoods

In their New York based study, Rosenbaum and Argeros (2005) found persistent levels of segregation due to the tendency of the native population to avoid moving into neighbourhoods where migrants were present in large numbers. The study also revealed that where the ethnic composition of neighbourhoods became more diverse, natives tended to move out. This created vacancies that were filled by other migrants, resulting in increased levels of clustering and a heightened risk of poverty.

### **2.3.3 Residential mobility**

From the evidence presented thus far, it is clear that migrants are constrained in their housing choices. Therefore, it is plausible that migrant clustering principally serves as a protective buffer against poverty and does not necessarily reflect an overt preference to live near fellow countrymen. In fact, there is evidence to suggest that, given the opportunity, migrant housing preferences will mirror those of natives. A study by Burgers and Van der Lugt (2006) identified a group of migrants who had moved out of poor quality housing in the central city of Rotterdam to more affluent suburban neighbourhoods and sought to examine this upward residential mobility. The evidence suggests that as migrants become more established in the host

society's labour market, the more likely it is that their housing preferences will converge with those of natives. Determining factors in this regard include education and income levels comparable to those of natives and knowledge of the housing system.

## **2.4 Relations between migrant and native communities**

Within the research literature it is clear that community tensions can arise between native and migrant communities, particularly if the migrant population increases over a short period of time. The evidence suggests that lack of social contacts between natives and migrants adversely affects mutual understanding and acceptance (Philips, 1998; Mackay and Glackin, 2002; Hughes and Quinn, 2004). A number of studies have shown that where social contacts between these groups increases the incidence of community tensions is reduced (Hanhörster, 2001; Gijsberts and Dagevos, 2007). Further, in his analysis of the increased ethnic and cultural diversity in Dublin City Centre, Kelly (2005) maintains that policy-makers often place undue emphasis on the adverse reaction of the indigenous population to the arrival of migrants in terms of racially motivated discrimination. Acknowledging that migrants are often exposed to racial discrimination, Duffy suggests that strategic planning intended to promote integration should also take into consideration the distinct cultural traditions and practices of migrants, as these can often be perceived as threatening by natives.

## **2.5 Housing policies**

A number of studies have identified the level of state intervention in housing markets as a key determinant in the housing experiences of migrants (Abramsson et al., 2002; Coates and Norris, 2006). A clear example is a study conducted by Cortie and Kestleloot (1998) who compared the housing of migrants in the cities of Amsterdam and Brussels. In both cities, migrants share disadvantage in terms of the labour market, low income and high unemployment. However, in Amsterdam state intervention in the local housing

market is heavily promoted. As such, the majority of migrants are found living in social housing where significant rent subsidies counter the negative effects of low income by ensuring there is no systematic concentration of migrants in the worst housing conditions. By contrast, state intervention in the local housing market in Brussels is minimal and the private rented market dominates. This results in the majority of migrants living in distinct clusters of poor quality housing in the older quarters of the city, with few opportunities to move to higher quality neighbourhoods. The authors conclude that migrants in Amsterdam benefit from the strong redistributive role of the state in the housing field, while the social polarisation of those living in Brussels is generated by market forces.

## **2.6 Legal status and vulnerable groups**

From the available evidence, it is clear that the legal status of migrants can act as a barrier to securing accommodation. Edgar et al. (2004) point out that legal status confers right to residence and is problematic for migrants, most of whom will occupy private rented accommodation, for a number of reasons. The right to work or access welfare supports is often restricted until residence status has been determined; hence, migrants often lack the resources to afford deposits and market rents. Migrants cannot guarantee residence for the duration of the rental contract, and if newly arrived, may lack references from other landlords. In other words, a key factor for migrants accessing adequate housing is their legal status. In this regard, a number of studies have identified categories of migrants who are particularly susceptible to social exclusion and poverty, in particular asylum seekers and refugees (Pearl and Zetter, 2002) and undocumented migrants (Edgar et al., 2004). Other vulnerable groups identified in the literature include women migrants (Pillinger, 2007) and migrant children (Fanning, 2004).



## 2.7 Rights and information

In order to access rights and entitlements, information and knowledge of how the housing system works is of key importance. The NCCRI study *Building Integrated Neighbourhoods* (NCCRI, 2008a, 2008b) found that migrants were relatively unaware of their rights and entitlements to housing. This resulted in an over-reliance on informal networks where information gaps had developed. Reflective of these information deficits, migrants – the majority of whom live in the private rented sector – were found to be relatively unaware of their tenancy rights, their right to security of tenure and their right to avail of the dispute resolution service provided by the Private Residential Tenancies Board.

For many migrants access to information and services are negatively affected by a lack of fluency in English. Language barriers can result in social exclusion from the wider community, limiting social and civic participation, as well as restricting access to legal and social rights. This situation is often exacerbated by a limited knowledge of the customs, culture, laws and public services in Ireland. Introductory and language programmes have been identified as a means to reduce the inequalities faced by migrants in this context (NESC, 2006; Healy, 2007), but as yet no formal reception and language programme has been adopted in Ireland.

## 2.8 Racism and discrimination

Within the research literature there is substantial evidence of persistent discrimination against migrants in the housing field. Harrison et al. (2005) in their comparative overview of migrant housing in EU-15 countries found that migrants were often denied housing on the grounds of their skin colour, were often the subject of restrictive legislative conditions limiting access to housing and were even the subject of violent physical attacks aimed at deterring migrants from certain neighbourhoods. This research also shows that in Ireland migrants living in the private rented sector often faced illegal evictions and deposit retention. Furthermore, concealed discriminatory practices by

private landlords in Ireland were identified, including non-appearance to show a flat to a migrant or by claiming a flat was already rented when it was actually vacant. Similar practices were reported by some respondents in a study carried out by the Immigrant Council of Ireland (2008), with Africans, particularly Nigerians, most likely to have encountered problems. Evidence from NCCRI research (2008a, 2008b) suggests that racial discrimination was not a particularly significant issue in relation to housing in Ireland. Affordability issues, language barriers and to a lesser extent cultural differences were found to represent the most serious obstacles for migrants in accessing accommodation.

Migrants may be the target of racist abuse within neighbourhoods. The NCCRI (2008a, 2008b) study found that while racist incidents were relatively rare, where they did occur they tended to be serious in nature, and that those who appeared visibly different to the native population were most at risk (NCCRI, 2008). Research by the Immigrant Council of Ireland (2008) found that most respondents reported feeling safe in their neighbourhoods, although some felt vulnerable, especially at night. Respondents who were living in Dublin's inner city and North Inner City felt particularly unsafe.

## **2.9 Homelessness**

As outlined in this review, migrants occupy a precarious position in the housing market. The available evidence indicates that this increases the vulnerability of migrants to homelessness. Edgar et al. (2004) assert that in recent years homeless service providers in the EU are reporting a significant rise in the proportion and absolute number of migrant clients, particularly undocumented migrants. The authors attribute this development, not only to legal status, but to factors such as education and employment status at the time of migration, ethnic origin relative to the ethnic composition of the host society (in terms of informal housing supports available to migrants) and an increase in the proportion of migrants whose weak economic position in their country of origin provides limited scope to compete in the labour market of their host country.

The evidence suggests that migrants living in Ireland are vulnerable to homelessness. Research commissioned by the Homeless Agency sought to establish a greater understanding of the impact of the 2004 habitual residence condition on homelessness among migrants in Dublin. The findings reveal that an increasing number of EU15-25 member state nationals are experiencing homelessness. The primary reasons for becoming homeless are: the inability to find employment, the loss of employment, or no money. It is suggested that the HRC is causing hardship for a number of people from the new EU15-25 states, a relatively large proportion of whom are sleeping rough and using food centres. The authors conclude that if the condition was not in place, the majority of these migrants would not be in this predicament (Bergin and Lalor, 2006).

