

I'm Not Racist, But...

Immigrant & Ethnic Minority Groups and Housing in Malta



Qualitative
study



Immigrant and Ethnic Minority Groups and Housing in Malta - A Research Study

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I'm Not Racist, But...

Research Report Foreword

The project JUST/2011/PROG/AG/1902 I'm Not Racist, But... was designed to raise awareness on racial discrimination and promote cultural diversity; to empower the African community to get their voice heard, to advocate for their rights and to report discrimination. Furthermore, this project aimed to develop a clear understanding of the situation of ethnic communities in housing; and to empower respective stakeholders to prevent or combat discrimination in this area.

To this end, as part of I'm Not Racist, But..., the present qualitative study was carried out, aiming to develop a clear understanding of the situation of immigrant and ethnic community groups in relation to housing or accommodation in Malta and Gozo. It also aims at measuring the perception, the level of awareness and acceptance of racial equality and diversity, the occurrence of discrimination amongst immigrants and ethnic communities, and the level of knowledge of ethnic communities and property owners and their representatives on rights and obligations related to racial equality in the access to and supply of housing.

Qualitative studies such as this one are designed to delve into the experiences of people to understand the reasons behind each discriminatory action, and detect the reactions and levels of acceptance of equality and diversity. This study, in effect, identified the experiences of immigrants and ethnic communities, and that of stakeholders working with immigrants and ethnic origins and also identified how and to what extent are property owners and their representatives using good practices that favour racial equality and diversity. Hence, this presents the opportunity for policy and action design to address any negative attitudes that are shown by the study.

A special thanks goes to the key expert and the researchers involved in this research, as well as the NCPE staff who worked on this project.

Dr Romina Bartolo LL.D., MJuris (EU Law)
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December 2012

Research consultants' acknowledgements

This Report was designed, researched and written by Marika Fsadni and Dr Maria Pisani of M. FSADNI & Associates. The Research Consultants were responsible for the design, co-ordination and execution of the research field operations and also for the reporting of the findings of the entire project. Special thanks go to Anna Debono, senior research analyst, who led the fieldwork operations, which were all conducted in-house.

The Research Consultants are very grateful to NCPE for entrusting them with this interesting and very challenging research project. Sincere thanks go to NCPE's Executive Director, Dr Romina Bartolo, Therese Spiteri and Francesca Dayal for their significant contribution during the whole course of this research project.

M. FSADNI & Associates would also like to sincerely thank the Project Partners, namely, the Agency for the Welfare of Asylum Seekers (AWAS), United Nations High Commissioner for Refugees (UNHCR) and Jesuit Refugee Service (JRS), who were highly instrumental in assisting the Research Consultants to the primary research phase of the project. Special thanks also go to stakeholders: the Federation of Real Estate Agents (FREA), the Housing Authority and the Malta Environment & Planning Authority (MEPA) who also participated in this study.

The Research Consultants are also extremely grateful for the vital input in this study by some 260 immigrant and ethnic minority respondents hailing from various countries from Sub-Saharan Africa, North Africa, Middle East, Europe and Asia; property owners, property developers, middle-persons (sensara) and real estate agents.

The Research Consultants are indebted to all these individuals and entities for participating and contributing essential input towards this study. Indeed, this is the first ever study of this size and detail on exploring this research area in Malta and will undoubtedly serve as an initial platform to encourage other similar studies to be conducted in the near future.

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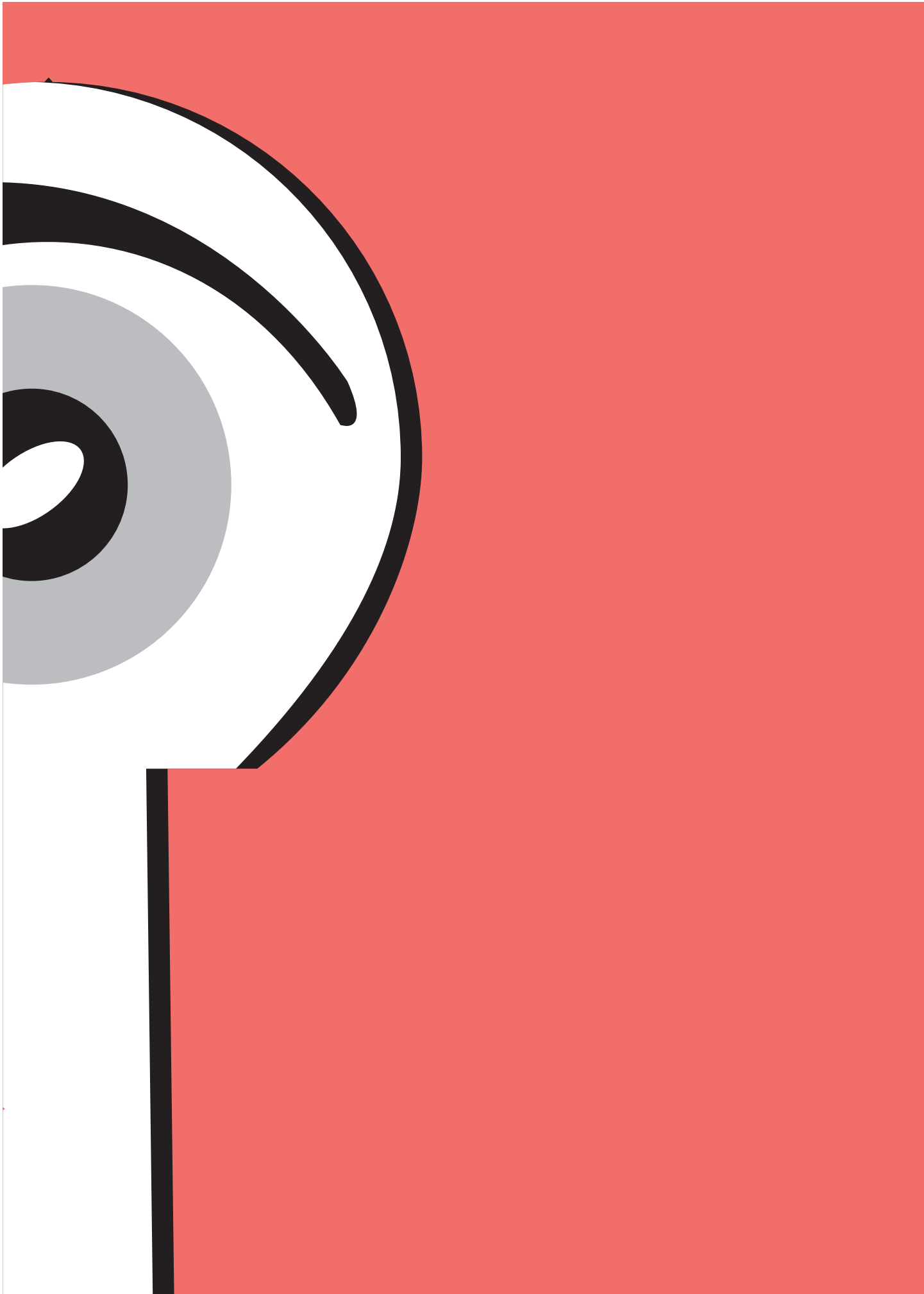
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1 INTRODUCTION

Introduction

In 2010 the National Commission for the Promotion of Equality (NCPE) commissioned the *National Action Plan Against Racism and Xenophobia* (NAPARX)¹. The report notes that ‘experiences and quality of housing are critical to the sense of ownership and empowerment of ethnic minorities’ (NCPE, 2010a:33). In this regard, it also reports that little is known about the experiences of ethnic minorities in Malta in their efforts to access housing, or the type of housing they would be looking for. Despite the limited knowledge base accumulated to date, a number of key themes that have emerged that illustrate a worrying scenario with regard to housing discrimination in Malta. Research suggests that some immigrants and ethnic minorities in Malta are disproportionately represented amongst those experiencing barriers in accessing decent housing (see for example, Gauci & Pisani, forthcoming). The NAPARX notes that discrimination appears to be common place, marked, in particular, by a sense of distrust between ethnic minorities, and landlords. The upshot of this appears to be that the latter are averse to renting out property to ethnic minorities. As one of its key recommendations, the NAPARX highlighted the need to research the housing experiences of ethnic minorities and the concerns of landlords/landladies.

Aims of this research

The aim of this qualitative research is to develop a clear picture of the experiences of immigrants or persons of ethnic minorities when accessing or inhabiting housing or accommodation, as well as to identify the needs and concerns of landlords/landladies and/or their representatives. The present research forms the first part of a three stage project. The findings of this research will feed into a training programme for property owners and their representatives, and also into the development of two leaflets on the rights and obligations related to equal treatment in housing (for immigrants and property owners respectively).

¹ The report was drafted by the Equality Research consortium for NCPE in 2010.
See: https://secure3.gov.mt/socialpolicy/SocProt/equal_opp/equality/projects/strengthening.aspx







2 SALIENT CONCLUSIONS AND POLICY CONSIDERATIONS

Conclusions

- The present research illustrates numerous examples of direct and indirect housing discrimination in Malta. This is particularly in the case of certain Maltese citizens and migrants. Whilst the categories may vary with regard to how they are labelled, 'black', African, 'Arab' and 'Muslim' would appear to be the unifying categories and as such, these groups face disproportionate levels of discrimination in accessing housing. This is particularly the case with regard to males.
- Widespread racism and xenophobia grounded in stereotypical beliefs appears to have a direct impact on migrants and ethnic minorities living in Malta and the experiences of housing discrimination. The report documents various degrees of abuse by neighbours and property owners, ranging from the non-verbal, to intimidation and harassment. Such abuse appears to be fuelling a sense of powerlessness amongst the victims of abuse.
- The results of the interviews with property owners and Estate Agents suggests that racist discourse and practices appear to be normalised and are conducted within a culture of impunity with no apparent fear of legal repercussions. Whilst the findings suggest that property owners and Estate Agents are aware of the role of the NCPE in combating discrimination, such knowledge does not appear to influence practices or beliefs, resulting in essentially little, or no regard for the Racial Equality Directive.
- The results would also suggest that Estate agents are not recognised as a source of information, be it with regards to legislation on discrimination, or any other legal proviso. Rather, the role of the Estate Agent is perceived as an intermediary in a business transaction and nothing more. The research findings indicate that Estate Agents are colluding with Property Owners in discriminating against certain ethnic groups, with no regard for the Racial Equality Directive, or provisions therein. In extreme cases the results indicate that some Estate Agents will even include manifest discriminatory provisos in their written contracts. As such, Estate Agents appear to be playing a central role in producing and sustaining housing discrimination in Malta, often with toxic effects. In essence, Estate Agents are seemingly taking on the role of gatekeepers in maintaining certain neighbourhoods as 'white/non Muslim'. The evidence suggests that the quality of treatment received from Estate Agents depends on one's ethnicity. Furthermore, whilst Estate Agents may not be directly refusing their services to certain migrants and ethnic minorities in Malta, the discriminatory effects of their practices appear to steer certain categories of migrants and ethnic minorities into areas associated with deprivation: resulting in segregation and ethnic clustering. Crucial to the scope of this research, the actions adopted by Estate Agents can be considered as unlawful and prohibited by the Racial Equality Directive.
- Property Owners and Estate Agents described a fear of subletting by 'African nationals/Arabs'. This fear appears to translate into housing discrimination. Whilst such fears may be justified, the practice itself requires further unpacking. Integration into the community depends directly on the provision and accessibility of good quality housing. However, the findings of this report appear to reflect a lack of understanding with regard to structural obstacles to accessing housing, wherein certain categories of ethnic minorities and migrants may be forced to share accommodation as housing opportunities are limited. At present, the practice of sharing accommodation tends to be blamed on cultural factors, wherein it is assumed that 'African people like to/always share accommodation because they are African', rather than because they may have no alternative but to share.

- Certain migrants and ethnic minorities in Malta appear to be subjected to a racialization process, possibly grounded in historical constructs that have continued into contemporary times, thus maintaining negative stereotypes. This can be seen to be directly linked to housing discrimination. The research documents how the presence of certain ethnic minorities in a given neighbourhood is perceived as lowering property prices. This also impacts the degree to which property owners are prepared to rent their property out to certain ethnic communities. The direct result appears to be limited housing opportunities. Migrants and ethnic minorities may also be forced to tap into, and exhaust, their own horizontal social capital in accessing housing, possibly also contributing to the development of ethnic clusters and involuntary segregation. Such survival strategies may also fuel and maintain racialized beliefs, thus perpetuating a vicious cycle of housing discrimination.
- With regard to asylum seekers and beneficiaries of protection, the results of this research provide some insight into how their social reality is experienced at the micro – individual – level, but is constituted at the political level. In the absence of material support, including housing, coupled with the numerous problems in finding long term, reliable employment and guaranteeing an adequate living wage, the decision to share accommodation costs with others would appear to be a reasonable strategy in securing accommodation in the community.
- Results confirm that migrants and ethnic minorities living in Malta are not aware of their rights or ways to seek remedies for damage suffered with regard to accessing housing and experiencing racial discrimination. The findings suggest that this is generally across the board and not restricted to particular ethnic groups.
- Research conducted elsewhere (see Zammit, 2012; UNHCR & aditus, 2012) reiterates that migrants and ethnic minorities in Malta appear to demonstrate a lack of trust in the authorities, and disillusion with any form of protection or possibility of accessing rights. This is particularly in the case of those migrants and ethnic minorities collectively referred to as black/African/Arab/Muslim. The latter worryingly suggests an element of institutional racism, wherein migrants and ethnic minorities feel powerless to contest or shift the prevailing culture and acts of discrimination. Such lack of faith in the institutions would appear to reinforce disadvantage, extending to other areas of day to day life.

Recommendations

- Housing discrimination in Malta must be positioned within the broader context. The findings demonstrate how different individuals and groups experience racism in different ways. Racial discrimination is institutionalised and maintained through ingrained, but dynamic, social and cultural beliefs, producing racially based inequalities. As such, projects such as 'JUST/2011/PROG/AG/1902 I'm Not Racist, But...' must be ongoing. NCPE and other educational bodies must continue to support and implement anti-racism training activities to all service providers in Malta. Such training programmes must also be guided by the Racial Equality Directive, ensuring that all entities are aware of the rights of ethnic minorities and potential remedies.
- The results of this research suggest that more needs to be done in generating awareness of the Racial Equality Directive, the national legislation, and the services provided by NCPE. Whilst the publication of leaflets as part of the 'JUST/2011/PROG/AG/1902 I'm Not Racist, But...' project is a step in the right direction, the findings of this research also indicate that persons possessing low levels of literacy, and persons of non-English/Maltese speaking backgrounds, may be excluded from such efforts. Consultation with Migrant Associations and Cultural Mediators (amongst others and certainly beyond the asylum seeker community) over how to disseminate information needs to be incorporated into educational campaigns and other targeted efforts. As such, a multi-dimensional approach that does not rely on one source of information, and more specifically the provision of printed material, can be backed up by alternative measures.
- The results further reinforce the need to reframe and broaden the 'racism' debate, and to consider the experiences of all ethnic minorities in Malta. Migration and ethnic diversity are a contemporary reality, and this should be reflected in service provision. Government entities and service providers can combat racial discrimination by ensuring that this reality, and the needs of ethnic minorities (and this would include Maltese citizens) are included in the planning, implementation and review of key activities assumed at a policy and organisational level. For example, service providers such as the Housing Authority and Estate Agents may ensure that the services they provide are more inclusive of all by including images of ethnic diversity in their advertising and educational campaigns.



