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# Rejected: The Difficulties Faced by ‘Failed’ Asylum Seekers in the Accessibility, Adequacy, and Affordability of Housing in Malta

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➤ **Abstract\_** *The status of a ‘failed’ asylum seeker carries several multifactorial implications on a legal and psycho-social level. This study examines the difficulties faced by ‘failed’ asylum seekers in accessing adequate and affordable housing in Malta amid the lack of eligibility for state housing benefits and an exorbitant property and rental market. The research design involved a qualitative approach based on narrative inquiry, whereby ‘failed’ asylum seekers were engaged in dialogue about the challenges they face in seeking adequate, accessible, and affordable housing along with interviews with key stakeholders involved in the development and provision of housing and migration policies and services. In addition, an analysis of current housing policies, schemes, and services was conducted to highlight their eligibility and exclusionary criteria for ‘failed’ asylum seekers. ‘Failed’ asylum seekers not only find it difficult to access adequate and affordable housing, but their legal status impacts their participation in all aspects of social life with various negative implications for wellbeing at both the individual and community level. The study provides a better understanding of the difficulties that ‘failed’ asylum seekers face when they try to access affordable and adequate housing and provides a number of policy recommendations to improve the lives of this marginalised group within Maltese society and address systematic inequalities and human rights violations.*

➤ **Keywords\_** *asylum; housing; affordability; adequacy*

## **Introduction: The ‘Rejected’ Status: Implications on Wellbeing**

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Around 281 million people live outside their country of origin, many of whom were forced to leave against their wishes (Office of the High Commissioner of Human Rights (OHCHR), 2023). Leaving one’s country of origin entails many risks. Asylum seekers endure traumatic journeys, including abuse and exploitation, and the loss of family and support networks. The reception system in the host country can also cause post-traumatic stress, leading to mental health challenges, suicidal thoughts, self-neglect, and depression and/or anxiety (AlRefaie and Dowrick, 2021). The asylum process is another stressful ordeal, leading to high levels of anxiety, insecurity, and fear, with 90% of rejected asylum seekers experiencing severe psychotic symptoms and reporting suicidal tendencies (Schoretsantis et al., 2018). In addition, asylum seekers often face difficulties in accessing basic rights and services in the host country to lead a decent life. These difficulties and challenges are more acute for ‘failed’ asylum seekers.

‘Failed’ asylum seekers are individuals who, after going through the full asylum process (including appeals through the International Protection Appeals Tribunal), have had their applications rejected. Between 2021 and 2022, the rate of asylum rejections in Malta rose significantly (UNHCR 2022), leaving many applicants, particularly from Sudan (European Council on Refugees and Exiles, 2023), with no legal protection, yet unable to return to their home countries due to humanitarian or diplomatic issues, especially in the absence of agreements with respective countries of origin for return and readmission. Consequently, these individuals remain in Malta without basic rights, excluded from essential services and social benefits, and trapped in a cycle of uncertainty (Jesuit Refugee Service Malta, 2010). Though they are granted an employment license, which is renewable every three months (Grech, 2021), they often encounter difficulties finding employment since they cannot apply themselves for a work permit, but depend on the employer’s goodwill to do so, who are often discouraged due to bureaucratic hurdles (JRS and aditus, 2021).

Previously, Malta offered ‘failed’ asylum seekers with controlled regularisation recourse through the Temporary Humanitarian Protection New (THPN) (Identita’, 2020), which in 2018 was replaced with the Specific Residency Authorisation (SRA). This policy became significantly more restrictive (Moviment Graffiti, 2020) as the Assisted Voluntary Return Programme was increasingly promoted to those whose renewal was rejected. The SRA was subsequently revised in 2020, with no new applications being considered after the end of that year though existing applicants could continue to renew their residency permits (Identita’, 2020).