## **2.10 Concluding remarks**

It is clear that migrants occupy a relatively weak position in the housing market. Access to housing can be impeded by information deficits, with recently arrived migrants and those without language skills particularly disadvantaged in this regard. Most migrants will, initially at least, secure housing in private rented dwellings and will typically contend with issues in relation to standards and affordability. Discriminatory practices represent a further barrier to securing decent and affordable housing.

One strategy migrants adopt to alleviate housing problems is to live in ethnic concentrations in order to avail of the local support networks. However, these clusters can be especially problematic as they isolate migrants from wider society and can exacerbate their socio-economic disadvantage. It is therefore unsurprising to find that segregated neighbourhoods are often linked to high levels of poverty among migrant households that can persist between generations

Finally, Irish and international evidence suggests that for a variety of reasons, including issues relating to legal status as well as labour market position, migrants are increasingly vulnerable to the ultimate manifestation of housing deprivation – homelessness.

### **3. Research Findings**

This section presents the key findings from the study. The first part of this section looks at the broad range of issues that were dealt with by Threshold's Dublin advice centre in their work with tenants who come from outside of Ireland, based on an analysis of statistics from 2008 as well as interviews with Threshold staff. The second part of the section deals with the findings from the client survey to provide a more in-depth exploration of the experiences of migrants in relation to accessing accommodation, obtaining information, living conditions and tenancy problems.

#### **3.1 Migrants assisted by Threshold's Dublin advice centre in 2008**

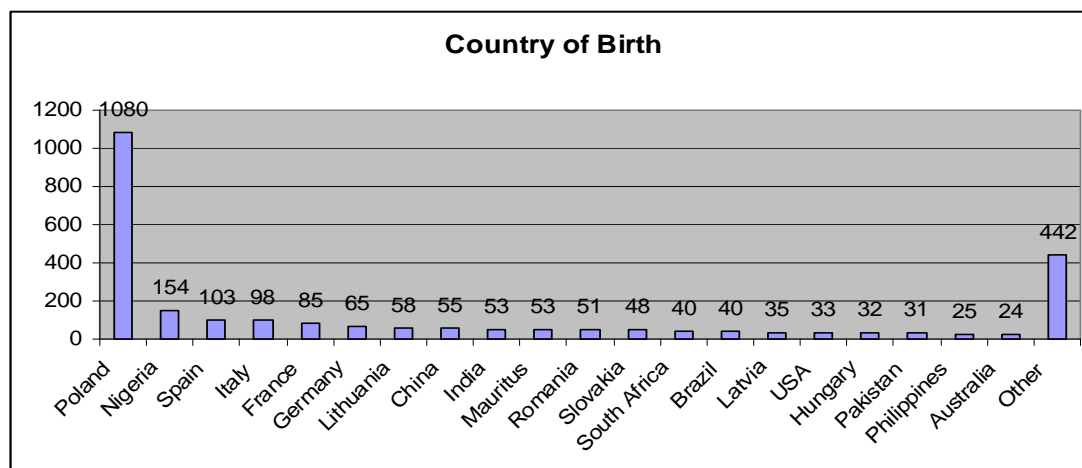
Threshold nationally provided assistance with 20,136 housing queries in 2008. Migrants were significantly over-represented among persons seeking assistance from Threshold. Clients of non-Irish origin represented 37 per cent of persons assisted nationally by Threshold in 2008; 41 per cent of Dublin clients were originally from outside Ireland/UK, while 35 per cent did not have English as their first language.

##### **3.1.1 Nationality**

For historical reasons, movement between Ireland and the United Kingdom is relatively unrestricted and UK nationals enjoy comparable rights to Irish citizens in most respects. The housing profile of migrants from the United Kingdom is relatively similar to that of native Irish households, so for the remainder of the report the term migrant can be understood as excluding UK nationals. Representatives of 142 different nationalities accessed Threshold's services in 2008. The 20 nationalities most frequently dealt with in Dublin in 2008 are detailed in Figure 3.1, which demonstrates that 1,080 migrants (41 per cent) who sought assistance at the Dublin advice centre in 2008 were of Polish origin. (In this respect the outreach worker – a native Polish speaker –

employed in Dublin during 2008/2009 to give particular assistance to EU 15-25 nationals provided a much needed service.)

**Figure 3.1 Country of Birth**



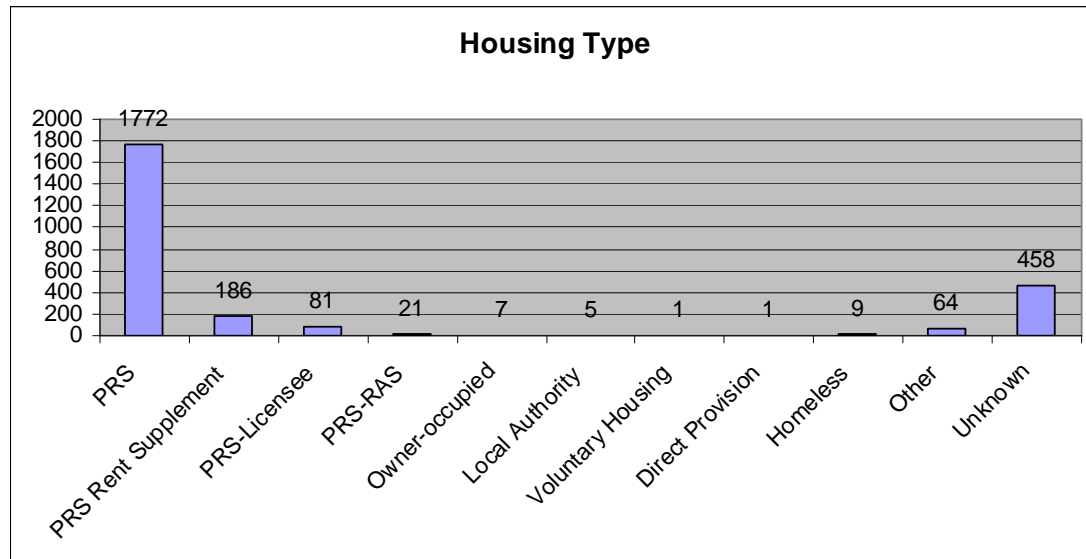
### 3.1.2 Nature of occupancy

Figure 3.2 presents the type of housing in which clients from outside Ireland were resident. The overwhelming majority (79 per cent) were living in the private rented sector, with 58 per cent having been in their current tenancy for over six months. Those in the private rented sector included 7 per cent dependent on Rent Supplement and 0.8 per cent whose accommodation was provided via RAS. It also includes the 81 (3.1 per cent) migrants who were classified as licensees. Just 1.43 per cent of Irish/UK tenants fell into this category in 2008, which suggests that migrants may be more likely to find themselves in forms of housing arrangements that do not have adequate legal protection.