- As service providers, Estate Agents have a responsibility to ensure equal opportunity to access housing in Malta. They also play a crucial role in educating their clients in this regard. Establishing a code of ethics and standards of practice that is aligned with the Racial Equality Directive may be a concrete measure in this regard. The Federation of Estate Agents may also consider taking on the role of a regulatory body.
- In the long run, failure to address housing discrimination and other structural obstacles as evidenced in this research may contribute to an increasing number of homeless people in Malta. Whilst far from ideal, with regard to asylum seekers and beneficiaries of protection, policy makers may need to reconsider the provision of more space in open centres (a task that will involve institutions such as AWAS and MEPA). If however, the strategy is to be inclusion, there should be the establishment of an entity specifically tasked with providing material support and advice may facilitate the transition from the open centre to the community. An additional measure may be to readdress the situation vis-à-vis the Qualifications Directive² and access to social housing (this would fall under the responsibility of the Housing Authority).

² Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.





3 REVIEW OF INTERNATIONAL LITERATURE

NCPE and the Equal Treatment of Persons Order

Analysis of racism within a given context must also be couched within a wider debate on equality, social segregation, social structures and institutions. The European Union (EU) Race Equality Directive 2000/43/EC represents the key piece of EU legislation for combating discrimination on the grounds of racial or ethnic origin, and for giving effect to the principle of equal treatment. The directive contemplates combating discrimination through measures that actively promote equality, be it through ‘positive action’ or through the adoption of a preventative approach to indirect discrimination.

Maltese legislation prohibits discrimination on the basis of race or ethnicity through various laws transposing the EU Race Equality Directive, including the Equal Treatment of Persons Order³. The order extends NCPE’s remit⁴ to include the promotion of equality on the grounds of race/ethnic origin in the access to, and supply of, goods and services. This includes access to and supply of housing to immigrants and persons representing ethnic minorities. As the designate body for the promotion of equality in this regard, the NCPE is also tasked to offer independent assistance to victims of discrimination, as well as to provide an ongoing evaluation of the local context and make recommendations towards positive change.

The national context: migrants in Malta

Castles and Miller (2003) refer to this era as the ‘age of migration’. As the movement of people has intensified to all corners of the globe, migration has become a central political and social issue. This is most certainly the case in Malta. In a survey commissioned by the EU (2009), the Maltese recorded the highest level of concern amongst the European Union Member States (EUMS) on immigration and the control of the EU’s external borders⁵. However, public concern over immigration is not limited to Malta, but rather, is a sentiment widely expressed throughout the EU. Immigration is generally linked to feelings of insecurity amongst the general public, including competition for housing, jobs and pressures on the welfare state (European Commission, 2010).

3 Legal Notice 85 of 2007 - Equal Treatment of Persons Order.

4 NCPE is entrusted with the task of monitoring the implementation of:

- Chapter 456 of the Laws of Malta - Equality for Men and Women Act;
- Legal Notice 85 of 2007 - Equal Treatment of Persons Order; and

- Legal Notice 181 of 2008 - Access to Goods and Services and their Supply (Equal Treatment) Regulations, 2008.

5 87% of the Maltese correspondents listed immigration as a key concern, compared with both Portugal and Romania, on the other side of the spectrum (both 26%).

In Malta, the fears related to immigration can be linked to the arrival of sub-Saharan African (SSA) asylum seekers (Pisani, 2011; Gauci, 2011)⁶. However, asylum seekers (the majority of whom are granted some form of international protection) form but a fraction of the international migrants residing in Malta. A look at the statistics highlights this point. For example, in 2010 an estimated 8,201 persons immigrated to Malta. Of these, 15 per cent were returned migrants while more than three-fourths of the total immigrants originated from EU Member States (NSO, 2011). Nevertheless, in Malta the term '*immigrant*' has come to be synonymous with terms such as 'illegal immigrant', 'irregular immigrant' and '*klandestini*' – all of which refer specifically to SSA asylum seekers and refugees. As such, popular (and indeed political and media) discourse portrays a somewhat flawed picture of the nature of immigration in Malta. This, in turn, points to the complexities in understanding how racism and discrimination in Malta is perceived and experienced, and by whom.

Racism and Xenophobia in Malta

The arrival of asylum seekers in Malta seems to have been perceived as a threat to Maltese society and has been directly linked to racism and xenophobia. According to the EU-Midis Report (2009), 63% of Africans living in Malta reported experiencing discrimination, the highest reported within the EUMS. Research findings have been worryingly consistent over the years, whereby racism and discrimination continues to feature in the day-to-day lives of asylum seekers and refugees living in Malta (EU-Midis, 2009). Preliminary findings of research conducted amongst refugees and other beneficiaries of protection in Malta in 2011 reports that most of the interviewees described feeling unwelcome by the Maltese community and that they had experienced discrimination and/or unfair treatment (UNHCR & aditus, 2012). Certainly, over the past ten years, asylum seekers and refugees have remained the category considered most vulnerable to racism in Malta. Popular and political discourse has tended to use 'race' and ethnicity, or more specifically 'skin colour' as a signifier of migratory status and 'illegal' status. The latter term tends to be used generically regardless of the outcome of the asylum procedures.

Research suggests that whilst asylum seekers and persons enjoying international protection in Malta enjoy substantially more rights than other third country nationals on paper (for example in access to employment, social support and healthcare), in practice they remain more vulnerable to discrimination and are less likely to access their rights (Gauci, 2011).

This is not to suggest, however, that SSA asylum seekers are the only category of persons to experience racism and discrimination in Malta. Individuals originating from North Africa and the Middle East, generally collectively referred to as 'Arab' and assumed to be Muslim, also experience prejudice (see for example, Gauci & Pisani, forthcoming). Essentialist stereotypes – grounded in misinformation and myths - are perpetuated, often normalising marginalisation, segregation and exclusion.

6 Herein referred to as 'asylum seekers'.

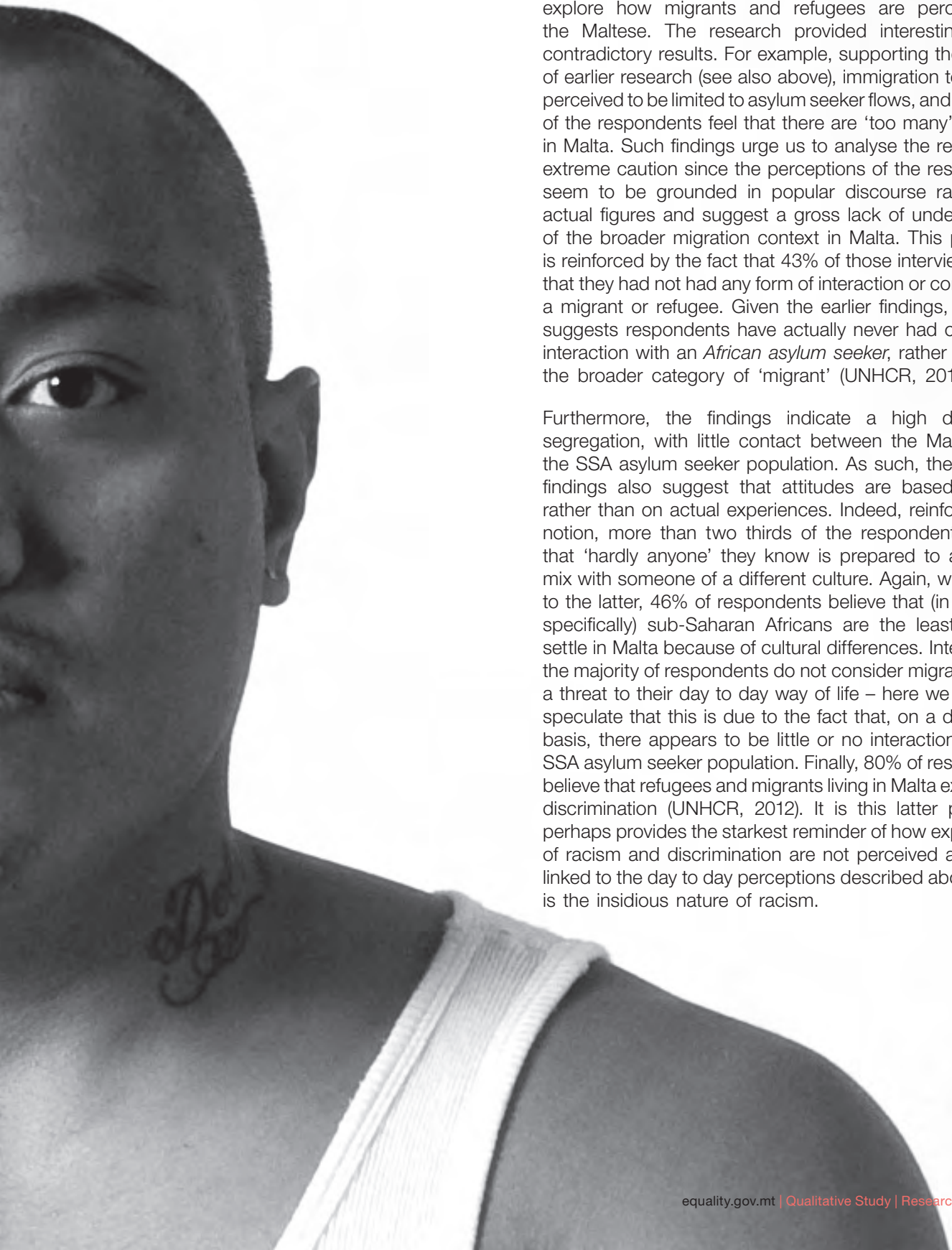
Indeed, as noted above, migrants residing in Malta represent an increasingly diverse group and their demographics are changing all the time. Failure to acknowledge this diversity – which leads to the homogenisation of the migrant population – will lead to poor policy making and service provision. Such diversity not only reflects different housing needs (and programmes addressing these needs), but also, different experiences of racism and discrimination. For example, research conducted in the UK found that dark skinned migrants, and the majority of the English black and minority population experience discrimination in their daily lives, including when trying to access housing. In comparison, white skinned migrants from English-speaking and EU countries reported experiencing a more toned down form of generalised xenophobia (Penzo, 2010).

So what are the signifiers that trigger racism and discrimination? Skin colour? A foreign accent? Legal status? All too often ‘whiteness’ is perceived as existing outside of culture, whilst ‘ethnicity’ is often perceived as exotic, dark, problematic and not ‘white’ (read superior and western) (Giroux & McLaren, 1994). And yet, research that explored the integration of Third Country Nationals (TCN)⁷ living in Malta reminds us of the complexity in understanding racism and discrimination. The report highlights the importance of legal status in the negotiation of structures and accessing rights. TCNs living in Malta describe administrative rules and processes as ‘obscure, arbitrary, complex and discretionary’ and seem to blend ‘seamlessly with hostile and quasi-racist attitudes of rejection...’ (Zammit, 2012: 15). Somewhat contrary to the findings reported by ENAR (see above), the author concludes the report by suggesting that, in the case of TCNs, ethnic background is less important than the kind of residence permit the individual has.

Such findings suggest a need to reflect further on how immigration, and the related notion of ethnic diversity, is perceived in Malta. Again, research findings are somewhat incongruent, indicating perhaps the complexity of the issues and the need for further, and more nuanced, analysis. According to the Eurobarometer report on discrimination within the EU, Malta is one of just four countries where only a minority thinks that ethnic diversity enriches the national culture (32 per cent) and the Maltese are reportedly consistently the least supportive of migrants’

⁷ The term refers to migrants who are not citizens of the EU and not beneficiaries of international protection.





rights in the EU-27, whether polled about equal social rights, family reunification rights or facilitated naturalisation (Eurobarometer, 2007). This can be contrasted with more recent research conducted by UNHCR that sought to explore how migrants and refugees are perceived by the Maltese. The research provided interesting, if not contradictory results. For example, supporting the findings of earlier research (see also above), immigration to Malta is perceived to be limited to asylum seeker flows, and over 50% of the respondents feel that there are 'too many' migrants in Malta. Such findings urge us to analyse the results with extreme caution since the perceptions of the respondents seem to be grounded in popular discourse rather than actual figures and suggest a gross lack of understanding of the broader migration context in Malta. This possibility is reinforced by the fact that 43% of those interviewed said that they had not had any form of interaction or contact with a migrant or refugee. Given the earlier findings, the latter suggests respondents have actually never had contact or interaction with an *African asylum seeker*, rather than with the broader category of 'migrant' (UNHCR, 2012).

Furthermore, the findings indicate a high degree of segregation, with little contact between the Maltese and the SSA asylum seeker population. As such, the research findings also suggest that attitudes are based on fear, rather than on actual experiences. Indeed, reinforcing this notion, more than two thirds of the respondents believe that 'hardly anyone' they know is prepared to accept or mix with someone of a different culture. Again, with regard to the latter, 46% of respondents believe that (in this case specifically) sub-Saharan Africans are the least likely to settle in Malta because of cultural differences. Interestingly, the majority of respondents do not consider migration to be a threat to their day to day way of life – here we may also speculate that this is due to the fact that, on a day to day basis, there appears to be little or no interaction with the SSA asylum seeker population. Finally, 80% of respondents believe that refugees and migrants living in Malta experience discrimination (UNHCR, 2012). It is this latter point that perhaps provides the starkest reminder of how experiences of racism and discrimination are not perceived as directly linked to the day to day perceptions described above. Such is the insidious nature of racism.

Reframing the debate: ethnic minorities in Malta

The issue of migration must also be situated within the wider debate on national identity and ethnic and religious diversity. For example, the reluctance on the part of some Maltese to mix with persons of 'different cultures' (see above) suggests that the 'Maltese' population represents a homogeneous and mono-cultural 'lot'. A critical look at Maltese history not only makes a mockery of any notion of some pure 'natural' identity or culture, but also draws attention to the transformative nature of Maltese society and the diversity therein. Indeed, 7000 years of emigration, immigration and colonial rule renders any essentialist discourse on what it means to be 'Maltese' as nonsense and the 'threat to the Maltese way of life' as somewhat ambiguous (see Borg & Mayo, 2006). Societies transform: and Maltese society is no exception. Once again, we can refer to official statistics to highlight this point. In 2010, 943 persons obtained Maltese citizenship through naturalisation or by registration. Of these, 44% were from Oceania, 29% were European, 10% were from African and 4% were from Asia (NSO, 2011). The homogenisation of the Maltese population not only belies the diversity within the population, but also serves to exclude and marginalise those who do not correspond to dominant discourse and conceptions of what or who are considered to be 'Maltese'. Any discussion on 'racism' or 'ethnic minorities' then, must not be limited to the migrant population living in Malta, but rather, must consider the ethnic diversity within the Maltese population.

Theoretical framework and conceptualisation of terms

This research draws on multiple interpretative projects, in particular, critical race theory and intersectionality. Developed largely by African American, Latino and Asian American legal scholars, critical race theory provides an inter-disciplinary approach to provide an analysis of 'race' and racism within a given context (Crenshaw et al., 1995). The theory starts from the premise that racism is embedded within a dominant culture, essentially normalised. Grounded in the understanding that notions of 'race' and experiences of racism are the product of social thought and power relations, critical race theorists try to demonstrate how racial inequality is maintained through the operation of structures and assumptions that are perceived as neutral, benign, and equal to all. Proponents of critical race theory thus interrogate and expose such institutional and societal structures and practices that maintain processes of exclusion (op.cit, 1995).