The 'Common Standards and Procedures for Returning Illegally Staying Third-Country Nationals Regulations' (Government of Malta, 2011) regulates the legal regime of return to countries of origin. Persons falling in this category, including 'failed' asylum seekers who do not possess a residency permit, are generally excluded from the social welfare system, including from emergency health care and "essential treatment of illness" (JRS and aditus, 2021, p.13). As acknowledged by the European Council on Refugees and Exiles (ECRE, 2005), when it comes to 'failed' asylum seekers, in most EU countries all kinds of support, including housing, are withdrawn. Once rejected, asylum seekers in Malta need to leave the open centres following the expiration of their agreement (Jesuit Refugee Service Malta, 2010). They are then expected to find accommodation within the community.

Increasingly restrictive regulations thus led to increased challenges for 'rejected' migrants to access adequate and affordable housing and shelter. In a context where the eligibility criteria of the social and affordable housing schemes offered by Malta's Housing Authority<sup>1</sup> are limited to Maltese or European Union citizens, persons holding international protection and those holding a long-term or SRA, face further challenges.

Amid an exorbitant property and rental market, 'failed' asylum seekers face exclusion from both adequate and affordable access to private dwellings and social housing (Hanley et al., 2020). Despite the provisions of the 'Residential Lease Act', which came into force in 2020 to provide transparency, stability, and security to those renting from the private residential market<sup>2</sup>, racism and xenophobia remain strong barriers in accessing rental properties for asylum seekers and migrants. Maltese people are often reluctant to lease property to sub-Saharan Africans (NCPE, 2012). The absence of proper documentation can lead not only to discrimination by landlords in not leasing out to non-Maltese, but also to exploitation of tenants due to inadequate conditions. Unfortunately, people's rights are rarely met when it comes to renting in Malta. Rental prices are exorbitant, and many migrants end up renting shared accommodation despite its discomfort (Ribera-Almandoz et al., 2022). Due to high rent, it is also common that one opts for unsuitable living conditions. As a result, migrants have increasingly experienced homelessness and rooflessness, living in uninhabitable and overcrowded conditions such as stables and garages as long as they had a roof over their heads (Diacono, 2017). In the case

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<sup>1</sup> The mission of the Housing Authority is to "provide and sustain decent social and affordable housing" (Housing Authority, 2024, para.1). From the various schemes offered by the Authority, such as 'Social Housing', the 'benefits on privately rented dwelling', the 'Acquisition Grant', 'Social loan' and 'Tax reduction' schemes, the benefit scheme on privately rented dwellings is the only one accessible to 'failed' asylum seekers who have obtained the SRA. Those who do not have the SRA are ineligible for any scheme.

<sup>2</sup> This legal framework specifies the type and duration of lease contracts (Housing Authority, 2021).

of female 'failed' asylum seekers, housing becomes even more challenging, especially if they have dependent children. Since they have no social safety net to rely on, such as access to childcare, it is more difficult to find employment, therefore experiencing additional poverty and exclusion (Pisani, 2011). Women who are economically dependent on their husbands/partners often run into serious challenges if they decide or are forced to terminate the relationship. Many women have no alternative but to move to inadequate housing end up completely homeless (Baker et al., 2003) or live in situations of violence and abuse.

Thus, despite the fact that the right to adequate housing is a universal right, and crucial for socioeconomic integration (Ribera-Almandoz et al., 2022), 'failed' asylum seekers face tremendous challenges in accessing basic housing mainly due to racism, xenophobia, and issues of accessibility, adequacy, and affordability (Fondazzjoni Suret il-Bniedem, 2010).

In 2021, the Anti-Racism Strategy to combat xenophobia, racism, and other forms of intolerance was launched in Malta. The strategy aims to stimulate intercultural inclusion and confront systemic, societal, and individual racism based on the principles of equality, diversity, interaction, and participation (Government of Malta, 2021). The action plan, which also aims to tackle discrimination and racism in the housing sector through disseminating relevant information to property owners, providing training to estate agents, and developing a code of practice for this sector, was welcomed enthusiastically by human rights and migrant organisations. Yet, access to affordable and adequate housing remains a huge challenge to 'failed' asylum seekers.

Displaced, forced migrants who benefit from some form of protection and 'failed' asylum seekers have different rights to residence and social welfare, with eligibility determined by socio-legal status (Dwyer and Brown, 2008). According to Fox O'Mahony and Sweeney (2010), 'failed' asylum seekers are 'double displaced', being displaced from their country of origin, yet prevented from re-establishing themselves in the host country. This has an impact on both the micro and macro level, as apart from the individuals concerned, it impacts on social solidarity and cohesion at the community level.