A very small proportion of clients from outside Ireland/UK were living in either the owner-occupied or social housing sectors in Dublin. The most recent research from the Homeless Agency (counted in 2008) found a noticeable increase in homelessness among non-Irish nationals between 2005 and 2008;

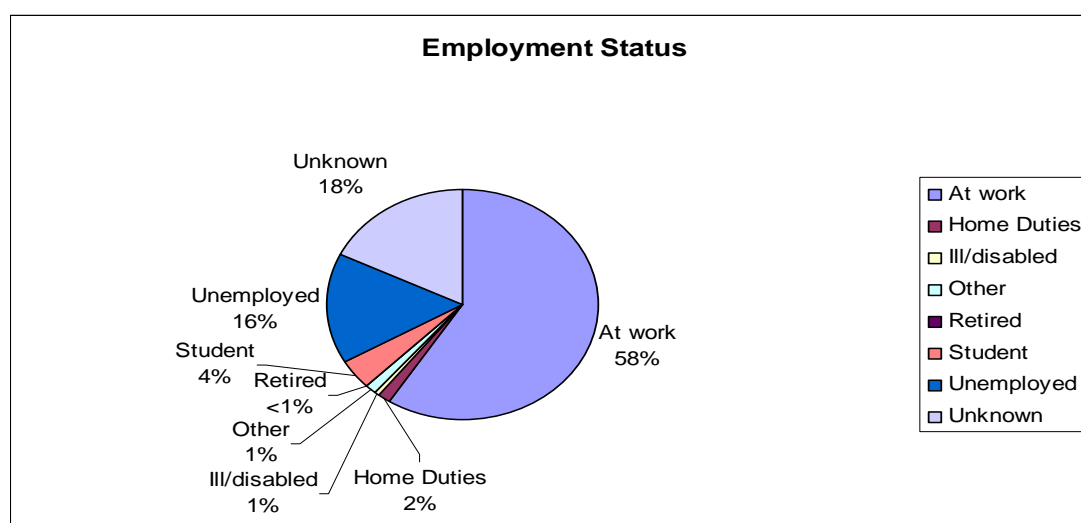
however, just nine clients were homeless when they sought assistance from Threshold.

**Figure 3.2 Housing Type**



### 3.1.3 Employment status

Figure 3.3 shows the employment status of migrants seeking assistance from Threshold in 2008. While the majority (58 per cent) were in paid employment, a relatively high proportion (16 per cent) were unemployed. Fifteen per cent of migrants assisted by Threshold in 2008 were dependent on social welfare payments as their main source of income, with the vast majority (60 per cent) supporting themselves through their earnings.

**Figure 3.3 Employment Status**

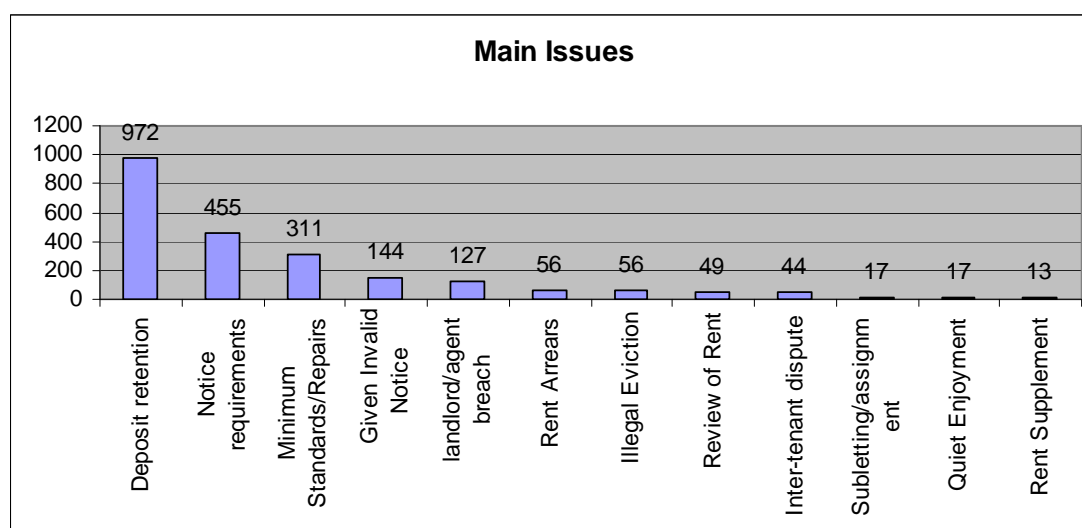
Unemployment rose considerably in 2008. However, the increase was more rapid among the immigrant population, particularly for Eastern European nationals (Barrett, 2009). The rise in unemployment has continued apace in 2009, with a rate of 12.6 per cent at the end of the third quarter in 2009 (CSO, 2009). Threshold staff report that many migrants seeking assistance from Threshold in 2009 have either become unemployed or had their hours of employment reduced. In these situations some tenants subject to a fixed-term lease are forced into terminating their rental agreement (either because they can no longer afford the rent or have decided to leave Ireland) before the lease has expired and consequently risk losing their deposit.

### 3.1.4 Main issues dealt with in respect of migrants assisted by Threshold

Figure 3.4 presents the most common issues dealt with by Threshold in respect of clients from outside Ireland/UK. The range of problems presented reflects those experienced across the private rented sector. It is beyond the scope of this study to carry out a direct comparison between migrants and natives in the private rented sector generally, but an examination (see Appendix One) of cases dealt with by Threshold involving Irish/UK tenants and those of non-Irish/UK origin shows that the issues and problems experienced are very similar. At the same time their over-representation

among Threshold clients suggests that migrants are particularly vulnerable to experiencing such problems. This is not typically a matter of straightforward racial discrimination, although this is certainly a factor in some cases. From Threshold's experience it is probably more accurate to say that the problems experienced by migrants are in part linked to problems associated with the private rented sector itself, exacerbated by language barriers as well as potentially limited awareness both of legal rights and entitlements and Irish cultural norms. Hence migrants living in the private rented sector would appear to be more likely to experience difficulties and to fall victim to exploitative practices – in particular deposit retention – than are native Irish tenants.



**Figure 3.4 Main Issues Affecting Migrants**

### *Living conditions*

Threshold has found that migrants are more likely to live in physically poorer quality accommodation than their Irish peers, particularly those on lower incomes who are likely to rent from the least compliant landlords. Of the 2,605 migrants assisted in Dublin in 2008, 110 cases concerned standards. A related issue is that of landlords neglecting to carry out repairs in a timely fashion, a matter that prompted 201 tenants to seek assistance. The findings from the client survey discussed further below provide a detailed insight into the conditions endured by some migrants in the private rented sector.

### **Landlord/tenant relations**

Breach of statutory obligations on the part of a landlord or agent was the subject of 127 enquiries from migrants to the Dublin advice centre in 2008. In Threshold's experience, in some cases tenants are not even aware of who their landlord actually is – they may pay their rent into a bank account and have no-one to contact should they experience problems, which is a basic provision under the 2004 Act. Some migrants report that landlords ignore fundamental aspects of the regulatory framework such as the right to 'quiet enjoyment' of accommodation by entering premises without the tenant's

permission or when the tenant is not there and this is more likely to be a problem at the lower end of the market.

### **Text Box 3.1 Case Study Accommodation Standards**

#### **Threshold Case Study: Accommodation Standards**

Piotr is 48 years old and came to Ireland from Poland 5 years ago. Following a serious accident at work he was made redundant and was subsequently evicted from his accommodation due to his inability to pay the rent. Since then he has been sharing different flats with people met by chance.

At present Piotr is unemployed and is receiving a social welfare payment. He is currently renting accommodation in Dublin city centre which he shares with another tenant from Poland. The conditions of the property are far from ideal: the rooms are tiny and there is mould in the property and a lot of humidity. Although central, the flat is located in a neighbourhood that is seriously affected by crime and anti-social behaviour. Piotr often feels intimidated and insecure but cannot afford to move somewhere else as the welfare payment he receives – €128 weekly – barely allows him to cover the rent costs, and he is forced to attend church centres to obtain food.