The *critical* element within the theory aims to advance a social justice framework and generating transformative social change. Critical race theorists draw upon intersectionality theory to highlight the multidimensionality of oppressions. A narrow focus on a singular characteristic such as 'race' in isolation, fails to capture the complex relationships between other defining characteristics, such as 'race', nationality, class, gender, religion or legal status. Such characteristics cannot be explored in isolation or analysed from a cumulative perspective. Rather, the intersectionality paradigm enables us to observe how characteristics intersect and are also mediated by the immediate context and beyond (Hill Collins, 2000). For example, at the intersection of gender and ethnic origin, research has demonstrated how ethnic minority women represent a group more likely to experience multiple oppression (European Commission, 2007). Likewise, the review of literature provided above has also highlighted the interaction of different identities, including race, ethnicity, religion and legal status, and how this may impact experiences of inclusion and exclusion (see also Pisani, 2012).

Working definitions

Legal Notice 85 of 2007 makes reference to discrimination based on racial or ethnic origin but does not provide a working definition of either 'racial' or 'ethnic origin'. The question as to what actually constitutes 'race' has been the subject of long-standing debate. In the nineteenth century 'race' was rooted in biological essentialism and determinism, the belief being that human beings could be hierarchically categorised on the basis of physical characteristics – or more specifically, their genetic make-up – and that a person's persona and behaviour could be identified according to this categorisation. This notion of racial types as biologically determined has since been discredited and found to have no scientific validity. However, whilst 'race', 'racialised categories' and 'ethnic groups' are now recognised as socially constructed, the legacy of racism has remained powerful in both material and cultural terms, rearing its head as a 'new' form of 'cultural' racism, articulated to demarcate difference on cultural grounds (Darder & Torres, 2009:38). For example, in this regard, we can observe how the recent increase in Islamophobia may be based more on cultural and religious factors, than skin colour and/or descent. The European Court of Human Rights (ECtHR) recognises how notions of 'race' and 'ethnicity' are often conflated and used to justify discrimination. The following passage provides a working definition of the two concepts which will be adopted for the purpose of this research:

'Ethnicity and race are related and overlapping concepts. Whereas the notion of race is rooted in the idea of biological classification of human beings into subspecies according to morphological features such as skin colour or facial characteristics, ethnicity has its origin in the idea of societal groups marked by common nationality, tribal affiliation, religious faith, shared language, or cultural and traditional origins and backgrounds' (CoE & FRA, 2010: 105)

The term 'ethnic minority' then, may refer to both Maltese citizens and/or migrants. As noted above, the term 'immigrant' has also been a source of misunderstanding and confusion. No universally accepted definition of 'migrant' actually exists. For the purpose of this research the term 'immigrant' (henceforth 'migrant') will be guided by the UN definition and will refer to an individual who is residing in a foreign country irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate (IOM, n.d.). For the purpose of this research, this definition (unless otherwise specified) incorporates EU nationals, Third Country Nationals (TCNs) (regardless of legal status), beneficiaries of international/protection, and those whose request for asylum has been denied.

The term 'discrimination' will refer to 'direct or indirect discrimination based on racial or ethnic origin' as defined in the Equal Treatment of Persons Order (L.N. 85 of 2007). In this regard,

- direct discrimination shall be taken to occur where a person is treated less favourably than another person is, has been, or would be, treated in a comparable situation;⁸
- indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put a person at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary;⁹ and

8 Article 2 (2a)

9 Article 2 (2b)

·harassment shall be deemed to be discrimination when it is related to racial or ethnic origin and takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment¹⁰.

10 Article 2 (2c)





Ethnic minorities and migrants and access to housing in Malta: a literature review

As has been noted above, local research that specifically addresses the topic in question is essentially non-existent. Research that has been conducted tends to look at particular target populations categorised by 'type' of migrant¹¹ - largely, asylum seekers and refugees, and to a lesser degree TCNs - rather than take a broad approach that addresses experiences of discrimination within the broader population. In the main, such research tends to address integration in general, wherein access to housing is often included as a key factor. The researcher was only able to identify one piece of research that dealt exclusively with access to housing, and this was in regard to beneficiaries of international protection (see Fondazzjoni Suret il-Bniedem, 2010). The European Network Against Racism (ENAR) publishes an annual report that documents how ethnic and religious minorities experience racism and discriminatory practices in each of the Member States. Consecutive reports on Malta have included a section that addresses access to housing. All of the literature focuses on access to rented accommodation; the reasons for this are unclear and require further investigation. The following presents an overview of the key themes that have emerged within the existing literature.

Asylum seekers: transitions

As noted above, much of the research has looked at the situation for asylum seekers and refugees. Speaking at a conference organised by the Foundation for Shelter and Support to Migrants, the Minister of Home Affairs remarked that one of the biggest challenges in providing 'safe and dignified living conditions' for asylum seekers and refugees was that of facilitating the transition from the open centre to living in the community (Times of Malta, 2011). Poverty, lack of safety nets and a sense of insecurity, lack of social capital and limited (if not non-existent) provision of information, and a 'transit' mentality grounded in the hope of relocation or resettlement to the US or elsewhere within the EU are some of the reasons that asylum seekers remain in the open centres (Pisani, 2011). Discrimination and racism is another.

Discrimination and racism

Research conducted amongst asylum seekers suggests that discrimination is one of the key obstacles in finding rented accommodation in the community (Fondazzjoni Suret il-Bniedem, 2010). However, experiences of racism and discrimination in this regard would not appear to be limited to the asylum seeker community. There is documented evidence to suggest that those persons collectively referred to as 'Arab' or 'Muslim' also experience considerable problems in finding a place to rent. Essentialist stereotypes and racial profiling interact, providing little respite for those in need of shelter. Documented evidence provides specific examples, such as persons who have had the door shut in their face when approaching a landlord to enquire about accommodation, or others being told that they will not be allowed to rent accommodation because they are 'Arab'. Research suggests that Landlords have justified such discrimination on the basis of past negative experiences including the inability to secure payment, complaints by other tenants and cleanliness (*op.cit*).

11 This may be for a number of reasons: the focus suggests that key concerns revolve around managing migration, rather than racism and discriminatory practices; linked to this, EU funds (generally the main source of funding of such research) are structured according to different migrant groups; as noted above, the racism debate has generally been limited to the experiences of asylum seekers living in Malta; organizations conducting research generally work with the asylum seeker population.

· **Informal networks**

Asylum seekers appear to navigate such obstacles by using friends of friends networks, which often means that they move to localities where other members of the ethnic community live (UNHCR & aditus, 2012). Interestingly, in countries with an established immigrant tradition, successful projects assisting migrant and ethnic minority groups in accessing housing were built on the networks developed by black and ethnic minority housing organisations (Penzo, 2010).

· **Poor housing conditions**

Often, either because of limited possibilities and/or because of financial restraints, asylum seekers are forced to living in shared accommodation, and experience overcrowding and unsanitary conditions. Indeed, accessing accommodation would appear to be the first in a string of complications that accompany finding rented accommodation. Research conducted by HUMA (2011) with asylum seekers and ‘undocumented’ migrants found that 72% of the respondents described their occupancy status as insecure and short term, whilst 85% of the respondents also claimed that accommodation problems negatively impact their health.

· **Lack of information on rights and distrust in the legal system**

The possibility of finding affordable, sanitary and secure rented accommodation then, is problematic for the asylum seeker community. Research suggests that the accumulation and interaction of discriminatory systems contributes to increased vulnerability and exposure to abuse by landlords (Gauci & Pisani, *forthcoming*). Reports suggest landlords change the prices of rent, charge extortionate prices on utility bills (an allegation also brought forward by TCNs living in Malta) (Zammit, 2012) and often provide no written contract (UNHCR & aditus, 2011).

Often, asylum seekers and refugees are not aware of state services or agencies that provide information and support. Likewise, many of them possess little – or no – knowledge of their rights or how to access them (and at a more pragmatic level, many of them are not in a position to realistically exercise such rights). Research conducted by UNCHR and aditus (2012) found that even when asylum seekers were aware of legal remedies or bodies that may provide support, such as the Housing Authority, they did not approach such institutions as they believed that help would not be forthcoming. Research has also demonstrated how those whose request for asylum has been denied are less likely to report cases of racism or discrimination out of fear of deportation (Pisani, 2011). As such, abuse often goes unreported.

Such findings are reflected elsewhere. For example, the ENAR report (*forthcoming*) describes how asylum seekers are scared to report discrimination, and in particular to give their own personal information that may identify them, as they feel there could be personal repercussions. In short, they don’t feel safe and they don’t feel adequately protected.

Clearly, exclusion and marginalisation are central issues here, as are faith and trust in the rule of law. The latter is not limited to asylum seekers and refugees. Research conducted with TCNs in Malta portrayed a pessimistic picture, wherein they were reported as feeling ‘disenfranchised, discriminated against, and unable to use the law as a weapon to assert their rights’ (Zammit, 2012: 16).

Putting the local context into perspective

The situation in Malta is reflected elsewhere in the EU. Immigrants and ethnic minorities throughout Europe tend to represent the groups most facing housing difficulties, and are at greater risk of exclusion from the housing market (FEANTSA, 2009).

Certainly, despite widespread legal protection, discrimination remains widespread and is known to occur on a number of grounds (Eurobarometer, 2007). Under reporting is also prevalent throughout the EU. In a report published by the FRA (2012), only 16% of immigrants and persons belonging to ethnic minorities were aware of any organisation providing support to victims of discrimination (be it NGO or equality body); 63% of respondents were unaware of the existence of the designated equality body in the country in which they were residing; and 57% were unaware of, or not familiar with, the legislation prohibiting discrimination on grounds of racial or ethnic origin, when renting accommodation.

In 2010, NCPE conducted an exploratory research on the reasons why persons in Malta refrain from reporting cases of discrimination to responsible bodies. Amongst other grounds of discrimination the research focussed on racial discrimination and religious discrimination. The results make for some interesting reading and highlight the disparity between experience of discrimination and acting on same, including making a formal report. For example, 68% of the respondents who had personally experienced or witnessed religious discrimination did not speak to anyone of their experience. Furthermore, 88% neglected to make an official report (op.cit, 2010c:156). The reasons for not reporting included a sense of powerlessness, a lack of faith in the system – essentially that a report would not effect change, fear of exposure, a sense of embarrassment, and finally, that they were not aware of the possibility to report (op.cit, 2010c:157). In view of the findings of the research, the authors put forward a number of recommendations in an effort to redress the situation, essentially focusing on three key themes, namely: reaching the victim; empowering the victim; addressing the stakeholder; and driving the point home.

In this regard, the report reminds us that awareness of equality legislation and complaint procedures is one of the first steps in ensuring that potential victims will enforce their right to equal treatment; awareness-raising may also deter potential perpetrators. Indeed, the Racial Equality Directive expects Member States to disseminate information about the provisions in place to give effect to the directive¹².

At the time of writing, NCPE had received five cases of alleged discrimination in housing on the grounds of race or ethnic origin. Of these, three were decided and two cases were pending. In order to be given a sense of perspective, it may be useful to compare with the broader EU context. FRA research suggests that between 2000 and 2009 approximately 550 housing related discrimination complaints were filed with national equality bodies or Ombudsperson offices across the Member States (FRA, 2012).

As is the case in Malta, lack of awareness only reflects a part of the picture. Research within the EU suggests that under-reporting of racial or ethnic discrimination is widespread for a number of reasons, amongst them, because victims believed that nothing would be gained by taking the case to the relevant authorities; the incident was too trivial and a frequent occurrence, and was thus 'normalised'; procedures of reporting an incident were too cumbersome and lengthy; victims feared intimidation from the perpetrators; victims were scared that there would be negative consequences (op.cit, 2012).

12 See Article 10

With regard to the latter point, the European Network Against Racism (ENAR) has expressed concern with certain limitations of the Race Equality Directive. Crucially, Article 3(2) states that 'the directive does not cover difference of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons on the territory of Member States, and to any treatment which arises from the legal status of the third-country nationals and stateless persons concerned'. As such, ENAR (2005) has argued that the directive fails to make a substantial difference to the experiences of undocumented migrants (including asylum seekers whose request for protection has been denied, and those migrants who have overstayed their visa, amongst others). The network has argued that race and nationality discrimination are often interlinked (see discussion above on intersectionality), and as such, the nationality exemption 'can serve to undermine access to effective redress for individuals who experience discrimination either on the basis of race or nationality' (ENAR, 2005:4).









4 RESEARCH METHODOLOGY

Literature review

Following the thorough review of recent international and local literature and official international and national surveys conducted by recognised statistics bodies on immigrants and ethnic minorities and housing, an overview of the research methodology ensues.

The research plan

In order to achieve the research objectives of this Project, set out in Section 1 above, the research methodology adopted for these activities comprised the following:

- A thorough review of recent international and local literature and official international and national surveys conducted by recognised statistics bodies on issues related to immigrants and ethnic minorities and their experiences in accessing decent housing.
 - A robust qualitative research exercise involving a four-tier research study. The object of this thorough qualitative research phase was to obtain an ‘in-depth’ understanding of the perceptions and opinions of relevant stakeholders, the experiences of migrants & ethnic minorities in accessing decent housing in Malta and the perceptions and experiences of property-owners, property-developers and real estate agents in Malta. This primary qualitative research was carried out to address the objectives tied to Activity I of the project, namely a qualitative study and situation testing on the experiences of immigrants and ethnic minority groups in relation to housing, and the respective experiences of property owners and their representatives.
- Tier One:** one-to-one personal interviews were conducted with 5 key stakeholders. At these interviews various relevant issues were discussed, namely, the services available in Malta to assist migrants and ethnic minorities to access decent housing in Malta; the barriers encountered by same to access such housing; whether local real estate agents and middle-persons (*sensara*) treat migrants and ethnic minorities similar to Maltese nationals seeking accommodation; property-owners’ concerns of selling or renting accommodation to migrants and ethnic minorities and any good practices experiences by landlords/ladies, real estate agents, migrants and ethnic minorities. Table 1 lists the 5 interviewed stakeholders.

Table 1 - 5 Interviewed Stakeholders

ORGANISATION	NAME	DESIGNATION
AWAS	Alexander Tortell	Director
FREA	Trafford Busuttil	President
Housing Authority	Dr. Albert Buttigieg	Chief Executive Officer
JRS	Christina Zammit	Assistant Director
MEPA	Joseph Gauci	Forward Planning Manager

Tier Two: one-to-one personal interviews were conducted with 50 migrant and ethnic minority respondents living in Malta either renting privately-owned residences, public housing or residing at open-centres. The research areas discussed with these respondents addressed their individual accommodation-seeking and housing experiences in Malta and their personal experiences when dealing with property-owners, Maltese neighbours and real estate agents and middle-persons. Table 2 below gives a brief profile overview of the 50 interviewed migrant and ethnic minority respondents.