## Materials and Methods

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This research study investigates the challenges that 'failed' asylum seekers face when they try to access housing in Malta. 'Failed' asylum seekers remain in Malta after their asylum claim is rejected, unable to return to their countries, living in a state of limbo, and uncertainty about their legal status. By examining the experiences of these 'failed' asylum seekers, as well as the views of key stakeholders,

this study seeks to understand the disadvantages and limitations that arise from the lack of legal status in terms of securing affordable and suitable housing. Although there are a number of studies on homelessness and housing affordability in Malta, there is a dearth of research that relates to the housing challenges faced by 'failed' asylum seekers. The research aims to address this lacuna to raise awareness about the challenges faced by 'failed' asylum seekers, and hopefully lead to policy change.

On the basis of these objectives, the research design involved a qualitative approach based on narrative inquiry (Creswell et al., 2007), whereby 'failed' asylum seekers were interviewed about the challenges they face in seeking adequate, accessible, and affordable housing along with interviews with key stakeholders involved in the development and provision of housing and migration policies and services in Malta. Four 'failed' asylum seekers, three males and one female, hailing from Ivory Coast and Gambia, all of whom had been in Malta for over five years and whose application for asylum had been rejected more than two years before the interviewing process, were recruited for the research. Based on the notion that narrative inquiry not only enables individual stories to be heard (Creswell et al., 2007), but also offers a caring, relational, and healing process (Weiss and Johnson-Koenke, 2023), this approach was specifically adopted to understand the participants' lived experiences through an empathic appreciation of their subjective interpretation of reality (Taylor, 2015). Within this framework, the value of narrative inquiry is "much more than the telling of stories" (Clandinin et al., 2007, p.21) since it aspires to instil within participants a sense of empowerment (Brailes, 2021).

Six semi-structured interviews were held with different stakeholders hailing from government entities, e.g., the 'Foundation for the Social Welfare Services' (FSWS)<sup>3</sup>, the 'Agency for the Welfare of Asylum Seekers' (AWAS)<sup>4</sup>, the 'Housing Authority'<sup>5</sup>, non-governmental representatives from a shelter for the homeless (YMCA Malta)<sup>6</sup>, the 'Migrants Commission'<sup>7</sup>, and the Sudanese Community in Malta<sup>8</sup>, with the aim of examining existing housing policies and services for migrants.

Apart from these qualitative interviews with stakeholders involved in the development and provision of housing policies and services, an analysis of current migration and housing policies, schemes, and services was conducted to examine their eligibility criteria and whether they intrinsically exclude 'failed' asylum seekers. This

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<sup>3</sup> Providing social welfare services with a focus on family welfare, children, and community wellbeing.

<sup>4</sup> Responsible for implementing national legislation and policies for the welfare of asylum seekers.

<sup>5</sup> Responsible for the provision of social and affordable housing for vulnerable groups.

<sup>6</sup> Offering community and residential-based services for the homeless.

<sup>7</sup> Religious entity providing socio-legal assistance to migrants.

<sup>8</sup> Refugee-led organisation representing the Sudanese community in Malta.

triangular approach enabled a more holistic examination of existing housing and sheltering policies related to migration with a view to identifying gaps in policy and service provision.

This research was granted approval by the University of Malta, Faculty for Social Wellbeing Research Ethics Committee and adheres to ethical and data protection regulations, ensuring no harm to participants, informed consent, anonymity, and confidentiality of personal data. Thematic analysis was utilised focussing on how lack of legal status impinges on the protection of fundamental rights and difficulty in accessing adequate and affordable housing.

The research rests on the premise that dignified and affordable housing is a fundamental human right. Adopting a critical social theory perspective, the study attempts to dig beneath appearances by critically engaging with mainstream ideologies and practices (Harvey, 1990; 2022), with the aim of generating informed knowledge for effecting policy change. Hence, critical theory provides the space to question, deconstruct, and reconstruct the acquired knowledge, as well as to highlight the contradictions (Zeus, 2004).