Piotr feels he has been paying an inflated rent in light of the condition of the flat but his poor financial situation represents a serious barrier to finding alternative accommodation. This tenant has experienced various problems since he arrived in Ireland; problems with standards of dwellings, inter-tenant disputes and landlord's breach of obligation were the most frequent. His current landlord fails to meet the obligations laid in the Residential Tenancies Act; Piotr has no rent book, was not provided with his landlord's details and he pays his rent in cash to the landlord's so-called agent. With Threshold's help, Piotr took a case against his landlord to the Private Residential Tenancies Board. We showed that the accommodation did not meet minimum standards and that he was entitled to compensation for the landlord's breaches. The landlord was compelled to carry out repair works. Piotr was able to live in better quality accommodation and to enjoy his home as a tenant.

*Deposit retention*

Deposit retention was an issue in 28 per cent of cases concerning Irish/UK tenants compared to 37 per cent of cases concerning migrants in Threshold's Dublin advice centre in 2008.

**Text Box 3.2 Case Study Deposit Retention****Threshold Case Study: Deposit Retention**

David was a tenant living in Dublin. He shared the property with other tenants. They had a one-year lease signed in September 2007 to expire in 2008. They paid €1,000 deposit and the rent was €1,000 p.m. The tenants moved out on the expiry of the lease and shortly afterwards contacted the agency to get back the deposit. The agency stated they had not carried out a final inspection but everything should be ok and they would be in touch in a few days.

This did not happen and the tenants left numerous voice messages and sent letters seeking the deposit. When they contacted Threshold the advisor sent a letter on their behalf and followed up with a phone call. The agent agreed to return the deposit to the tenants that week.

By December the deposit still was not returned and when Threshold contacted the agent it was stated that the deposit was returned to Threshold as the agency had no contact details for the tenants. This was untrue.

Threshold assisted clients with submitting an application to the Private Residential Tenancies Board. Despite the fact that the client was Polish and had little English, the case was paper based. The Threshold advisor undertook responsibility for ensuring all relevant documentation was submitted and responded to any queries that arose. In Polish, she kept the tenants informed of developments and in English, drafted submissions to the PRTB.

The PRTB found that the agent had to return the full deposit and by the end of March 2009 after nearly six months the deposit was returned.

Threshold staff report that migrant workers who are returning home appear especially vulnerable; it seems that many landlords and letting agents feel that they can illegally retain deposits with impunity in these circumstances.

Threshold staff have worked to have deposits refunded on behalf of clients who have left Ireland and have represented such clients at the Private Residential Tenancies Board. It is likely, however, that many individuals affected by this issue do not seek assistance before they return home, losing out on what are often quite substantial sums of money. This is a problem that it is likely to increase in the current economic climate.

### **Illegal eviction**

Threshold's Dublin Advice Centre received 56 requests for advice from migrants related to illegal evictions in 2008. In 17 of these cases children were part of the household affected. This included eight lone parent led households and nine households comprising a couple plus child(ren). In addition

Threshold provided assistance in 144 cases in Dublin involving invalid notice to quit. Threshold staff nationally have noticed a worrying increase in the number of threatened illegal evictions over the last 12 months. In such cases landlords may change locks, or threaten to call the Gardaí and have tenants arrested, even though there is no legal basis for such action in Ireland.

Migrants are particularly vulnerable to these kinds of threats as they may be unsure of their rights as tenants and, depending on their country of origin, may have particular anxieties around police involvement. While they have no direct role in civil matters Gardaí frequently attend illegal evictions and their mere presence can intimidate tenants, particularly those who are unsure of their legal rights. (The case study below provides an indication of the distress occasioned by attempted illegal eviction.)

**Text Box 3.3 Case Study Illegal Eviction****Threshold Case Study: Illegal Eviction**

Threshold successfully intervened in this case through the PRTB to prevent a migrant lone mother of two children being illegally evicted from an apartment in Dublin. The tenant had been living in an apartment for three months with her partner and daughter, having moved in while pregnant with her second child. When her relationship with her partner broke down, shortly after the birth of her child, the tenant's financial circumstances deteriorated and she informed her landlord that she would now need to apply for Rent Supplement. The landlord – with whom she had previously enjoyed a good relationship – informed the tenant that she could not accept Rent Supplement; she had purchased the property as a first-time buyer, thus availing of a stamp-duty exemption which she would forfeit if it became known that the property was rented out. After seeking advice from Threshold, an agreement was reached with the landlord that the tenant would remain in the apartment for another month.

Shortly after this was agreed her landlord arrived unannounced at the apartment with two friends and ordered the tenant and her children to vacate immediately. Despite her protests that she had nowhere else to go the landlord proceeded to pack up the tenant's belongings and change the locks on the front door while the tenant and her daughters took refuge in one of the bedrooms. The police were called by both parties. However, they refused to intervene on the grounds that this was a civil matter.

The tenant contacted Threshold and when attempts by advice workers to speak to the landlord were unsuccessful Threshold submitted a complaint to the Private Residential Tenancies Board. The PRTB failed to contact the landlord and agreed to pursue an emergency injunction in the Circuit Court which was successfully obtained. Threshold assisted the tenant at the subsequent two Circuit Court hearings and represented her at the PRTB Tribunal. The tenant received compensation and was able to remain in the apartment until she found somewhere else to live. Without assistance from Threshold this tenant and her young family

## **3.2 Findings from client survey**

Turning now to the findings from the client survey it is to be noted that, reflecting general trends, some 75 per cent of respondents rent their accommodation from private landlords and that the majority of these (59 per cent) have rented their present accommodation for more than one year.

In many respects the findings from the survey in relation to the private rented sector are fairly positive. A number of respondents referred to the advantages of private renting in Dublin City including a supply of good quality accommodation for those in employment, close proximity to places of employment and access to central transport links. At the same time, a number of concerns were raised in relation to size of rented units, particularly for families and the less than satisfactory living conditions of those in receipt of welfare payments. A large number of respondents had experienced tenancy problems at some stage including maintenance problems and deposit retention. The remainder of this section will examine the experiences of respondents as they went through this process – from arranging accommodation to living conditions and finally the various problems encountered.