Table 2 - Migrants & Ethnic Minorities Interviewed

Nationality	Legal Status	Gender	Age	Level of Education	Religion
EUROPEAN					
Bulgarian	Maltese/ Bulgarian citizen	Female	33	Post-Secondary	Christian Orthodox
Georgian	EU citizen	Female	52	Secondary	Christian Orthodox
Armenian	Resident Permit	Male	36	Tertiary	Christian Orthodox
Latvian	EU citizen	Male	25	Post-secondary	Atheist
Serbian	Long Term Resident Permit	Male	35	Tertiary	Christian Orthodox
Armenian	Resident Permit	Female	45	Tertiary	Christian
Lithuanian	EU citizen	Female	24	Tertiary	Atheist
Macedonian	EU/ Bulgarian Passport	Male	36	Tertiary	Christian Orthodox
ASIAN					
Chinese	Temporary Resident Permit	Female	43	Post-Secondary	Atheist
Thai	Resident Permit	Female	31	Tertiary	Buddhist
MENA					
Iraqi	Maltese/ Iraqi citizen	Male	60	Secondary	Muslim
Syrian	TCN	Male	29	Secondary	Muslim
Lebanese	TCN	Female	30	Post-Secondary	Muslim
Egyptian	Maltese citizen	Male	32	Tertiary	Muslim
Libyan	TCN	Male	29	Secondary	Muslim
Libyan	TCN	Male	29	Tertiary	Muslim
Libyan	TCN	Male	29	Secondary	Muslim
Libyan	TCN	Male	29	Post-Secondary	Muslim
Tunisian	Maltese citizen	Female	26	Post-Secondary	Muslim



Nationality	Legal Status	Gender	Age	Level of Education	Religion
Tunisian	Refugee	Male	32	Primary	Muslim
Tunisian	TCN	Male	44	Post-Secondary	Muslim
Tunisian	Refugee	Male	40	Secondary	Muslim
Moroccan	TCN	Male	37	Post-Secondary	Muslim
SSA (Sub-Saharan Africa)					
Nigerian	TCN	Female	38	Secondary	Christian
Nigerian	Rejected Refugee	Female	26	Secondary	Christian
Nigerian	Don't know	Female	28	Secondary	Christian
Nigerian	Reject	Female	38	Secondary	Christian
Nigerian	TCN	Male	29	Secondary	Muslim
Nigerian	Maltese citizen	Female	30	Tertiary	Christian
Nigerian	Refugee	Male	21	Primary	Muslim
Nigerian	Refugee	Male	26	Primary	Muslim
Nigerian	TCN	Female	21	Secondary	Christian
Sudanese	Refugee	Male	24	Primary	Muslim
Sudanese	Refugee	Male	34	Primary	Muslim
Sudanese	Refugee	Male	29	Secondary	Muslim
Sudanese	Refugee	Male	35	Secondary	Muslim
Sudanese	Refugee	Male	32	Secondary	Muslim
Algerian	Maltese citizen	Male	47	Secondary	Muslim
Algerian	Maltese citizen	Male	53	Primary	Muslim
Algerian	Maltese citizen	Male	51	Post-Secondary	Muslim
Algerian	Refugee	Male	44	Secondary	Muslim
Eritrean	Refugee	Male	28	Primary	Muslim
Eritrean	Refugee	Male	28	Primary	Muslim
Somali	Subsidiary Protection	Male	28	Secondary	Refused - changed religion recently
Somali	Subsidiary Protection	Female	22	Primary	Muslim
Somali	Subsidiary Protection	Female	25	Primary	Muslim
Somali	Subsidiary Protection	Female	21	Primary	Muslim
Somali	Subsidiary Protection	Female	22	Primary	Muslim
Chadian	TCN	Male	34	Secondary	Muslim
Togolese	TCN	Male	31	Secondary	Muslim

Tier Three: 30 situation testing exercises with immigrants and persons from ethnic minorities targeting property owners and their representatives were conducted. Each of the 30 situation tests comprised one individual of African origin, one individual of European origin and one Maltese individual and each situation test (comprising these 3 individuals) referred to the same property. 10 situation tests were conducted via telephone and 20 by email, all targeting property owners and/or their representatives. The individual situation tests within each exercise were carried out as close to each other as possible. Tables 3 & 4 give some synopsis outcome details of the 30 situation tests conducted.

Table 3 - Telephone Situation Tests

ST Number	Caller's Nationality	Caller's Gender	Telephone Situation Test Outcomes
T1	Libyan	Male	Property owner indicated that he only rents to Maltese
T1	Italian	Male	Property owner asked respondent his nationality and agreed that respondent would contact him the following day to set up an appointment to view the property
T1	Maltese	Male	Property owner willing to set up an appointment for viewing and gave information about the property
T2	Togolese	Male	Estate agent was very nice, was willing to set up appointment for viewing and gave information about the property
T2	Spanish	Male	Estate agent was very nice, asked for nationality of respondents and was willing to set up appointment for viewing
T2	Maltese	Male	Estate agent was annoyed that respondent contacted her on private number (same no. other respondents contacted her on) and informed him that for more information about the property she should send her an sms and would get back to him by the evening
T3	Nigerian	Male	Estate agent asked respondent nationality, then asked him to call in the morning. The respondent sensed a change in her tone of voice once he informed her he is Nigerian
T3	British	Male	Estate agent was very nice, asked for the nationality of the respondent and once he told her he is British she became 'extra' nice. She was willing to meet up with the respondent within the hour.
T3	Maltese	Male	Estate agent willing to set up appointment with respondent but asked him to call her in the morning to set up a meeting for the following day. Estate agent gave more information about the place on the phone

ST Number	Caller's Nationality	Caller's Gender	Telephone Situation Test Outcomes
T4	Algerian	Male	The estate agent was polite. He asked respondent for mobile number to call him the following day to set up an appointment to view the property. Also informed him that price is not negotiable and water and electricity have to be paid separately
T4	French	Male	Estate agent was willing to set up appointment on the phone. Also informed him that price is not negotiable and water and electricity have to be paid separately
T4	Maltese	Male	Estate agent asked whether respondent was a broker. Estate agent was willing to set up appointment on the phone. Also informed him that price is not negotiable and water and electricity have to be paid separately
T5	Sudanese	Male	Property owner asked for nationality of respondent and his tone of voice changed when respondent told him he is African. Nevertheless, owner was willing to set up appointment to view the property
T5	British	Male	Property owner did not ask for the nationality and asked when respondent was free to set up appointment for viewing
T5	Maltese	Male	Property owner asked whether respondent wanted the property for himself. Asked him to call the following morning to set up appointment for viewing
T6	Somali	Female	Estate agent indicated that he does not rent property to Africans. His tone of voice was very bad
T6	Italian	Female	Estate agent was willing to set up appointment for viewing. His tone of voice was very good
T6	Maltese	Female	Estate agent was willing to set up appointment for viewing and asked whether respondent was a broker. Estate agent was friendly
T7	Tunisian	Female	Estate agent was willing to set up appointment for viewing and informed that water and electricity are not included in the price.
T7	Spanish	Female	Estate agent was willing to set up appointment for viewing and informed that water and electricity are not included in the price.
T7	Maltese	Female	Estate agent informed respondent that water and electricity are not included in the price. He was very friendly
T8	Tunisian	Female	Estate agent was very helpful. Informed respondent that property was rented but asked whether she would be interested in other property and asked for budget and locality. Agent informed respondent that she would be contacting her back

ST Number	Caller's Nationality	Caller's Gender	Telephone Situation Test Outcomes
T8	British	Female	Estate agent informed respondent that property was rented and offered to assist her to find another property
T8	Maltese	Female	Estate agent informed respondent that property was rented and offered to assist her to find another property
T9	Libyan	Female	When respondent asked estate agent whether he would rent her the property, he informed her that as long as she paid the rent on time and maintained the property in good condition, there were no problems
T9	British	Female	Estate agent willing to set up appointment with respondent for anytime before 1600hrs. Agent was very nice and helpful
T9	Maltese	Female	Estate agent was very helpful and asked respondent whether she was a broker. Agent was willing to set up appointment for viewing
T10	Algerian	Female	Property owner was not friendly. He asked respondent whether he is employed and asked her to call him back the following day
T10	Swedish	Female	Property owner asked respondent for the period of time to rent the property. Owner was very friendly.
T10	Maltese	Female	Property was willing to set up appointment for viewing. Owner was very friendly

Table 4 - Email Situation Tests

ST Number	Email-sender's Nationality	Email-sender's Nationality	Email Situation Test Outcomes
E1	Sudanese	Male	Property rented
E1	British	Male	Property rented
E1	Maltese	Female	No reply
E2	Somali	Male	No reply
E2	Italian	Male	Proposing a meeting and gave additional info about property
E2	Maltese	Male	Property rented
E3	Algerian	Male	Property no longer available and asking if interested in other localities
E3	Spanish	Male	Property no longer available and asking if interested in other localities

ST Number	Email-sender's Nationality	Email-sender's Nationality	Email Situation Test Outcomes
E3	Maltese	Male	Property has no lift and found on first floor, bills not included in price
E4	Moroccan	Male	Proposing a meeting & indicating that property is unfurnished
E4	British	Male	Proposing a meeting & indicating that property is unfurnished
E4	Maltese	Male	Proposing a meeting & indicating that property is unfurnished
E5	Sudanese	Male	No reply
E5	French	Male	Letting manager ack request email and cced own real estate agent. Agent then sent email proposing a different property as property in question not available anymore
E5	Maltese	Male	No reply
E6	Tunisian	Male	No reply
E6	Italian	Male	Letting manager ack request email and cced own real estate agent. Agent did not contact back respondent
E6	Maltese	Male	No reply
E7	Libyan	Male	No reply
E7	French	Male	Property no longer available
E7	Maltese	Male	No reply
E8	Somali	Male	Acknowledgement of email & asking for contact no & forwarding request to associate
E8	French	Male	Acknowledgement of email & asking for contact no & forwarding request to associate
E8	Maltese	Male	No reply
E9	Eritrean	Male	Acknowledgement of receipt and asking whether he wishes to rent or buy
E9	Italian	Female	Asking for appropriate time to meet and budget
E9	Maltese	Female	Acknowledgement of email & asking for contact no & forwarding request to associate
E10	Sudanese	Male	No reply
E10	Italian	Female	No reply



ST Number	Email-sender's Nationality	Email-sender's Nationality	Email Situation Test Outcomes
E10	Maltese	Female	Property no longer available but suggesting another property in Mosta
E11	Tunisian	Female	Available for viewing, gives more info re property and asks for tel no to set up appointment
E11	Italian	Male	Property still available and an appointment can be set up for viewing
E11	Maltese	Female	Property still available and an appointment can be set up for viewing
E12	Nigerian	Male	Property no longer for rent, asking for budget & persons occupying property
E12	Italian	Male	Property for rent from June 2013 & suggesting another property
E12	Maltese	Male	Property for rent from June 2013 & suggesting another property
E13	Libyan	Male	Asking how many people occupying the flat and the ages of the children
E13	French	Female	Property no longer available
E13	Maltese	Male	Property no longer available
E14	Libyan	Female	Flat available for long let & to contact her for viewing
E14	British	Male	Suggesting day and time to meet up
E14	Maltese	Female	Suggesting day and time to meet up
E15	Egyptian	Female	Property no longer available
E15	Italian	Female	First email - to forward contact no. Second email - property no longer available
E15	Maltese	Female	Property no longer available
E16	Nigerian	Female	Property no longer available & asking for contact no to show alternative property
E16	British	Female	No reply
E16	Maltese	Female	Property no longer available & asking for contact no to show alternative property
E17	Egyptian	Male	No reply
E17	British	Female	No reply
E17	Maltese	Male	Property no longer available & asking if interested in another property

E18	Congolese	Female	Letting consultant introduces himself and asks for budget
E18	British	Female	No reply
E18	Maltese	Female	No reply
E19	Moroccan	Male	Property no longer available but proposing a new property
E19	Italian	Male	Property no longer available and asking for contact number to explain better
E19	Maltese	Male	Property no longer available but proposing a new property
E20	Tunisian	Female	Property no longer available and asking for more details to help find another property
E20	British	Male	Property no longer available and asking for more details to help find another property
E20	Maltese	Female	Property no longer available and asking for more details to help find another property

Tier Four: one-to-one personal interviews were conducted with 30 property owners, property developers, real estate agents and middle-persons. At these interviews various relevant issues were discussed, namely, details on the respondents' properties available for rent and sale; their property letting and sales experiences; the nationalities they let and sell to and nationalities they do not; the level of knowledge on their rights and obligations as property-owners. Table 5 gives some profile overview details of the interviewed property owners and property-representatives.

Table 5 - Interviewed Property Owners & Property Representatives

Nationality	Age	Gender	Level of Education	Designation
Maltese	71	Female	Secondary	Property Owner
Maltese	59	Female	Secondary	Property Owner
Maltese	47	Female	Secondary	Property Owner
Maltese	37	Male	Primary	Property Developer
Maltese	40	Male	Secondary	Property Developer
Maltese	62	Male	Secondary	Property Developer
Maltese	58	Male	Tertiary	Property Developer
Maltese	64	Male	Tertiary	Property Owner
Maltese	87	Male	Tertiary	Property Owner
Maltese	40	Male	Post-Secondary	Property Owner
Maltese	45	Female	Tertiary	Property Owner

Nationality	Age	Gender	Level of Education	Designation
Maltese	56	Male	Secondary	Property Owner
Maltese	55	Male	Secondary	Middle Person (sensa) Self-employed
Maltese	52	Female	Secondary	Real Estate Agent Size of company: 100 Employees
Maltese	67	Male	Tertiary	Property Developer
Maltese	50	Male	Secondary	Property Owner
Maltese	58	Male	Secondary	Property Developer
Maltese	58	Male	Tertiary	Property Owner
Maltese	55	Female	Secondary	Property Developer
Maltese	60	Male	Primary	Property Owner
Maltese	50	Female	Primary	Property Owner
Maltese	45	Male	Primary	Property Owner
Maltese	39	Male	Primary	Property Developer
Maltese	54	Male	Secondary	Property developer
Maltese	54	Male	Primary	Property Owner
Maltese	58	Male	Primary	Property Owner
Maltese	45	Female	Primary	Property Developer
Maltese	68	Male	Primary	Property Developer
Maltese	37	Male	Primary	Property Owner
Maltese	40	Male	Secondary	Property Owner
Maltese	37	Male	Secondary	Property Owner

Shortcomings of the research study

During the Primary Research Phase the Research Consultants encountered the following difficulties:

- During the Ramadan period (which fell in July-August this year), Muslim immigrants were reluctant to give face-to-face interviews during the day.
- Immigrant and ethnic minority respondents were reluctant to participate in the research study unless they were ensured of the research objectives by a known contact person.
- For the 'email situation tests', it was very difficult to find African immigrant respondents who can read and write in English.





5 RESEARCH FINDINGS

This chapter presents the findings of this research according to the data collection described in Section 4 above. The chapter is divided into four sections reflecting the tiers in data collection, namely: interviews with stakeholders; interviews with migrants and ethnic minorities; interviews with property owners, property developers, real estate agents and middle-persons; telephone situation testing; and email situation testing.

5.1. Results from stakeholder interviews

At the onset of the research process, a number of key stakeholders - comprising of Government agencies, a non-governmental organization and a professional body - were identified and interviewed in relation to the aims of this research. More specifically, the interviews provided insight into how the relevant stakeholders perceive the present situation vis-à-vis migrants and ethnic minorities and access to housing in Malta. The interviews provided an opportunity to explore their experiences, and to consider ways of working with these stakeholders, and others, in combating or preventing discrimination in this area. What follows is a brief overview of the key themes that emerged during the respective interviews.

5.1.1. Services provided by the Housing Authority

The Housing Authority falls under the Ministry of Justice, Dialogue and the Family. The agency has been developing, promoting and financing the development of housing estates and other residential and commercial accommodation, in efforts to promote home ownership as well as improve the housing conditions in Malta. This is achieved through what is described as a holistic approach through the provision of various schemes and initiatives targeting those who are most in need of its assistance (Housing Authority, n.d.). The respondent emphasised the role the Housing Authority has in assisting economically and socially vulnerable people, and also noted how the concept of 'vulnerability' has evolved over time, and how service provision has responded to these changes. The respondent defined 'vulnerability' as:

'those who have certain responsibilities but do not have financial and social support, those who have come out of an institution, like shelters and prison, those who suffered domestic violence and those who have certain types of disability, those who are living in a sub-standard environment and those who are living in an over-crowded environment'.