Following the above introduction on the situation of 'failed' asylum seekers in Malta and the limitations faced in terms of accessibility, adequacy, and affordability of housing, the following section will look at the salient themes of the lived experiences of 'failed' asylum seekers from the study, whilst the concluding section will present a number of recommendations for further research and improved policy and service provision in the field.

## **Results: Living in Malta as a 'Failed' Asylum Seeker**

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The 'failed' asylum seekers interviewed for this research have been residing in Malta for a period of five to sixteen years and shared varied yet somewhat similar experiences. During the period that they were living in open or closed centres, they all lamented the lack of official guidance to find private accommodation, with many finding support from friends or acquaintances, and today they all live in rented accommodation. Isaac\* recounts, that, in the beginning, he had a "tough challenge" because nobody wanted to give him a place, so he had to sleep in a shop for some time until he found a landlord who understood his situation and rented out his place to him. Henceforth, he stated that when the landlord tried to register the rental contract with the tenant's identity number, it was difficult as the document was not a Maltese residency identity card. Notwithstanding the 'Private Residential Lease Act', not all landowners are registering their property and the data collected during the interviews with 'failed' asylum seekers is evidence that there is a lack of

awareness from the tenants' side about the procedure and their rights. Consequently, they accept all the conditions that the owner imposes since they are aware that they have limited options available.

## Employment and Access to Bank Services

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'Failed' asylum seekers in Malta struggle to find employment as their documents and working permits need frequent renewal. This renders their situation more precarious because employment is the only legal right they have, although it is also slowly being withdrawn according to the changes in policy of employment (2021).

Ibrahim\*, in his late 30s and hailing from Ivory Coast, has been living in Malta for the past 16 years. He has been consistently employed since his arrival without any issues. He used to hold the status of THPN, but this was not renewed following his return to Malta from a trip to Africa due to gaps in his employment history arising from this journey. Because of this, his bank account has been closed, making it difficult to send money back home. Due to a change in policy and lack of awareness, he has missed the opportunity to apply for the SRA.

Similarly, Sandrine\*, from Ivory Coast who has been in Malta for the past five years, states that people like her with a 'failed' asylum status find it hard to find stable employment. She adds that "if you are working with a company but without contract, they will withdraw the yellow book.<sup>9</sup> They will take it away from you." She continues that "you can find employers who are willing to employ you with a contract. But it depends on everyone's luck."

Malta's 2020 decision to change the Specific Authorisation residency policy left many people who would have qualified at a later stage stranded, leading to social exclusion and poverty, as it ruined their hard-earned integration efforts and excluded them from accessing their basic rights. According to YMCA and Migrants' Commission representatives, such policy has forced employers to either refraining from employing 'failed' asylum seekers or else employ them irregularly. This policy, which remains in force, raises concerns as it leads to marginalisation and exclusion.

According to interviewees, 'failed' asylum seekers encounter several other challenges. One that hinders peace of mind is the difficulty in accessing banking services such as opening a bank account. Having a bank account is key to accessing different financial services such as taking a loan. Isaac\* stated that since he cannot have a bank account, he faces barriers to buy online or apply for an electronic point of sale for trade, thus hindering his enterprise.

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<sup>9</sup> Referring to Immigration Police document.

## Transitioning to Community Accommodation

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Asylum seekers need to leave the open centre once their stay is due, with a maximum length of stay of six months for single men and one year for women and families. Sandrine\* narrates that, after a year, she needed to leave the open centre where she was residing although she was still an asylum seeker. She adds that “after that, I had to leave. I met someone, a friend, who helped me out. That friend is the one who really helped me because I couldn’t find accommodation.”

Another interviewee, Joseph\* from Gambia, stated that he did not face many difficulties in finding a place to live after he left the open centre as an acquaintance helped him find accommodation. Because of the increase in rental prices, before he used to have his own room, while now he must share with someone else as he cannot afford renting on his own. Joseph\* also stated that he deals with an agent to pay the rent for his current accommodation and has never met the landlord. He doesn’t know whether the contract is registered with the Housing Authority and admitted reluctance to ask since he is afraid that if “I ask him now, maybe it will create complications.”