### **3.2.1 Arranging accommodation**

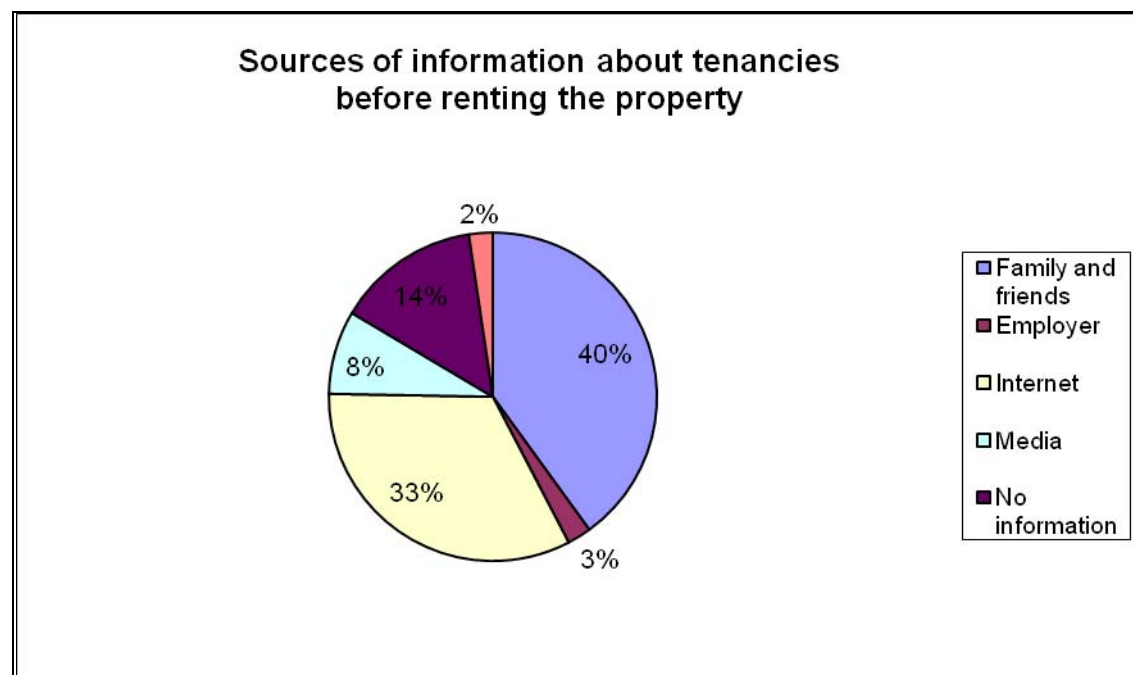
Just over half of respondents (56 per cent) had organised their accommodation prior to arrival in Ireland. Anecdotal evidence suggests that migrants who arranged accommodation before coming to Ireland stayed with family or friends in the period immediately after arrival and subsequently moved on to secure their own tenancy when they became more established.

### **3.2.2 Access to housing information**

The survey found that respondents employed a variety of strategies in order to access housing information. As shown in Figure 3.5, a considerable number relied on family and friends already resident in Ireland in this regard. Information thus provided was often quite rudimentary, rarely extending beyond sourcing classified adverts for private rented accommodation and/or detail of the tenancy start-up costs. On more substantive issues such as the

rights afforded tenants under the Residential Tenancies Act 2004 it was evident that information gaps had developed. It was also evident that migrants with poor language skills and/or those with family and friends present in the country in small numbers were especially disadvantaged in this regard.

**Figure 3.5: Respondents Sources of Housing Information**



### 3.2.3 Clustering, concentrations and segregation

According to the wider research literature, migrants often concentrate into particular neighbourhoods in order to be close to fellow nationals and other ethnic minorities. Of key concern to policy-makers is the tendency for these concentrations to promote high levels of segregation which exclude migrants from wider society and distinctly increases their risk of poverty.

It is beyond the scope of this study to ascertain whether segregated ethnic neighbourhoods exist in Dublin. However, it is interesting to note that many of the respondents maintained they had no preference for living near other migrants and more often highlighted the advantages of living in predominantly Irish neighbourhoods. This accords with previous research carried out by the

Clann Housing Association (1999), which looked at the housing needs of Bosnian refugees. The study found a strong desire among respondents to live in mixed neighbourhoods to facilitate integration with the Irish community.

Evidence from the client survey suggests that localised clustering is apparent to varying degrees, most commonly amongst migrants in receipt of welfare payments. In this regard, an important determinant of clustering was identified. Migrants in receipt of Rent Supplement were found to depend on other migrants to identify properties where landlords accepted Rent Supplement. This often resulted in migrants moving into accommodation vacated by other migrants. The accommodation was frequently found in older properties sub-divided into several units consisting of low quality flats and bed-sits. It was found that these properties tended to be located in close proximity to each other and were often owned by the same individual. As such, small clusters of migrant households had formed. While the lack of alternative housing options played a role in this development, it was also apparent that welfare recipients with poor language skills were especially drawn to these clusters in order to avail of the support networks offered by fellow nationals.

### **3.2.4 Affordability**

In general terms respondents felt that accommodation in the private rented sector was expensive. At the same time a number of respondents pointed out that, given higher disposable incomes in Ireland relative to their country of origin, the burden of housing costs was proportionately less in Ireland. However, a significant number of respondents were required to send remittance payments to family/friends in their country of origin, somewhat negating the relative earnings advantage. No definitive trend could be observed in this regard due to individual differences and circumstances, but it is important to emphasise that respondents in receipt of welfare payments reported particular difficulties. It is evident the rent caps in the Rent Supplement scheme place particular groups of tenants at disadvantage, in particular single people. Respondents pointed out that this often results in



migrants making contributions over and above the requirements of the scheme in order to meet rental costs. It was also found that some migrants in receipt of Rent Supplement used some of their welfare payment to send remittances back to their country of origin.

### **3.2.5 Overall satisfaction with housing**

Based on the initial contact made with respondents the majority expressed satisfaction with their accommodation in the private rented sector. This finding reflects the fact that the majority of those contacted have been resident in Ireland for a number of years and have accumulated both earnings and a good knowledge of Ireland's private rented market. It must be emphasised again, however, that the economic situation in Ireland has deteriorated considerably since this research project commenced, with unemployment rising steeply over a short period of time.

The remainder of this section will place particular emphasis on the most vulnerable members of the migrant survey sample as the issues and concerns raised may become more generally experienced within the migrant community in Ireland. Identified throughout the remainder of this section as those belonging to vulnerable groups, this cohort consists primarily of migrants engaged in low-paid employment and migrants in receipt of welfare payments. The research indicates that these groups are particularly at risk of poverty and social exclusion, while within these groups those with poor language skills and/or poor support networks represent the most disadvantaged group.

### **3.2.6 Living conditions**

It is evident from the research that low income migrants and those in receipt of welfare payments were extremely limited in their choice of accommodation. As such, it was found that respondents were often willing to accept accommodation in very poor condition. Migrants reported they had accepted accommodation fitted with old and broken furniture, while dampness and mould were also highlighted as problematic. In order to provide a more in-

depth analysis of the lived experience of vulnerable migrant groups, living conditions are discussed below in relation to a number of key indicators of housing poverty.

### **Living space**

It is important to examine the living space of migrants in the private rented sector for a number of reasons. Living in accommodation of an appropriate size is a fundamental prerequisite for meeting basic needs. The size of a dwelling also indicates a person's social position and can be employed as one of the measures to determine a migrant's place within the system of social stratification. With these factors in mind, the living space of migrants in this study is characterised according to the number of rooms per person, and the overall size.

Living space was not highlighted as a key concern for most. However, space was an issue for migrants who wished to live with their families. This often resulted in a move out of Dublin City to more spacious accommodation in the suburbs. Threshold has found that for many migrants with families there is a trade-off to be made between location and quality. For some families the move to spacious accommodation can result in lengthy commutes. For others the need to live in a central location can result in cramped housing conditions, with some families opting to share accommodation in order to reduce costs. While the research evidence is mixed in terms of the negative impacts of overcrowding on physical health, there is evidence to suggest that overcrowding takes a toll on mental wellbeing (Shaw, 2004). For the younger generation overcrowding can have long-term implications. For instance, lack of space in which to study places young people living in over-crowded accommodation at risk of educational disadvantage, with all of the associated risks this entails.

Of the more vulnerable respondents in this study a number of issues were raised concerning the number of rooms and overall size. Migrants earning low incomes and welfare recipients were the most likely to report problems with living space. In no small part this was due to the fact that these migrants were often found living in one-roomed flats and bed-sits. Migrants living in these

circumstances expressed concern that the cramped living conditions would have an adverse affect on their health, while others were unwilling to reunite with their families until they could afford to move into more spacious accommodation. To a lesser extent, a number of respondents pointed out that their bedding and clothing had been damaged when preparing meals due to absence of an adequate ventilation system in such a confined space.