It is worth noting that 'ethnic minorities' are thus not considered as a potentially vulnerable group, possibly reflecting an ethnocentric representation of service users. The latter suggests that the Housing Authority has not yet recognised the increasing ethnic diversity amongst Maltese citizens and the broader Maltese society, and how such stereotypes can underpin racialised inequalities in the provision of services and allocation of resources (see Solomos & Back, 2007). The respondent did recall a particular incident of reported abuse. The said incident took place in a block of flats provided by the Housing Authority. The report of abuse was made by a Maltese woman against a Libyan man, the latter was married to a Maltese woman. The fracas appeared to revolve around a disagreement of the use of the common area wherein the man reacted aggressively to the woman's accusations. The respondent suggested that the situation arose out of a lack of communication and cultural differences, he also noted a hesitation on the part of the Maltese society towards *'people of a different skin colour...[and]...the association the society has of the 'bad' and the 'negative' with 'black'.*

Interestingly, the Housing Authority recently launched a campaign promoting respect and inclusion between residents in housing estates. As the respondent noted,

'we are trying to instil a sense of inclusive culture through the publication of books which promote respect between residents in housing estates. This 'campaign' does not focus on the inclusion of migrants because these are not currently being assisted by the Authority'.

The images that are used in the booklets¹³ also appear to reflect stereotypical notions of 'Maltese', ergo, an ethnocentric bias, and as such, fail to reflect the ethnic diversity amongst the Maltese citizens. The messages therein appear to emphasise respect for each other, cleanliness, noise, and respect for the elderly. Discrimination on the grounds of ethnicity does not feature. Institutional racism is inevitable where, often not by intent, policies and services may be delivered with the dominant majority in mind. In ensuring that the Housing Authority and the services that they provide are more inclusive of minority ethnic groups, future campaigns may benefit from including images of ethnic diversity within their 'repertoire of symbols' (Solomos & Back, 2007:252).

The services offered by the Housing Authority are only available to Maltese and EU citizens, and beneficiaries of international protection, namely those granted Refugee status (as per the 1951 Geneva Convention)¹⁴. At present, beneficiaries of Subsidiary Protection¹⁵, Humanitarian Protection/New¹⁶, and other Third Country Nationals do not qualify for assistance. However, in the Authority's next three year programme, the respondent plans to propose that the agency focuses more on minority groups, highlighting that this would include *'irregular immigrants'*. Reference to *'irregular immigrants'* in this regard would appear to suggest a lack of understanding of migration terminology, with the term erroneously used to refer to asylum seekers who have actually been granted international protection, at the very least, Subsidiary Protection. A more nuanced understanding of migration terminology may serve to clarify misunderstandings and enhance policy development. Under the present circumstances the use of incorrect terminology may serve to reinforce discrimination: a discursive strategy often adopted to justify marginalisation (Pisani, 2012). With regard to beneficiaries of international protection, research has highlighted how the current legal situation fails to specify the 'content of core welfare benefit to which asylum seekers and beneficiaries of subsidiary protection are entitled' (JRS, 2012:2)¹⁷. However, the respondent reflected that, given the present political climate and the politically charged nature of the topic in Malta, this may not be an opportune time to propose policy changes.

13 Also available on the website: www.housingauthority.com.mt

14 **Refugee status** is a form of international protection given by a state to a foreign national who has been recognised as a refugee. In Malta recognised refugees have a right to work, to obtain free healthcare and education and social assistance under the Social Security Act.

15 **Subsidiary protection** is a form of international legal protection given to those whose application for refugee status has not been accepted but who will face a real risk of serious harm if returned to their country. In Malta, people with subsidiary protection have a right to work and to access free education and healthcare. Whilst they have a right to core welfare benefits, at present they only receive a small daily allowance for as long as they are resident in an open centre.

16 **Temporary Humanitarian Protection** is a form of protection granted to those persons who do not satisfy the conditions for international protection as laid down in the law, but who nonetheless should not be returned to their country of origin in view of humanitarian concerns. Temporary Humanitarian Protection (New) has been granted to those migrants whose request for asylum has been denied but who have remained in Malta due to the complications related to forced return to country of origin.

17 The present report provides further reflection on this point with regard to the Reception Directive in section 5.3.4, below.

5.1.2. Services provided by the Malta Environment and Planning Authority (MEPA)

The Malta Environment and Planning Authority (MEPA) is the national agency responsible for land use planning and environmental regulation in Malta. MEPA's role with regards to housing is to ensure that there is enough space for the whole population and to work on projections for the future – up to 2020. The respondent stated that when MEPA receives applications, it does not take into consideration who is applying but only takes into consideration what the application involves, in terms of the place where the building structure would be built, how one would be applying and the type of building being applied for.

As part of their planning strategy, MEPA had approached the Ministry of Home Affairs, to evaluate the needs of the sector, in particular, housing provision for SSA asylum seekers, namely, the need for more open centres¹⁸. In this regard, it is in MEPA's interest to understand the Ministry's strategy in relation to the long term plans for this specific group of migrants and how it will relate to housing and space in Maltese society. Specifically, MEPA asked the Ministry for Home Affairs to provide a clear indication as to:

- a. whether their strategy will be to build more open centres - in which case this falls specifically within the remit of MEPA - or
- b. to focus on integration and housing asylum seekers and beneficiaries of protection in the community.

The latter is of key interest to this present research. However, the findings of this research appear to suggest that the two strategies are necessarily interlinked. Integration into the community depends directly on the provision and accessibility of good quality housing.

Despite the absence of an integration policy, it is worth noting that, according to the respondent, the Ministry's strategy aims to focus on the second option: integration into Maltese society¹⁹. As such, it is also in the interest of MEPA to ensure that the transition from open centre to life in the community is smooth and sustainable in order to guarantee space in the open centres for new arrivals. Certainly, as the findings of this report appear to demonstrate, as long as housing discrimination, in particular against those SSA asylum seekers and beneficiaries of protection, continues in Malta, the transition from open centre to life in the community will continue to be problematic: commandeered by racist and xenophobic beliefs that clearly have a real impact on individuals' lives. In the long term, failure to address housing discrimination may have a direct bearing on the amount of space required to house asylum seekers and beneficiaries of protection in open centres.

18 'Open Centres' and transition to the community is described in the section on AWAS below.

19 However, the Government of Malta has also placed significant emphasis on 'relocation' and 'resettlement' projects, wherein beneficiaries of protection will move elsewhere (see for example Mainwearing, 2011).

5.1.3. Services provided by the Agency for the Welfare of Asylum Seekers (AWAS)

The Agency for the Welfare of Asylum Seekers (AWAS) is responsible for the implementation of national legislation and policy concerning the welfare of refugees, persons enjoying international protection and asylum seekers, and also for the management of ten open centres. The migrants residing at the open centres (single men and women, families and unaccompanied minors) represent a diverse group, including around 31 nationalities, largely from sub-Saharan Africa (SSA). These include Somalis, Eritreans, Nigerians and Ethiopians, among others. The agency maintains a well-structured database of all their service users that is used as a source of information for research purposes.

As part of their *'pre-integration'* activities, their remit also includes referral to mainstream services including ETC, Education, Health, amongst others. Whilst providing access to housing in the community is not specifically recognised as falling within the remit of AWAS, the agency tries to provide assistance in this regard. According to the AWAS representative there are no other structures in Malta specifically tasked with assisting asylum seekers and beneficiaries of protection with finding housing in the community.

Upon release from detention²⁰ migrants and beneficiaries of protection are free to find their own accommodation. AWAS clients are also offered the opportunity to reside in an open centre (what the respondent described as a sort of *'social housing on a large scale'*), for the duration of one year. The time frame is maintained as such in order to ensure a regular turnover in beds – in order to accommodate new arrivals, and to encourage integration within Maltese society. The possibility of extending beyond one year is also made available, according to the specific needs of individuals. Living in an open centre is recognised as the first step towards integrating into Maltese society, finding employment and accommodation is understood as the next key phase in this regard. It would be apt to note that research conducted in Malta has illustrated how the absence of adequate safety nets and support – coupled with a disproportionate emphasis on self-sufficiency - makes the possibility of moving into the community and independent living problematic (JRS Malta, 2010). At the time of writing, residents of open centres do not qualify for a daily allowance once they move into the community. Likewise, the guarantee of stable employment and a regular income, coupled with racism and problems in finding regular employment that provides enough money to live on, may also impact the transition to life in the community.

For example, in research conducted with residents of an Open Centre, Fondazzjoni Suret il-Bniedem (2010) reported that the difficulties in finding regular work, paid work with a decent salary (rather than the irregular, short term work, often under exploitative conditions that is generally made available to asylum seekers) and difficulties in recognising qualifications and skills, all contribute to instability making the transition from life in an open centre to life in the community a considerable challenge. That said, the research also found that, given the possibility of regular employment and a stable income, the residents of open centres would be willing to make the move into the community. Indeed, those asylum seekers who managed to secure employment did move out of the open centres (op.cit, 2010: 37).

20 The government of Malta has adopted a policy of administrative detention for all asylum seekers arriving in Malta in an irregular manner. Since the publication of the (only) policy document in 2005, the duration of detention has remained a maximum of 18 months. Asylum Seekers are released after a maximum of 12 months as the regulations enacted in terms of the Refugee Act state that asylum seekers should be provided with access to the labour market within one year, whilst those whose application for asylum and subsequent appeal is rejected within the first 12 months must remain in detention for the total duration of 18 months (St. John, Delicata, & Azzopardi, 2008).

In this regard, a clearer picture of housing discrimination would need to be contextualised, in order to understand how, for example, the open centre policy interacts with race/ethnicity and access to housing in the community.

The respondent stated that he was aware that racist remarks and discrimination based on negative perceptions has impacted his client group's access to rented accommodation in the community. This in turn further prolongs asylum seekers' stay in the open centres, leading to overcrowding, poor conditions and ghettoisation.

However, the respondent was also aware of positive cases. Whilst he had not heard of cases of discrimination in the case of using the services of Estate Agents, he was aware that some property owners *'have a fear of the unknown'*. Indeed, a pilot project conducted by Fondazzjoni Suret Il-Bniedem which aimed at assisting residents of Marsa Open Centre with finding rented accommodation also reported resistance from local landlords to rent to foreigners (Suret il-Bniedem, 2010). In light of such discriminatory practices, the respondent acknowledged that all property owners *'take a risk when they are renting out their property, whatever the nationality or skin colour of the tenant'*. In this regard, he acknowledged that they are free not to take the risk, as long as they obey the law.

According to the respondent, knowledge of rights and obligations is generally lacking amongst this particular client group, and he hopes that more can be done in order to redress this matter. He was aware of cases where individuals have tried to seek guidance where they felt that they experienced discrimination in housing, but then chose to drop the case, generally out of fear. This scenario appears to reflect not only a lack of faith in the justice system, but also how discrimination on the grounds of ethnicity are often conflated with legal status, with the latter – often erroneously - assumed to be 'irregular'; this despite the fact that such persons do have rights to redress as stipulated in the provision of the Race Equality Directive. The respondent noted that given such a scenario, information campaigns and education on rights and obligations do not go far enough.

The respondent was able to give an example of best practice where property owners and Estate Agents worked together to find accommodation for this particular client group:

'a number of residents were approaching the end of the year they were allowed to live in the open centre, and the staff at the centre took some property owners to the centre and together with the residents they assure them that everything is in order. The residents moved from the open centre to a private residence in the South Eastern part of Malta successfully'.

5.1.4. Services provided by the Jesuit Refugee Service (JRS)

The Jesuit Refugee Service (JRS) in Malta seeks to 'accompany, serve and defend the rights of asylum seekers and forcibly displaced persons who arrive in Malta' (JRS, 2012). JRS works mainly with sub-Saharan African refugees and asylum seekers arriving in Malta by boat. Working with a team of lawyers, law students, legal case workers, social workers, psychologist and cultural mediators, JRS provide legal support, legal advice and social work support. Much of their work focuses on asylum seekers whilst they are in detention, the team also liaise with AWAS and the open centres in order to provide assistance to their residents.

JRS is not aware of any specific entity or organisation in Malta which assists migrants find accommodation. However, JRS provides ongoing support and assistance to those looking to find a place to living in the community. The key assistance is in helping asylum seekers to look through advertisements for rental accommodation and accompanying the client to go and view the premises. The respondent noted that this kind of support is also provided by AWAS and other NGOs.

The respondent noted a series of barriers experienced by asylum seekers in finding adequate accommodation in the community. The first is accessing and looking for property to rent:

'they usually find a property through friends since they are not used to buying newspapers and might not even know how to speak or read in English'.

The above raises a number of key issues, and reflects research conducted elsewhere:

1. NCPE, (2010b, unpublished) sought to determine the preferred media with which to effectively reach the SSA asylum seeker population in Malta. In considering a variety of different modes of communication, including *inter alia* the internet, radio, television and printed leaflets, the most popular medium for receiving and transmitting information was by word of mouth and group discussions.
2. Asylum seekers are able to tap into horizontal social capital, an extended network of 'friends' that can be tapped into to solve the problems and challenges of day-to-day life (see also HUMA, 2011).
3. Lack of ability to speak and/or read in English and/or Maltese prevents the development of cultural capital and 'vertical' social capital that may be necessary in order to access certain resources – including rented accommodation - and persons in power (see also Bourdieu & Thompson 1991), for example, the media and classified section, and service providers such as Estate Agents, and in the case of discrimination, NCPE.

The second problem that arises is in finding a property owner who is willing to offer their property out to SSA asylum seekers. In some cases, the respondent speaks to the owner and then the migrant goes to view the place. However, there have been occasions wherein the property owner calls back to complain that they were not informed of the nationality of the potential tenant. In such cases, JRS try to convince the property owner by providing a character reference, namely, assuring them that they know the individuals and their background. This has proven to work on occasion; however, in general the response remains a negative one. Similarly, when JRS make contact with Estate Agents about renting accommodation, often the property owners warn the Estate Agents in advance that they do not want 'Africans'.

ENAR (2005), has expressed concerns with what they describe as limitations in the Race Equality Directive, wherein the conflation of 'race' with nationality may generate problems in regard to seeking redress:

The **exemption** for treatment based on nationality (Article 3.2) undermines the effectiveness of the Directive. In recent years ENAR has raised serious and emerging concerns with regard to discrimination based on nationality, particularly addressed towards migrant communities. In addition race and nationality discrimination are often interlinked, thus the nationality exemption can serve to undermine access to effective redress for individuals who experience discrimination either on the basis of race or nationality (ENAR, 2005).

However, the Council of Europe & FRA (2010) have advanced a different interpretation that suggests that TCN, regardless of status, are protected by the Racial Equality Directive:

The Racial Equality Directive states that it does not cover 'any treatment which arises from the legal status of third-country nationals'. However, this would not appear to allow Member States to exclude totally protection for TCNs, since the preamble states that TCNs shall be protected by the directive, except in relation to access to employment. The Gender Equality Directive (Recast) and Gender Goods and Services Directive do not exclude protection for TCNs... In addition, the case-law of the ECHR... shows that while a State may consider nationals and non-nationals not to be in a comparable situation (and consider it to be permissible for them to be treated differently in certain circumstances), in principle all the rights in the ECHR must be guaranteed equally to all persons falling within their jurisdiction. In this respect the ECHR places obligations on Member States with respect to TCNs which in some areas go beyond the requirements of EU law (CoE & FRA, 2010).

When asked whether property owners treat SSA asylum seekers differently when they rent out a property, the respondent replied:

'in Malta there is a prejudice and they do treat them differently that how they treat Maltese tenants. I know of cases where migrants were asked to pay a higher rent, and they [the property owner] do not honour the contract and do not give them back the deposit because they claim that they had left a mess'.