The interviewees shared similar experiences regarding the lack of official support in finding alternative accommodation while transitioning out of open centres. Because they were not eligible for benefits or governmental rental subsidies, their only option was the private rental sector. Discriminatory treatment and high rent made it difficult for some to access housing. They found accommodation with the help of their acquaintances, emphasising the relevance of social capital. Some individuals fear facing repercussions if they inquire about their rights, so they choose to remain silent.

## Vulnerability and Instability

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‘Failed’ asylum seekers, lacking basic rights and facing constant rejection, may feel vulnerable and neglected. Participants expressed concern about the implications of this ‘rejected’ status which goes beyond accommodation. The lack of legal rights often leads to bureaucratic complications. Enduring such circumstances on a regular basis, besides frustrating, is also humiliating and has negative psychological repercussions.

Marco\* explained that due to their status, ‘failed’ asylum seekers face even more difficulties in finding work and accommodation, and many end up feeling helpless, with no means to live independently. As Marco\* argues, instability forces the individual to take paths that can worsen their situation, both health and legal-wise. This social distress often leads to substance abuse as a coping mechanism. Sandrine\*



confirmed that she sees a lot of people in Marsa “sleeping rough” and she finds it very sad and distressing to see them in such a state. Isaac\* also mentioned the challenges faced in terms of travelling, adding that people in his position do not even have the option of leaving for a better life abroad.

### **Lack of Access to Adequate and Affordable Housing: The Implications**

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Due to the unaffordable prices in the real estate and rental market, groups of people, particularly ‘failed’ asylum seekers, are being excluded from adequate accommodation, especially in the absence of eligibility for government schemes.

As Sandrine\* explained, her concern is that if “for example, a woman doesn’t have somewhere to go, if she’s in the street, that will only lead to bad things.” Living on a small densely populated island, problems of homelessness, substance use, and criminal activity in neighbourhoods become more conspicuous, making one feel uncomfortable and unsafe. The YMCA representative argued that people who are not enabled to work end up living in poorer and rougher areas of the community because that is what they can afford. As a result, “we are inadvertently creating ghettoisation.”

AWAS representative argued that if the system is setting up people to fail, it will also negatively affect the Maltese society in general, as ‘failed’ asylum seekers are made to feel rejected as human beings, impeding a sense of belonging and thus respect toward the society they are living in. According to the FSWS representative, the situation for asylum seekers has not improved but regressed throughout the years, with the main issue being the long waiting time for the ‘International Protection Agency’ to provide a decision on their asylum application. This prolonged waiting period causes undue emotional and social distress as asylum seekers are unable to plan their future, leaving them feeling angry, demotivated and dejected by the system and the country with nothing to lose, as their hope for the future dwindles: “Why do I have to show respect in the community when no one is interested in giving me a future. I don’t have anything to lose. I’m not interested. Here is not my future.”

The Migrants Commission’s representative argued that a case of a person experiencing homelessness who has been denied asylum is different and more complicated from that of other homeless individuals due to “legal issues... injustice issues... and... the issue of homelessness too.” The need to appeal the rejected status demands “legal services, to reopen the case, to fight that case”. Professionals often get stuck when they encounter such cases, with many of the stakeholders acknowledging the injustice in the way institutions are operating, particularly since

homelessness remains illegal in Malta. It was also added that the legal nature of 'failed' migrants has led to challenges faced by welfare professionals, who then have to find alternative ways to give their support, despite the limitations created by the legal status and lack of entitlement to government benefits and services.

## **Discussion: A place One Can Call 'Home'**

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The findings provide insight into how 'failed' asylum seekers feel about living in a community that has created barriers for them to settle and build a rich and meaningful life. The study highlights the fact that lack of legal status leads to instability, not only in terms of accessibility to housing, but also to other essential rights, such as healthcare, employment, social security, and education. All of these have negative effects not just on the individuals but also on Maltese society at large. Following a brief discussion of the findings, this concluding section will give a brief overview of the main strengths and limitations of the study followed by recommendations for improved policy and programme implementation.