### **Leaking windows**

A clear correlation was found between migrants who reported leaking windows and migrants renting dwellings in older properties in Dublin City. In most cases, the windows were of wooden construction fitted with single paned glass. A significant number of respondents reported that their heating costs were high due to the evident lack of insulation. Others pointed out that rain water entering their homes presented a severe health hazard in terms of both dampness and an increased risk of electrocution where electrical sockets were positioned below window ledges. It was also found that loosely fitted glass panes tended to vibrate heavily during adverse weather conditions, causing considerable irritation to tenants during the day and disrupted sleeping patterns at night.

### **Toilet facilities**

One of the most basic features of modern accommodation is the presence of an indoor flushing toilet within a single household. Under the new minimum standards, each rented unit must have self-contained toilet facilities for the exclusive use of the residents of the unit. This provision has been deferred until February 2013 for existing units and until then, up to four people living in different units can share the same toilet facility.

The absence of a separate toilet implies the absence of a separate bathroom, with obvious and negative implications in terms of basic personal hygiene. Of the vulnerable groups of migrants identified in this study, it was commonly found that shared toilet facilities were the norm, and that these were often in a state of disrepair. It was evident that this was causing a number of problems including the failure of some tenants to leave the toilet area clean after use, a fear of infection and the increased risk of sewerage blockages.

## **Heating**

Survey findings indicated that the majority of respondents had some form of heating in their rented accommodation, but that this was often less than adequate. It was found that even where radiators had been installed, most did not work and those that did were operating well below optimum levels. In these cases, the cost of heating was generally included as part of the rental payment, in general controlled by a pre-set timer. The general consensus was that this system was inappropriate as tenants could not control their heating, and even if they could, the system was inefficient and did not provide sufficient warmth to heat the dwelling. Irrespective of pre-existing heating installations (most often oil-fuelled radiators), all respondents in this study made use of electric heaters, the running costs for which were not included in the rental payment. It was reported that the running costs of these heaters were very high, particularly as poor insulation in the dwelling meant heat was not retained. This added to the burden of housing costs and placed a considerable financial strain on the vulnerable groups identified in this study.

## **Fire safety**

The research revealed that the majority of dwellings did not comply with fire safety regulations. Fire safety equipment such as smoke alarms, fire blankets and fire extinguishers were absent from all dwellings. It was also found that in the event of a fire most dwellings did not provide adequate escape routes. In the course of the research, a number of respondents maintained they would purchase smoke alarms but reported they did not feel comfortable approaching their landlord to request that the dwelling be upgraded to meet fire safety regulations.

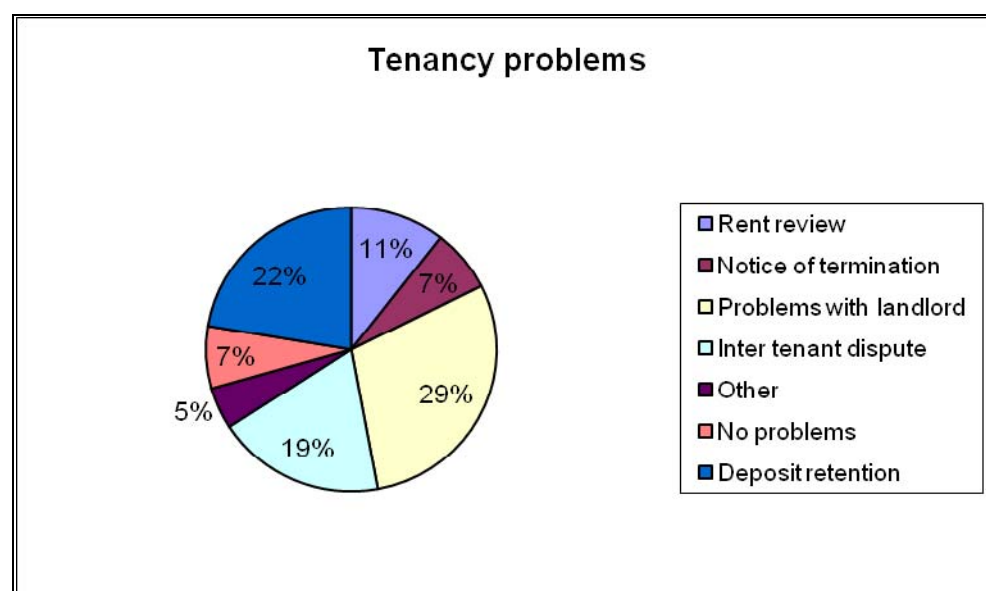
### **3.2.7 Landlord-tenant relations**

Legislative reforms in recent year have created a relatively robust framework governing the mutual rights and obligations of landlords and tenants. The evidence from this study shows that the majority of respondents' landlords are ignoring the regulatory framework. Most of the respondents reported they had

not been informed of their rights and obligations as tenants and could not confirm if their tenancies had been registered with the Private Residential Tenancies Board – a duty which landlords are required to perform under the Residential Tenancies Act 2004.

As Figure 3.6 demonstrates, the overwhelming majority of respondents had experienced various problems with tenancies; only 7 per cent had experienced no difficulties. For 19 per cent of respondents their problems were not related to the landlord as such but concerned inter-tenant disputes. This could reflect the fact that for many migrant workers sharing with people whom they do not know particularly well or may even have met by chance represents the most affordable means of accessing accommodation. Most of the difficulties experienced by tenants, however, were related to an issue with their landlord.

**Figure 3.6 Tenancy Problems Experienced by Respondents ( per cent)**



## **Maintenance**

The most common 'landlord problem' pointed out by respondents was that landlords repeatedly failed to carry out routine maintenance. As highlighted above, this frequently resulted in migrants living in very poor conditions. The research found that some landlords had taken an inordinate length of time to respond to problems such as leaking pipes, electrical failures and faulty kitchen equipment. A number of respondents pointed out that complaints to landlords were often met with the response that they should move out if they did not like living there. It was found that respondents felt these landlords were fully aware that moving was not an option due to restricted income. Of the respondents belonging to the vulnerable groups identified in this study, those who maintained they had a positive relationship with their landlord were also generally found to put up with their poor conditions rather than confront their landlord. In these cases, the research indicates that improvements to dwellings were often undertaken by tenants at their own expense.

### **3.2.8 Deposit retention**

It is extremely worrying that some 22 per cent of respondents had experienced difficulties with deposit retention, which as noted above is a particularly common issue among migrants seeking assistance from Threshold. Deposit retention can deprive tenants of substantial sums of money. For instance, despite falling rental costs, the average monthly rent in Dublin city centre was €998 in June 2009 (Daft.ie, 2009). In order to access rental accommodation tenants typically have to pay a deposit equivalent to one month's rent in addition to paying one month's rent in advance. Loss of a deposit can seriously affect a tenant's ability to meet the costs of accessing accommodation.

### **3.2.9 Racism/discrimination**

The research found that a number of migrants living in the private rented sector experienced racism and discrimination both in terms of their housing and in terms of their lived experience in their immediate neighbourhoods.

A significant number of respondents pointed out that when attempting to source accommodation they had been informed by landlords that properties had already been rented when they were in fact vacant. Some respondents identified this as a masked discriminatory practice whilst also acknowledging it would be difficult to prove. Problems such as deposit retention and illegal evictions were also viewed by some respondents in these terms. Others felt that the failure of landlords to perform routine maintenance was at times racially motivated. Respondents in receipt of Rent Supplement were fully aware they were discriminated against when attempting to secure a private rented tenancy. However, the majority of these felt that landlords were generally unwilling to provide accommodation to Rent Supplement recipients irrespective of nationality.