That said, the respondent was also able to give examples of positive experiences, where property owners were very helpful and went out of their way to give the tenants food and vegetables and to help out where there was a need. The respondent attributed much of the negativity to a 'fear of the unknown' and added that the main concerns of property owners is that the property will be kept tidy and in good condition and whether or not the tenant will pay the bills. She also noted that sometimes property owners base their decisions on whether or not to let out their property to particular nationalities based on previous experiences. However, she noted that such an approach can often lead to generalisations and stereotyping, wherein nationality is given salience. Another concern of property owners is the reaction of the neighbours who may object to having Africans in the same building.

Upon leaving the open centres, many of the asylum seekers try to find accommodation close to other members of their community, leading to the development of ethnic enclaves within Maltese society. For example, there is a higher prevalence of West Africans in Qawra and Bugibba, a relatively high concentration of Somali nationals in Birzebuggia, and a number of Ethiopians in Msida. The price range for rented accommodation would generally be somewhere around Euros 200 or Euros 300. In many cases SSA asylum seekers choose to share rented accommodation with others in order to cut down on costs (see also HUMA, 2011).

With regard to rights and obligations, the respondent felt that SSA asylum seekers are generally not aware of their rights and obligations. JRS provides advice and guidance in this regard, for example, the importance of reading the contract before signing it and asking for a receipt every month. Property owners, on the other hand, are more aware of their rights and obligations, whilst Estate Agents are not always fully informed. JRS use their own contacts, generally smaller Estate Agents, for advice and guidance.

5.1.5. Services provided by the Federation of Estate Agents

The Federation of Estate Agents (FEA) was set up in order to work alongside government and other key players working in the real estate industry. Representing a large number of Estate Agents on the Maltese island, the key objectives of FEA include:

- To ensure that the various policies and laws concerning this industry protect the interests of both the client and the related businesses;
- To ensure that all business is conducted ethically between agents and their clients, as well as between the agents themselves;
- To raise the standards of the real estate industry in Malta;
- To secure the advancement and facilitate the acquisition of the knowledge requisite for the carrying out of the said business (FEA, 2012).

The respondent stated that the real estate industry is available to everyone, irrespective of nationality or ethnicity. He was of the opinion that the only barrier faced by migrants when trying to find accommodation in Malta is *'the financial barrier, because they cannot afford to rent property with a certain price tag'*. Continuing a well established pattern, the text has once again conflated ethnicity with migrant, with the latter probably referring to SSA asylum seekers. The statement does not necessarily reflect the reality, for example, in 2010, 151 Third Country Nationals (TCNs) took advantage of a scheme implemented to entice foreigners to buy or rent property in Malta. In 2010 alone the scheme generated Euros 35 million for the Maltese economy (Xuereb, 2011).

According to the FEA migrants do not experience discrimination on the grounds of race or nationality, however, when asked if property owners discriminate on the grounds of race, the respondent declined to answer and suggested the question should be posed directly to the property owners. When asked if the Estate Agent industry had a role to play in educating property owners who may not wish to rent their property to people of different ethnicity, the respondent replied that Estate Agents cannot impose such matters on property owners, stating:

'Can I invite people at your house tonight? This would be unethical... Estate agents cannot instruct owners on what they have to do in their own property...cannot take the role of the police, and if the owner wants to break the law it is up to him or her to take the responsibility...and it is the victims' responsibility to report cases of discrimination to the police and not of the Estate Agents.'

The respondent went on to suggest that, since there is no apparent problem with homelessness in Malta, and *'no one is living in the streets'* one may surmise that Property Owners are letting out their property to ethnic minorities in Malta. He continued, the

'property owners only interest is that their tenants pay the amount due in rent at the end of every month and maintain the property in good condition. Property owners do not have any concerns when renting their property to migrants and ethnic minorities'.

The FEA respondent noted that in regard to rights and obligations, migrants would become aware of their rights and obligations when signing the contract with the property owners. If they are not able to understand the contract then they should consult a lawyer. Likewise, the respondent was not aware whether property owners are aware of their rights and obligations when renting/selling their property, apart from those stipulated in the contract. He concluded by stating that the Estate Agents are

'not involved in whether their clients know their rights and obligations. The function of the Estate Agents is just to bring two parties together to finalise a transaction'.

The text above raises concerns vis-à-vis the responsibilities of the Estate Agent Industry, and indeed, the FEA in Malta. The response would also appear to contradict the information provided on the FEA website. In recommending the services of Estate Agents, the website claims:

Selling or buying your home is probably one of the most important steps which you will take in your life. It is worth examining all your options and ensuring that you do not make the wrong decision which you could regret for a long time.

Property owners and buyers in most developed European Countries, in USA and Canada, would not even think of selling or buying their home without going to a reputable Real Estate Agent. These people have realized how much more advantageous it is to deal with professional people who will ensure a fair and safe deal for all concerned (FEA, 2012).

In reinforcing the role of the Estate Agent, and highlighting the 'benefits which both the vendors and the purchasers stand to gain by using an Estate Agent' the website also states:

I must emphasise that I am referring to reputable Real Estate Companies, most of whom are members of the federation. The business of an Estate Agent is basically built on trust. Trust between the Agent and the owner and trust between the Agent and the prospective purchaser. Offices are staffed with professionally trained Consultants who offer all services relating to Real Estate.

The emphasis on the relationship of trust between the Agent and the prospective purchaser raises the issue of legality, ethics and good practice in regard to the role of the Estate Agent. If the promise of a 'fair and safe deal for all concerned' is to be realised, then the Estate Agent Industry, and in particular perhaps bodies such as the FEA have a responsibility to actively work towards the elimination of institutional racism and discriminatory practices that not only damage potential clients – be it the property owners and/or the buyers/tenants – but also may discredit the Real Estate profession. Such good practice would work towards ensuring that requests from property owners to act in a discriminatory manner that goes against the law, and indeed the spirit of fair trade, would not be met by the Real Estate Professional. In this regard, one may argue that indeed the FEA does indeed have an educational role and a legal obligation to obey the law.

In this regard, and perhaps most crucial to the aims of this research, it would be fitting to highlight the role of the Estate Agency, as service provider, in relation to the Racial Equality Directive. Harassment and instruction to discriminate are both treated as forms of discrimination, and thus, unlawful, by the Racial Equality Directive. An example of instruction to discriminate would include a landlord who seeks to rent his/her residence through an estate agency and gives instructions to exclude potential tenants belonging to certain ethnic groups (The European Network of Legal Experts in the Non-Discrimination Field, 2010).

As such, as per the Racial Equality Directive, not only is it prohibited for a landlord to discriminate when letting property, but agencies, such as Estate Agents, representing landlords, must also respect the prohibition. Indeed, in this regard, it would perhaps be prudent to note that:

Several directors of housing rental agencies as well as estate agents have thus been sentenced on the basis of collusion to discriminate for agreeing to comply with landlord's requests that they discriminate or creating registers noting the requirement of 'no immigrants' (The European Network of Legal Experts in the Non-Discrimination Field, 2010:26).

5.2. Results of migrant interviews

What follows is a presentation of the themes that emerged during data analysis of the semi-structured questionnaires conducted with migrants and ethnic minorities living in Malta. The findings demonstrated that discrimination can be divided into two key themes, namely, access to housing (this refers to the actual possibility of finding property to rent), and experiences with property owners during the course of a lease. These two themes then lead us to a number of sub-categories that are often cross-cutting. The themes are presented in a chronological order that would more or less reflect the process of letting/buying property in Malta.

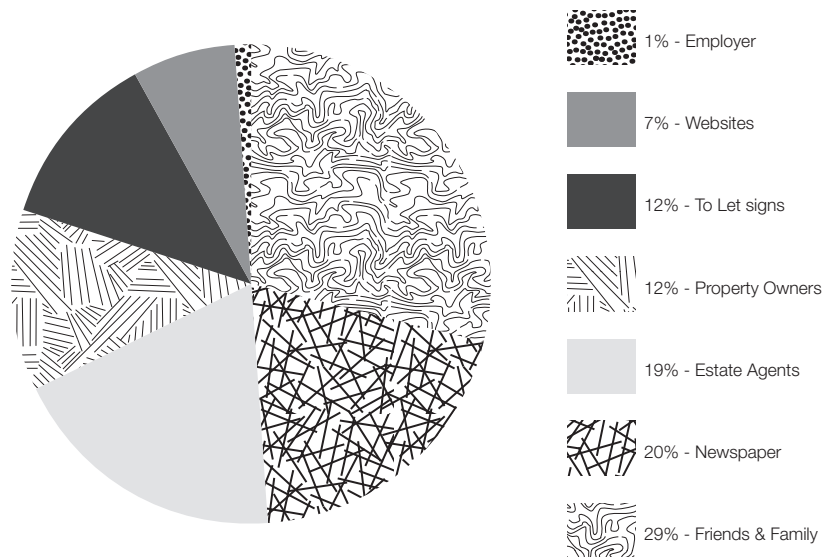
5.2.1 Finding a property

The data analysis highlights some interesting patterns. Whilst it is clear that different elements and degrees of housing discrimination is a fairly common experience for migrants and ethnic minorities across the board, the findings would appear to suggest that this is by far a more prevalent experience for sub-Saharan Africans and those migrants from North Africa and the Middle East. Indeed, the findings of this report appear to indicate a high degree of direct discrimination. Here the process can be further broken down, wherein the experience with Estate Agents would appear to be slightly more positive than with Property Owners.

Figure 1 provides a snapshot of the methods respondents use to find property. Further analysis appears to suggest that European nationals (EU and non EU) are more likely to use the services of an Estate Agent, whilst migrants from SSA, North Africa and the Middle East, and Maltese ethnic minorities are more likely to use the newspapers. Migrants coming from SSA North Africa and the Middle East are by far more likely to use their personal contacts, in particular friends. Sub-Saharan Africans are most likely to look for 'To Let' signs in the community or to go direct to property owners. In this regard, one respondent noted that he would prefer not to use the services of an Estate Agent as he cannot afford to pay for the service. Whilst another respondent noted:

'I have never used the services of real estate agents because I did not know about them, as in Libya, they do not exist' (Middle East/North Africa).

Figure 1: Methods for finding property



5.2.2 Relationship with Property Owners

The most worrying findings are in relation to blatant racist remarks and brazen discrimination. A number of respondents referred to property owners asking for their nationality and stating that they do not rent their property out to ‘black people’. The experience was most prevalent amongst the SSA migrant population:

‘they say they do not rent out to black people, they refuse when they know we are African’. (SSA)

‘A property owner told my girlfriend [Maltese] that he doesn’t rent apartments to animals, blacks and Arabs, he said blacks and Arabs are as good as animals’. (SSA Asylum Seeker)

The latter remark, that conflates human beings with animals, reflects a worrying stance that may suggest, not only a sense of impunity for racist and xenophobic discourse, but also, more broadly, how normality - the mundane - in Malta is predisposed to racist discourse.

The findings also suggest that those respondents (regardless of citizenship) who referred to their ethnicity as ‘Arab’ also experienced discrimination in accessing housing:

‘Some property owners are real racists! When they speak to us, they speak to us with no respect whatsoever because we are Libyans’. (North Africa/Middle East)

As the following extracts illustrate, some respondents have resorted to deception in order to find accommodation, often with little success:

‘I used to tell agents my name is Sophie and not give them my Arabic name. But then when I told them my husband is Libyan, they wouldn’t provide the service anyway. It happened with quite a few estate agents’. (Maltese Citizen)

'First, speaking to my wife they would be willing to rent, but when they find out that I am from Syria, they refuse'. (Middle East/North Africa)

In the following passage the respondent, of dual citizenship (Maltese/Middle East), who presently resides with his family in accommodation provided by the Government, speaks of how he has witnessed a negative shift in discrimination over the past few years:

'At first I lived in a flat with friends (Palestinian). Then I went to live on my own. The Maltese people I rented from were very friendly, sometimes I used to help them out with some chores so they didn't take any rent from me. But back then (20 years ago) things were very different. There weren't so many foreigners from Arab countries in Malta. We were only a few living in Malta so we did not experience any housing discrimination'. (Dual Citizenship)

5.2.3 Relationship with Estate Agents

A number of respondents stated that Estate Agents are honest with them and tell them directly that some property owners refuse to rent out to Africans/blacks, and those collectively termed as 'Arab'. It is also important to note that for these groups, housing discrimination was essentially experienced across the board, migratory status and citizenship made little difference. For some, this meant that they did not bother to use the services of Estate Agents, whilst others noted that some Estate Agents can be persistent in their efforts:

'Sometimes owners don't shake my hand or they give me a nasty look. Once I saw a property with an Estate Agent and when I went out of the property I heard the owner get angry with the Agent because he brought a coloured man in his flat'. (SSA)

'The first time I used an estate agent they took me to see a house but after the agent said that the owner won't rent to black people. But then the second time they managed to find us where we are living now'. (SSA)

And yet, and reflecting the stance taken by the respondent representing the Federation of Estate Agents (see above), it would appear that whilst some Estate Agents demonstrate an element of discontent with the prevalence of discrimination on the grounds of race/ethnicity, few, if any, have gone out of their way to take action. The Eurobarometer survey of 2008 provides some interesting reflections in this regard. The survey found that there are several factors that may influence how likely someone is to say that they have witnessed discrimination or harassment. The report distinguishes between three different layers, namely, general factors that make a respondent more likely to witness discrimination, personal experience of discrimination and the effect of social contact with people from minority groups. With regard to general factors, this would include age (younger people tend to be more likely report witnessing discrimination or harassment), level of education (those individuals with a higher level of education are more likely to witness discrimination), and living in an urban area rather than a rural village. Furthermore, the report notes that such individuals are more likely to have diverse social circles, further impacting an individual's likelihood of reporting discrimination. Finally, they are more likely to have greater access to media, thus making them more 'sensitive' to discrimination issues, whilst those who have experienced discrimination themselves are more likely to witness discrimination against others (Eurobarometer, 2008: 18).

In order to contextualise such findings, it would be apt to reflect on the degree of integration of migrants in Malta. UNHCR recently published a report on public perception about refugees and migrants in Malta. The findings indicate that just over 50% of the respondents think that there are too many migrants and refugees arriving in their locality. Somewhat paradoxically, the report noted that 'less than half of the people asked were in fact aware of any such individuals living in their communities' (UNHCR, 2012:4). The latter suggests a poor degree of social interaction between the migrant communities and the local population in Malta. Also, despite a number of information and awareness raising initiatives carried out in Malta, in schools, in the media, and places of work, amongst others, sensitivity to such issues is generally low. For example, research conducted by SOS Malta (2012) explored the degree of intercultural dialogue and integration of TCNs into Maltese society. The report refers to a lack of effort or willingness from local media organisations to participate in the survey, and that more needs to be done at a local media level to address issues and information related to TCNs in Malta (SOS Malta, 2012: 26). Perhaps it is such points of contention that may go some way to explaining why and how Malta scored the lowest (14%) in the Eurobarometer survey on third-party reported discrimination (Eurobarometer, 2012).

With regard to the Race Equality Directive, suffice to note that in the event that a property owner instructs the Real Estate Agent not to consider members of a particular ethnic group as potential tenants/buyers, the Estate Agents would have a claim against the property owner if s/he experiences a detriment as a result of not following the instruction.