The EU's approach to migration, also reflected in Maltese national policy, is primarily focused on discouraging irregular migration by making irregular entry, stay, and return a criminal offense (PICUM, 2023). However, such policies create a hostile environment leading to marginalisation and increased vulnerability to exploitation and abuse. They also limit access to social protection and healthcare, worsening risks of poverty, homelessness, violence, ill-health, and exploitation (PICUM, 2023).

Structural inequalities, discrimination, systematic racism, and inadequate social safety nets are conducive to unsustainable living among marginalised groups (Ponio, 2023). As a result, 'failed' asylum seekers in Malta face significant housing insecurity due to their exclusion from social housing programmes, high costs in the private rental market, and widespread discrimination with the result that they often end up living in overcrowded or substandard conditions, and often face rooflessness. This housing insecurity is also faced by asylum seekers who are still awaiting decision on their protection status, though in line with the International Covenant on Economic, Social and Cultural Rights, European States are obliged to provide adequate accommodation for those whose status is still pending (Westendorp, 2022). The experience of homelessness, housing exclusion, and unstable housing can be incredibly stressful and isolating, which can worsen existing mental health conditions, precipitating maladaptive behaviour and coping mechanisms such as addictive behaviour and self-medication through substance use (Ponio, 2023).

The strengths of this research come from its triangular approach (Carter et al., 2014), converging the narratives of 'failed' asylum seekers with that of stakeholders. Whilst the focus of the study is on accessible, affordable, and adequate housing,

'failed' asylum seekers face many more challenges other than what was investigated. Moreover, the small sample size calls for caution in terms of generalisation and highlights the need for further knowledge creation in the field. Comparative research between those with 'failed' status and those who obtained international protection will provide further insight as to the impact of legality in accessing rights, especially in terms of living conditions and affordable and adequate housing. It is pivotal that research narrates the experiences of those mostly affected to help bring marginalised voices to the attention of policymakers. To establish a more just and equal society, policies need to be built from the people's lived realities, that is, from the grassroots (Ledwith, 2011).

Improved policy and programme implementation in the field demands acknowledging the original mission of social housing; to supply affordable housing to those who are most vulnerable and disadvantaged. Social housing in Malta has been created to provide assistance through different schemes for either purchasing a property or renting (Braga and Palvarini, 2013), yet, by excluding 'rejected' asylum seekers, it is failing to support those most vulnerable to homelessness and housing exclusion. Another important policy reform concerns the reinstatement of the 'Specific Residency Authorisation' or any other permit to regularise 'failed' asylum seekers' stay in Malta to enable access to basic rights, including health care, employment, and housing amongst others. Reduction in the waiting time in issuing residency cards and renewals will help to reduce social distress. Change is also pivotal in the asylum assessment procedures adopted by the 'International Protection Agency'. The agency needs to be more aware of the political and cultural realities of the countries where asylum seekers are coming from and decisions regarding status decision to be expediated. Moreover, AWAS, as the national agency responsible for the welfare of asylum seekers, needs to broaden its services to support all migrants, regardless of their status. Further resettlement options need to be considered for those who wish to explore better opportunities elsewhere, as well as improve on voluntary return programmes to make them more humane for those considering return to their home country. Greater emphasis needs to be placed on awareness regarding the realities that 'failed' asylum seekers face. This would increase public understanding of migration trajectories and reduce racism and xenophobia, whilst promoting inclusion.

Although this research was targeted toward adequate, affordable, and accessible housing, it is evident that the main issue surrounding the status of 'failed' asylum seekers is primarily of a legal nature, impacting not only the individuals concerned, but society in general. These legal issues lead to marginalisation and ostracisation in all aspects of society. Poor mental and physical health, precarious employment, inadequate shelter, racism, and poverty are all problems that 'failed' asylum seekers face due to bureaucratic barriers and lack of proper status.

It is hoped that this research increases awareness about the challenges faced by ‘failed’ asylum seekers while advocating for policy changes that would enable them to live a stable life, including being able to live in a place they can call home – a place that provides a sense of stability, security, and wellbeing.

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