As the research progressed it became apparent that the majority of respondents had experienced some level of racism/discrimination in their immediate neighbourhoods. In most cases this took the form of verbal abuse. In general the perpetrators were reported to be either young children or older men. In the case of the former, respondents maintained that the children could not be held accountable for their actions as they were merely replicating their parents' sentiments. In the case of the latter, the older men were most often categorised by respondents as individuals with visible problems such as drug addiction, alcoholism and homelessness. In addition, a number of respondents felt the perpetrators could be categorised as working class as, in their opinion, those from middle class backgrounds would be less inclined to engage in overt displays of discrimination. A number of respondents held the assumption that those from a middle class background would be more likely to engage in masked discriminatory practices.

### 3.3 Concluding Remarks

This research indicates that, while many migrants are living in satisfactory accommodation within the private rented sector, a significant minority, notably those earning low incomes and those in receipt of welfare payments, are currently living in a state of housing deprivation. This less than favourable situation is often exacerbated by poor English language skills and poor informal networks which lead to information deficit, which in turn results in negative housing outcomes. The evidence based on indicators of housing inequality clearly reveals multiple incidences of housing poverty. The lack of basic housing amenities such as heating and toilet facilities came through very strongly in the findings, while more masked determinants of social exclusion in the guise of discrimination in the housing market are also apparent.

Currently the regulatory framework that governs the landlord/tenant relationship is effectively ignored by a number of landlords who are also distinguished by their tendency to offer accommodation that does not meet minimum standards requirements to migrants with virtually no other housing options. Of particular concern is the apparently large number of landlords who routinely refuse to return deposits. While this is a problem generally in the sector it appears that migrants – especially those who tell landlords of their plans to return home – are particularly vulnerable. Though a comparatively rare occurrence, illegal evictions are also a matter of concern in respect of migrant as much as native-born tenants. The increasing incidence of threatened illegal evictions observed by Threshold over the past year is a worrying development, as it leads to unnecessary stress and insecurity. The threat of eviction can prompt tenants who are unsure of their rights to vacate their accommodation, placing them at risk of homelessness.



## 4. Conclusions and Recommendations

The evidence from this study suggests that while the PRS is satisfactorily meeting the accommodation needs of many migrants, a large proportion have experienced problems with tenancies at some stage. Particular attention must be directed to the significant minority of migrants whose accommodation options are constrained by low income. This section presents policy recommendations designed to address the main issues highlighted.

### 4.1 Access

Discrimination represents a barrier to accessing suitable accommodation. A number of respondents to the client survey felt that they had been discriminated against in accessing rental accommodation. However, this is a masked form of discrimination and is very difficult to prove. It is, however, indisputable that individuals who are dependent on Rent Supplement are discriminated against and this is not prohibited under Irish law. It is imperative that efforts are made to combat discrimination against Rent Supplement recipients. This is a measure that could go a long way towards reducing segregation of vulnerable groups, including migrants, within the private rented sector, as well as improving their living conditions. Combating discrimination cannot be achieved solely through legislative reform, but will also require the scheme to be modified so that tenants are not disadvantaged, in particular by having to pay rent in arrears.

#### Recommendation 1:

Threshold reaffirms earlier recommendations to include discrimination on the basis of income source as a ground for discrimination under the Equal Status Acts 2000-2007

#### Recommendation 2:

The manner in which the Rent Supplement scheme is delivered should be reformed so that payments are made in advance and not in arrears.

## 4.2 Affordability and social support

The findings demonstrate that while many migrants found their costs manageable, welfare dependent clients were experiencing difficulties. Reflecting previous research, migrants – particularly single tenants – receiving Rent Supplement were frequently forced to pay contributions over and above the requirements of the scheme. Since this study was carried out changes to the Rent Supplement scheme have increased the difficulties for welfare recipients.

The introduction of the Rental Accommodation Scheme for private sector tenants is to be welcomed. However, since it is designed for those in 'long-term housing need', this does not obviate the need to reform the Rent Supplement scheme. It is possible that the adoption of recommendations 1 and 2 above could go some way towards tackling the affordability issue by increasing the level of choice available to Rent Supplement recipients. At the moment, however, recipients of Rent Supplement are effectively trapped in a sub-sector of the private rented sector. It is imperative that these already vulnerable tenants are not faced with greater insecurity because of weaknesses in the scheme which have been compounded by recent cut-backs. It is also important that further changes to payment levels are not attempted until an examination of the effects of previous reforms on recipients has been carried out. Pending such a review there should be a degree of flexibility as regards Rent Supplement ceilings.

### Recommendation 3

There should be no further reductions in Rent Supplement payments/ceiling levels, at least until a review has been carried out in relation to the current position of Rent Supplement recipients in the private rented sector.

More flexibility should be provided for in relation to Rent Supplement ceiling levels, particularly for single persons who can experience particular difficulty in accessing affordable accommodation.

One of the recommendations of the Report of the Special Group on Public Service Numbers and Expenditure Programmes (McCarthy Report) is that 'long-term housing need' as it pertains to RAS should be redefined to include persons receiving Rent Supplement for more than six months. This recommendation should be adopted as it represents a means of enhancing standards and affordability for welfare-dependent tenants.

#### Recommendation 4

The recommendation by the Special Group on Public Service Numbers and Expenditure Programmes, that the time-period for which individuals must be in receipt of Rent Supplement to qualify for RAS should be reduced from eighteen months to six months, should be adopted by government.

For many migrants the issue is not so much the shortcomings of Rent Supplement, but the difficulty in accessing the payment and other welfare benefits because of the existence of the habitual residency condition. The complexity of the legislation and consequent confusion on the part of some welfare officials can lead to erroneous decisions. Therefore, it is extremely important that welfare officials are correctly briefed on the application of the habitual residency rule so that eligible claimants are not denied access to social assistance.

#### Recommendation 5:

Ensure adequate guidance and training for community welfare officers in relation to the habitual residency condition.

It is important to emphasise the particular vulnerability of migrants who do not qualify for Rent Supplement because they do not meet the habitual residency condition. This group is clearly at great risk of experiencing homelessness. In the light of the current economic downturn this group is likely to increase substantially and it is imperative that a well-thought-out policy to address their

needs is developed. Although the habitual residency condition is causing distress, it is unlikely to be rescinded in the current economic climate. Nonetheless, at the very least individuals who fail to meet the habitual residency condition should not be denied access to emergency hostel accommodation.

**Recommendation 6:**

Remove the habitual residency condition as it applies to emergency accommodation.

### **4.3 Living conditions**

A significant number of respondents identified problems with the standard of their accommodation and most reported that landlords were frequently remiss in carrying out maintenance. For some tenants there were problems with insufficient living space which unsurprisingly was a particular problem for tenants in one-room 'bed-sit' accommodation.

The new regulations, and the 'bed-sit ban' which they incorporate, mark an important step in improving the living conditions of tenants in the private rented sector, particularly those on low incomes. In this regard it is important that mechanisms for enforcement are substantially improved. The introduction of a mandatory certification could play a part in improving standards and has been previously recommended by the Centre for Housing Research (2007). While this would not impact on the significant proportion of landlords who operate outside of the regulatory system it would at least ensure that registered landlords are fully compliant with minimum standards regulations.

It must be acknowledged that there are administrative costs associated with the introduction of a certification system. However, these costs are likely to be less than the costs associated with local authority inspection of individual properties.

**Recommendation 7:**

A mandatory certification system for all privately rented dwellings should be introduced which obliges landlords to provide documentary evidence that they comply with minimum standards regulations, including fire and safety regulations, when they register a tenancy with the Private Residential Tenancies Board.