5.2.4 Racial profiling and discrimination

Another respondent suggested that the possibility and difficulties one experiences in accessing housing is also related to the amount of money one has at his/her disposal, highlighting again how ethnicity and race may intersect with social location producing different experiences and outcomes. In the absence of financial resources, deception and the use of personal contacts come to the fore:

'For a very rich Libyan, it is not a problem to rent or purchase a house in Malta. But for a common Libyan to rent a place in Malta is close to impossible. I know of Libyans who needed to use the services of a real estate agent. We had to pay Maltese people some hundred Euros so that these Maltese people will use the services of a real estate agent on behalf of us Libyans and to act as a referee for them.'(North African/Middle East)

Real Estate Agents never helped me out. In fact the moment they hear my voice on the phone they say that they don't have any property lets at the moment, but we would know that they have properties available because we got out Maltese friends to call the same office before and for these they would have property available in our same price range!' (North African/Middle East)

The findings would appear to reflect findings in relation to recent research conducted amongst Third Country Nationals residing in Malta. Zammit (2012) reports that Nigerian nationals experienced problems in accessing housing, and also had to resort to using a Maltese intermediary as a strategy to 'by-pass the obstacles'. The report notes that skin colour serves as the signifier for discrimination:

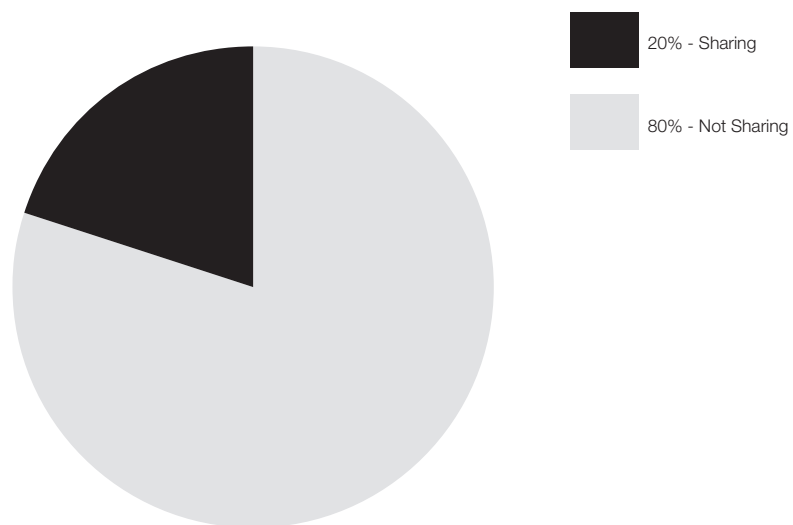
Overall it seems that the colour of the skin is a major stigmatising trait for the Nigerians which signifies cultural difference and presents a barrier to incorporation in spite of the fact that Nigerian immigrants might have obtained Maltese citizenship (Zammit, 2012: 41).

Unfortunately, the findings also appear to suggest that tapping into social capital does not always garner positive gains:

'I asked friends (Libyan and Maltese) to help find accommodation. I also asked a Maltese friend of mine who works in an real estate agency and she tried to help me out several times but even she gets frustrated at times because property owners refuse to rent out their property, once they realise that her client is Libyan (me)'. (North Africa/Middle East)

This is one of the reasons why a number of respondents initially chose to live with friends. That said, of those respondents paying rent (either as an individual or family unit), 80% were not sharing the cost (see Figure 2).

Figure 2: No. of respondents not/sharing accomodation



However, in particular for the case of those who have experienced discrimination in accessing housing, it is the mobilisation of this friend of friends' network that appears to provide the most successful results, and indeed, the vast majority of respondents living in rented accommodation reside on their own or with a partner, or share with one or two friends. The findings above can be contrasted with the experiences of other respondents, in particular migrants from within and beyond the EU:

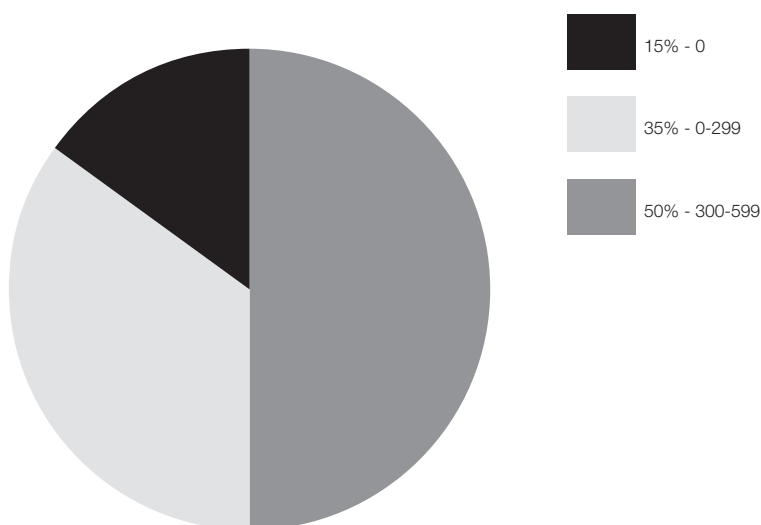
'The real estate agent was very helpful. A very pleasant experience. He showed me 4 apartments in three days. Yes other Armenians and Bulgarians I know also had a good experience. In fact, they were the ones who recommended this real estate agent to me'. (European – non EU)

'An excellent service. They took me to see many places without pushing me into renting a place'. (Asian)

'I have a very positive recollection and experience when I was seeking accommodation via real estate agents some four years ago. I knew no one and the Maltese real estate agents helped me find the flat and also with the processing of all the papers I needed for my visa'. (European – non EU)

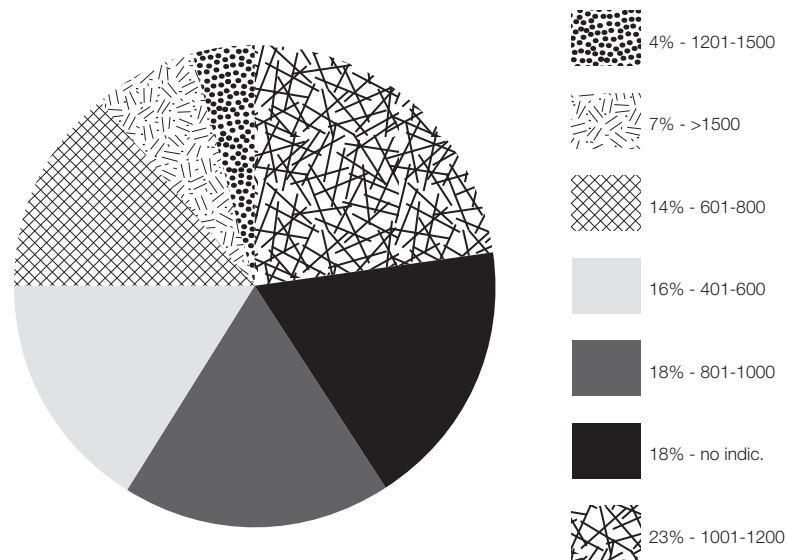
It is also worth noting that housing discrimination did not appear to be directly linked to the price of rent since the amounts paid by respondents were fairly well distributed regardless of nationality or ethnicity. Figure 3 demonstrates this point. The majority of respondents pay between Euros 300 – Euros 599 in rent. Almost all of the respondents not paying rent are asylum seekers presently residing in an open centre. Those respondents paying up to Euros 299 generally represent migrants from SSA and North Africa/Middle East, whilst those respondents paying between Euros 300 and Euros 599 represent a mixture of all other categories.

Figure 3: Percentage of respondents according to rental amounts



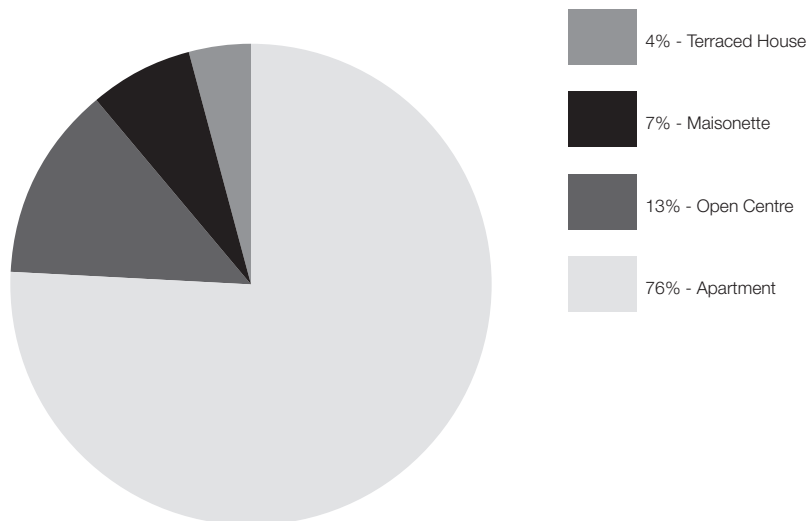
In order to contextualise these findings, Figure 4 provides an indication of household income as distributed amongst the respondents. It is also interesting to note that the findings indicate that it is largely - but not exclusively - those respondents who fall within the category of 'Europe' who have attained a tertiary level of education. Whilst the distribution of income does not appear to be directly related to level of education, the findings would also appear to suggest that those categorised as European or Asian appear to have a slightly higher income. The difference is minor however, indeed, these findings may reflect a social levelling often associated with migration, and highlight the risks associated with generalisations. Clearly, the results suggest one cannot privilege class over ethnicity, religious affiliation, gender, nation State, legal status or any other demarcation of difference. Each category can be seen to be fluid, so that socially constructed groups such as 'European' forms part of the social being but is also seen to include much diversity (see also Zontini, 2010). Characteristics such as religious identity or social class, do not function discretely, producing advantage or disadvantage, thus such characteristics cannot be explored in isolation or analysed from a cumulative perspective. Rather, the findings demonstrate how such characteristics intersect with other characteristics and are also mediated by the local context and beyond, clearly impacting access to housing amongst other social processes.

Figure 4: Income



Likewise, the type of property where respondents were residing at the time of the interview was fairly consistent (see Figure 5), with the majority residing in apartments/flats.

Figure 5: Type of Residential Property



In essence then, the findings appear to highlight how discrimination related to race and ethnicity, in particular for SSA and those collectively defined as 'Arab' is directly related to stereotypes or representations of the 'other'. As Hall (1997) argues, such stereotypes result in the essentialisation and homogenisation of difference and the construction of 'them' and 'us'. The findings also demonstrate how such processes often result in the reproduction of discrimination, inequality and marginalisation. As the following section highlights, for some, such practices appear to continue upon finding accommodation.

5.2.5 Experiences as a tenant

Equality of treatment also refers to the way housing is allocated, including the allocation of poor quality housing to particular ethnic groups, and poor maintenance and upkeep, and discriminatory practices, for example in the maintenance and upkeep of properties, in the security of tenure, and the payment (and return) of deposits.

5.2.6 Relationship with Property Owner

Of those respondents who reported experiencing discrimination in finding property, some also reported that over time their relationship with the property owner had improved, demonstrating the development of trust:

'At first the landlord was a bit wary of me, but now we are on good terms since I always pay my rent and water/electricity bills always on time'. (North Africa/Middle East)

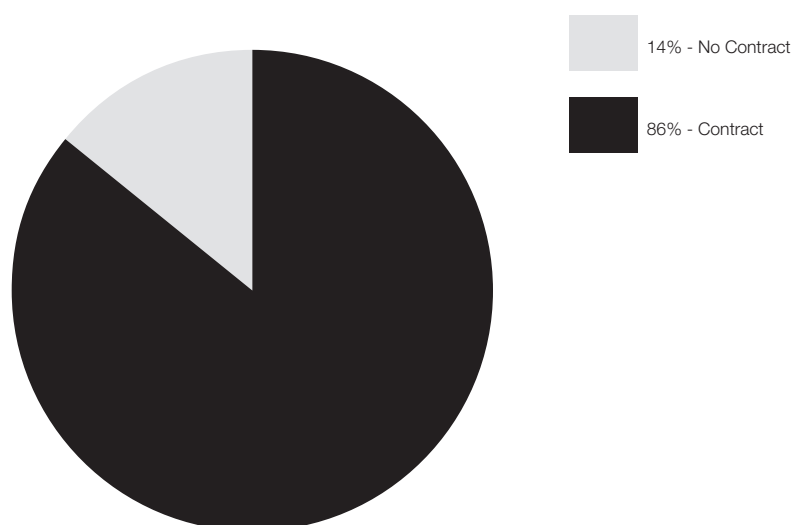
'The good thing about my current landlord is now that he has gotten used to me and so he is very nice to me. When he receives the water/electricity bills, he shows me the bills so that I know that he is not stealing money from me. Though first I had to work hard to gain his trust. Once I am now able to do this, he now treats me like a normal human being'. (North Africa/North Africa)

However, the findings would also suggest that experiences of discrimination continue beyond finding a place to live. Tentatively, the findings would appear to indicate that women experience less problems than men. These findings are correlated with the experiences of property owners (see below). The reasons for this are unclear, and warrant the need for further research. Whilst there would appear to be a lack of literature on the experiences of ethnic minority women in general, research suggests that access to housing is a gendered experience (Phillips, 2003). When gender intersects with other categories, amongst them race/ethnicity, the experience can be complex, highlighting the need for further research in this regard.

5.2.7 Written Contracts and Utility Bills

Unlike findings reported elsewhere (see for example Gauci & Pisani, forthcoming), and contrary to the experiences described by the stakeholders above, none of the respondents reported experiencing a problem in attaining a written contract. However, these findings must be treated with caution. Figure 6 reflects the number of respondents who were, and were not in possession of a written rental agreement. Whilst the vast majority were in possession of a written contract, it is interesting to note that those who were not, were all migrants originating from SSA, North African and the Middle East, suggesting that discrimination based on ethnicity is at play. There did not appear to be any correlation with migratory status or citizenship. These findings may be explained by the fact that, as also reported by UNHCR and aditus (2012), asylum seekers are often not aware of their rights or ways to seek remedies for damage suffered, as such, one may tentatively speculate that asylum seekers would not request - or demand - a written contract, and as such, the 'problem' of denial of request would not arise. This matter will be addressed in more detail in the discussion on knowledge of rights below.

Figure 6: % of respondents with a written contract



A number of respondents also referred to problems with the reimbursement of the deposit. This appears to be a problem experienced across the board, and perhaps, not just by migrants and ethnic minorities:

'One Estate Agent screwed up my deposit...he did this to many tenants but not because they are foreigners. He did it to Maltese tenants as well apparently'. (EU Citizen)

Nevertheless, the findings would also seem to suggest that migrants originating from SSA, North Africa and the Middle East still experience a higher probability of discrimination and abuse in this regard:

But all my Libyan friends say that they never get their deposit money back whenever they rent property. No matter in which state the flat is left the landlord always finds some excuse to take the deposit money from them. I had Libyan friends of mine who fixed the flat up, e.g. by plastering and painting the place and instead of being thanked they were told off by the property-owner.