The issue of sub-standard accommodation in the private rented sector is especially pertinent for tenants who are in receipt of social welfare payments. These tenants are limited in accommodation choice due to discrimination against Rent Supplement recipients and also because of the relatively low 'rent ceilings' which are in place. This report includes recommendations in relation to these issues. It is also important that landlords are prevented from participation in the scheme unless they fulfil their statutory obligations.

**Recommendation 8:**

Payment of Rent Supplement should be linked to compliance with minimum standards and registration with the PRTB

**4.4 Deposit retention**

The evidence presented in this report suggests that deposit retention is the most serious issue for migrants in the private rented sector. Section 12 (4) of the Residential Tenancies Act 2004 specifies two particular circumstances in which retention of deposits by landlords is permissible. Firstly, where the tenant is in arrears with rent and the sum owed is equal to or greater than the amount of the deposit; and secondly, where there has been damage to the property to the extent that the repair costs incurred by the landlord would be equal to or greater than the amount of the deposit. Our findings suggest that many landlords are ignoring the regulatory framework and unlawfully withholding deposits from tenants and that migrants are particularly vulnerable

in this regard. This can deprive tenants of substantial sums of money and seriously impact on their ability to access accommodation in the future.

Threshold proposes that a rental deposits scheme be established under the auspices of the PRTB. This would protect individual tenants, particularly those who come from outside Ireland, from exploitation. The scheme would also serve to protect state resources. Threshold understands that some €6 million is paid out each year by the Department of Social and Family Affairs in respect of rental deposits for recipients of Rent Supplement. Were a rental deposits scheme in operation the Department could lodge a bond or guarantee rather than having to transfer actual monies, thus reducing expenditure as well as safeguarding the interests of vulnerable tenants.

A review of international experiences in deposit retention schemes carried out by Candy Murphy and associates (2007) identified three possible forms of deposit retention scheme which could be introduced in Ireland: custodial schemes, insurance-based schemes, and bank deposit schemes. It is possible that more than one scheme could be utilised in dealing with different tenancy situations. Any scheme which is introduced could be introduced initially on a pilot basis and be phased in over time in respect of particular kinds of tenancies. Priorities would include tenancies where landlords have previously been found to have unlawfully withheld deposits and tenancies covered by the Rent Supplement scheme.

**Recommendation 9:**

A rental deposits scheme should be established on a phased basis under the auspices of the Private Residential Tenancies Board.

#### **4.5 Rights and information**

As has been stated throughout the report, the problems experienced by migrants within the private rented sector in Dublin are similar to those experienced by native tenants and therefore most of the recommendations

made above apply to the sector as a whole. Nevertheless it is important to emphasise the particular vulnerability of migrants and thus the increased likelihood of their experiencing problems. While some of this vulnerability stems from the relatively disadvantaged position of migrants in the labour market or from racially motivated discrimination, lack of information about rights and entitlements is also an important reason for the increased vulnerability of migrants and is much more easily addressed.

In order to access information about housing options in this country, the majority of migrants would appear to be reliant on informal networks, which results in serious information deficits. Lack of awareness of their rights and entitlements means that migrants are more likely to encounter difficulties in accessing suitable accommodation and are vulnerable to practices such as deposit retention or the threat of eviction. It is clear from this study that landlords are failing to live up to their statutory obligations. At the most basic level Threshold has found that some migrants have not been informed of the name of their landlord and have no point of contact should they experience problems.

For many migrants language barriers severely hamper their ability to gain information. It is therefore extremely important that services respond appropriately. In this regard the availability of a Polish Advice Worker in Threshold's Dublin Advice Centre during 2008 made a significant contribution to the welfare of vulnerable tenants.

**Recommendation 10:**

Funding should be made available for organisations such as Threshold to provide appropriate services to migrants, particularly those whose first language is not English.

In taking cases to the Private Residential Tenancies Board tenants whose first language is not English can generally avail of interpretation services during oral hearings. The provision of this service by the PRTB is important but the board needs to broaden its role in relation to migrants in the private rented

sector so that tenants are aware of their rights before problems arise. The PRTB has made an important step in this direction in that its Guide for Tenants has been translated into nine languages (as has the Guide for Landlords). However, the PRTB could do more to target their information to vulnerable groups, especially migrants. One way to do this would be to place links (in appropriate languages) to information on tenant rights and the role of the PRTB in print and electronic media (e.g. newspapers such as the *Evening Herald* or internet sites such as Daft.ie) which advertise rental accommodation.

**Recommendation 11:**

The Private Residential Tenancies Board should assume a broader role in terms of disseminating information on the regulatory framework of the private rented sector to vulnerable groups, including migrants.



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## Appendix One

### Main Issues dealt with by Threshold Dublin in 2008

	Irish/UK Clients		Non-Irish/UK Clients	
Antisocial Behaviour	4	<1%	4	<1%
Applications/grants	0	0%	4	<1%
Deposit Retention	693	28%	972	37%
Equal Status Discrimination	1	<1%	2	<1%
Failure To get Rent Book	2	<1%	3	<1%
Fire Safety	1	<1%	4	<1%
Given Invalid Notice	225	9%	144	6%
Homeless	28	1%	5	<1%
Housing Options	69	3%	25	1%
HSE Rent Supplement	23	1%	13	<1%
Illegal eviction	77	3%	56	2%
Inter tenant dispute	43	2%	44	2%
Landlord/agent breach	161	7%	127	5%
Minimum standards/Repairs	327	13%	311	12%
Notice requirements	196	8%	455	17%
Other	265	11%	190	7%
Overholding	5	<1%	0	0%
Quiet Enjoyment	35	1%	17	1%
RAS	5	<1%	4	<1%
Rent Arrears	115	5%	56	2%
Review of rent	85	3%	49	2%

Service Charges	23	1%	42	2%
Subletting/assignment	12	<1%	17	1%
Tax Relief	4	<1%	13	<1%
Tenant breach	28	1%	38	1%
Vermin/infestation	18	1%	10	<1%
<b>Total</b>	<b>2445</b>	<b>100%</b>	2605	<b>100%</b>

## Appendix Two



### SURVEY

1. **Age:** \_\_\_\_\_ years    **Gender:**    Male    ☐    Female    ☐

2. **What type of accommodation are you living in?**

Hostel ☐  
 With friends / relatives ☐  
 Own accommodation ☐  
 Private rented accommodation ☐  
 Other (please specify) ☐

3. **How long have you been staying there?** \_\_\_\_\_

4. **How many people are living with you?** \_\_\_\_\_

5. **What is your relationship with the landlord?**

Not related ☐  
 A friend / relative ☐  
 Other (please specify) ☐

6. **Where did you get the information about living in Ireland before you came to the country?**

Family / friends ☐  
 Current / previous employer ☐  
 Internet ☐  
 Media (newspapers, radio, TV) ☐  
 Had no information ☐  
 Other (please specify) ☐

7. **Did you arrange for accommodation in Ireland before you arrived here?**

Yes    ☐    No    ☐

8. **Have you ever moved houses while living in Ireland?**

Yes    ☐    No    ☐

**9. Have you encountered a tenancy problem whilst in Ireland? If yes, what was it?**

Rent increase

☐  
☐

Received notice of termination

☐

Problem with landlord

☐

Inter tenant problem

☐

Other

**10. What was the reason of moving places?**

Inter tenant dispute

☐

Rent review

☐

Racism

☐

Other (please specify)

☐

**11. If you are working, what is your hourly rate of pay? € \_\_\_\_\_ per hour**