The following passage suggests that such migrants are reluctant to stand up for their rights for fear of being labelled as the 'stereotypical' trouble maker and thus ignored:

'Personally I never had problems with the landlords but I had friends who for example paid the deposit and then the landlord wouldn't give the money back, sometimes he would even deny that they paid the deposit. Unfortunately we are not in the situation where we can call the authorities because some of us Libyans are in Malta illegally. Also, as we are Arabs and Libyans, some people think that we are trouble makers'. (North African/Middle East)

The respondents also made reference to problems they have experienced with property owners in relation to the payment of utility bills and 'extra' bills that generally come out of the blue. The findings also highlight how some of the respondents have learnt with time – rather than via professional guidance – to stand up for their rights and to take a more assertive stance with property owners:

'Where I live now I pay an extra amount each month for water and electricity and I give the owner the difference in price every three months. He shows me the bill so that I know no one is stealing from me. Every month he comes to check the property and once even asked to open the drawers to see if they are working properly. I used to live in a flat owned by an old lady, if she didn't like something she would ask for a very high deposit, sometimes even thousands of Euros and then she would not return the deposit and give all kinds of excuses'. (North Africa/Middle East)

'The landlord expected me to pay extra money for the lift services, but I argued my point and he gave up'. (European – non EU)

'I have learnt to ask the owner for the actual bill to pay, and for a written contract, also to make sure it's in the contract'. (SSA asylum seeker)

The findings would appear to be reflected elsewhere. For example, UNHCR and aditus (2012) reported that migrants and refugees residing in Malta often face problems with the property owners when they come to pay their utility bills, whilst Zammit (2012) reported similar trends with regard to Third Country Nationals residing in Malta:

This is because many TCNs who have a temporary and precarious status are not in a position to be aware that they may be paying higher utility bills than they need to, nor to present all the documentation that may be required from them to prove that they have attained 'permanent resident' status. Moreover more extensive proof of 'permanent residency' is demanded of them than is required of EU citizens. Whether it constitutes unlawful discrimination or not, it is clear that this system gives an incentive to TCNs to reach agreements with Maltese landlords in terms of which the utility bills continue to be addressed to the latter and paid by them. It thus constitutes a psychological disincentive to integration as a self-reliant individual in Maltese society (op.cit, 2012: 21).

5.2.8 Harassment and verbal abuse

Zammit's reference to precarious status also has significance for the findings of the present research. The following excerpt appears to illustrate how an irregular migratory status generates fear and an unwillingness to redress injustice. The findings demonstrate how migratory status intersects with other forms of discrimination, including racism, impacting day to day life (see also Pisani, 2012). Survival and the need for basic shelter imply that irregular migrants (and here we may include those who *feel* they are in a precarious situation as a result of political and public discourse) are prepared to put up with threats and abuse:

'When it comes to paying bills of electricity and water they rarely show us the real bill. They come over to the flat and expect us to give them whatever amount they ask for without allowing us to see the water and electricity bills. Usually if we don't comply, if they know that we are in Malta illegally, they call the police on us to have us deported. Or else, first they threaten you to leave the apartment immediately. We can't just up and leave because we have no family here so if a landlord throws us out you either get lucky and find a friend to host you for a few days at his house until you find another apartment or else you end up on the streets' (North African/Middle East)

The excerpts above, and what follows below, may be interpreted as harassment. They also demonstrate how, for many migrants, the absence of family, friends and other social support networks, may contribute to isolation and vulnerability. In each of the examples provided by the respondents, they described incidents where they were bullied, verbally harassed and often threatened with deportation or being told to leave the country:

'As long as we pay the bills on time, we don't have problems. With the last owner it was different, he would not repair the damages and used to scream in my face. Now it's different, we pay an extra Euros 50 for water and electricity. Sometimes though the landlady asks for extra money because the bill comes higher, but we never see the bills, just a piece of paper.' (SSA)

'I have a very good experience with my landlord. Whenever there is something to fix in the flat, the landlord always comes to fix it immediately. I don't know about my friends...I always had a very good experience with my landlords however I once had a very selfish landlady. She asked her accountant to call me who started shouting at me on the phone because I had missed out on paying the rent for one day.' (Asia)

5.2.9 Ethnic clusters and relationship with neighbours

The lack of social support networks can also be extended to reflect on the respondents' relationships with their neighbours and neighbourhoods. Once again, the findings demonstrate some trends that tend also to point to differentiation of treatment and experience according to different ethnic groups and categories. It was interesting to note that a significant number of respondents share their apartment blocks with persons who share their nationality, or with other migrants, suggesting that certain properties/areas in Malta have a higher concentration of migrants, often according to ethnic groups²¹:

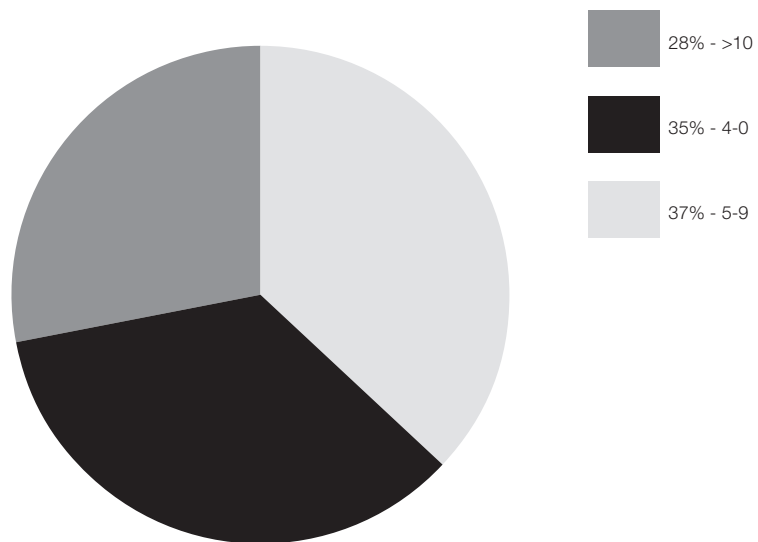
'Today my neighbours are all foreigners. Yes, I have very good relations even my compatriots. Neighbours in my country are more important than relatives as we see relatives once in a while whereas we live with neighbours everyday. They become part of your life. I had Maltese neighbours when I lived in my Maltese flat, however they were very pleasant and I never had any problems with them'. (European, non-EU)

In this regard, whilst the distribution of residence was quite broad, there appears to be a higher prevalence of migrants living in two particular areas. A number of respondents are renting property in Sliema and St. Julians. It is worth noting that these respondents largely hail from Europe and Asia. Whilst some of the residents in this area are paying a slightly higher rate, the prices do not seem to differ that much from other areas, in particular the neighbouring communities of Gzira, Msida and Pieta. The prices would also appear to compare well based on apartment size, and amenities (white goods, washing facilities and so on), although the actual condition of the dwelling cannot be assessed. However, the findings would appear to reflect the 'geographical distribution of socio-economic and even environmental, variables' wherein the Sliema and St. Julians region is generally described as being the more 'affluent Western' residential area (Vella, Tanti, & Rolé, 2005:21). There would also appear to be a higher incidence of migrants from North Africa, the Middle East and sub-Saharan Africa residing around Msida, Gzira and Pieta.

Elsewhere research has suggested that one reason for a higher concentration of ethnic minorities in more deprived areas may be attributed to the early disadvantages associated with being a new comer (Phillips, 2003). Figure 7 illustrates the duration the respondents have been living in Malta. A high number of SSA asylum seekers residing in Hal Far represent a significant proportion of those respondents who have been living in Malta for less than 5 years, reflecting the problems with integration often associated with this particular group. Some of these issues were addressed in the findings discussed (above), and can be related to broader issues including access to employment amongst others (see also JRS, 2012). Other than this group, the respondents' length of stay in Malta (including those respondents of Maltese nationality) appears to be evenly spread out, suggesting that length of stay in Malta does not have a direct bearing on access to employment, rent price of dwelling, including socio-economic geographical area. One may tentatively suggest that the findings appear to reflect patterns of institutional discrimination, the pull of ethnic groups through social networks and social capital, and a process of involuntary segregation based on the availability of housing and/or the practice of 'racial steering' engaged by Estate Agents. Such findings support research conducted elsewhere. For example, in the United States Ross and Levine (2012) found that the preferences of white residents vis-à-vis those of ethnic minorities appeared to be a much more important factor in maintaining community segregation.

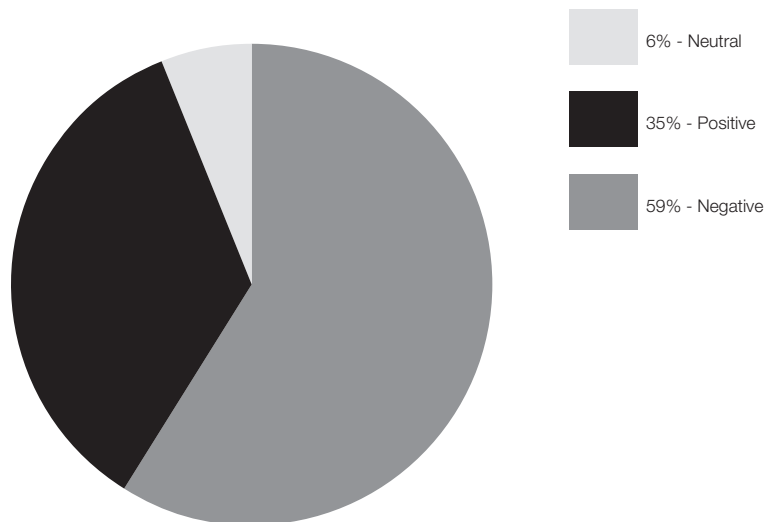
21 These findings would also appear to reflect the concentration of migrant children attending schools in Malta (see Falzon, Pisani & Cauchi, forthcoming).

Figure 7: Duration of stay in Malta in years



The findings demonstrate a worrying trend when we consider the quality of relationships respondents have with their neighbours. It is here perhaps that we begin to see how the concentration of ethnic communities may also be related to social exclusion and the negative stereotypes associated with certain groups. Before looking at actual experiences, Figure 8 illustrates how the respondents described their relationships with their neighbours. Responses were divided into positive, negative and neutral. Since residents of open centres do not reside in the community, they were not considered for the purpose of this analysis. Those respondents who reported positive experiences were largely representative of the European and Asian categories; whilst, North African/Middle East and SSA largely reported negative experiences with their neighbours.

Figure 8: Experience with Neighbours



These findings are also evident in the excerpts of interviews provided below. It is also worth noting that, whilst a number of respondents described having very little contact with their Maltese neighbours, those from Europe and Asia generally described the relationships in positive terms:

'I never had problems with Maltese neighbours. I don't know of any Bulgarians who encountered problems with Maltese neighbours'. (European)

'We do not know our Maltese neighbours very well but we never had any problems with them at all'. (Asia)

These experiences can be contrasted with those respondents from North Africa and the Middle East, and SSA migrants, wherein their experiences are described in very negative terms. Whilst a somewhat destructive theme runs throughout, the results also demonstrate different degrees and forms of abuse. For example, the following two passages provide examples of nonverbal abuse that have nothing to do with what is actually said, but rather, refer to the 'unsaid'. Such behaviour can include facial expressions, gestures, and so on. The effect of such behaviour should not be diminished in any way, often such 'messages' are experienced as demeaning, and at times, intimidating:

'In Hamrun people aren't very friendly, they have insulted me, and even leave their garbage on my door. They used to tell me I am as good as garbage'. (Middle East/North Africa)

'...it's not very good. I can see it on their faces, they are not happy that I live here'. (SSA)

The following passage is particular since it highlights how such harassment and abuse can also be experienced within 'ethnic groups'. Such findings remind us of the post-structuralist critique of essentialist notions of ethnicity and identity, and the need to address issues of difference on multiple levels, and the intersections between them (Hill Collins; 2000):

'Sometimes they look at me in a bad way because I wear the hijab, I got used to this. I think sometimes they would be less bothered if I went out naked. I don't look for friendship with my Maltese neighbours, but even with other Arab people, because they also call me names because I wear the hijab...'. (Middle East/North Africa) nonverbal

In the following passages, the respondents recount incidences where neighbours took it upon themselves to report presumed acts of illegality:

'I can't park the van where I want because they say that since it's high it's easy for thieves to climb on top of it and enter their house. For every little thing they report it to the owner. Once I had a problem with some pipes and I didn't tell the owner to fix them, I tried to fix them myself. But then the neighbours called the owner saying that I was building another room in the house. It actually turned out better because the landlord ended up paying me for the work I did'. (Middle East/North Africa)

'If water from the airconditioner drips down on their balcony, he comes knocking on my door. Same thing when I wash the balcony. Once they even called the police because I got a puppy and they wanted to know where I kept him and if I am looking after him well'. (Maltese Citizen)

'Maltese especially are not happy when they see a black or an Arab living next to them. Sometimes I go out with my baby daughter and people stare at me, even though I have been living in the same street for over three years now. Once someone even called the police because they thought my husband had stolen a baby'. (Middle East/North Africa)

Local literature has highlighted the importance of understanding how Maltese representations of 'Arabs' must be grounded in the historical context. Calleja (2000) (cited in Borg & Mayo, 2006) describes how such constructs continue into present day, perpetuating myths and stereotypes and impacting the isolation of the 'Arab' community in Malta:

'We thus construe an image based on a variety of stereotypical assumptions that Arabs are hostile, violent, untrustworthy, and totally incompatible with our own standards and values and must be 'kept out' both physically and attitudinally' (p.44).

In this regard, a common theme that emerged during the analysis of the data suggests a process of dehumanisation experienced amongst those persons from North Africa, the Middle East and sub Saharan Africa. A number of respondents made reference to the fact that they are 'human beings', that essentially implies that they feel they have been treated 'less than' human. Once again, the text highlights the processes of racialisation, a good/bad dichotomy grounded in stereotypes and negative representation (Hall, 1997):

'Sometimes if I invite a couple of Libyan friends over for lunch or dinner at my house, the neighbours call the landlord to check why I have friends in my house. They inform the landlord that it is not true that I am living alone as I have friends over. Some neighbours just enjoy creating problems for us. They think that just because we are Libyans, Muslims and have a darker skin colour, we are different from them. It is just our culture and tradition that are different from Maltese people, but in the end we are human beings. Recently, I had my family visiting me for a couple of weeks.

I informed my landlord of this beforehand and got his permission. I even asked him whether I need to pay him extra money for their stay at my flat, but he was very nice about it and did not ask for any extra money. But sadly my Maltese neighbours do discriminate against us, just because we are "different" from them'. (North Africa/Middle East)

For many of the respondents, ongoing experiences of discrimination and non/verbal abuse appear to lead to a sense of quiet resignation and withdrawal:

'They pass nasty comments, but I ignore them'. (Middle East/North Africa)

'I never had a relationship with the Maltese neighbours - always on a 'good morning' and 'goodbye' basis...I wouldn't ask them for help if I needed because they would ignore me'. (SSA)

'I don't bother with the neighbours, I learnt that neighbours are different in Europe than in Africa. In Africa people living in one street are like one big family, here it's different. So I just say hello and goodbye'. (SSA)

The relationship with neighbours would appear to have a direct effect on migrants and ethnic minorities living in Malta. We are able to see how varying degrees of abuse, from the non-verbal, to more intimidating acts, coupled with a general sense of distrust and suspicion can lead to a sense of 'them' and 'us', isolation and powerlessness. The upshot is an environment hardly conducive to community building or inclusion. Collectively, the processes described above have a striking resonance with the work of Elias (2004) and his focus on communities and the experiences of the 'outsider', and as such, is worth citing at length:

'Such views of outsiders as tainted are maintained and reproduced by the established on a day-to-day basis through 'blame gossip'. Tied to this are processes of group charisma and group disgrace which involve the established maintaining a positive 'we image' and imposing a negative 'they image' on the outsiders by stigmatising them and propagating collective fantasies about them. As a result of the power differentials outsiders often came to accept that they belong to a group of lesser virtue and respectability: they internalise both their 'group disgrace' and the 'group charisma' of the established.' (Elias, 2004:15)

Supporting research conducted by UNHCR (2012), the findings also indicate a poor degree of social interaction between ethnic minorities (and this would include Maltese citizens, and in particular migrant groups of all categories) and the broader population. This would appear to be across the board, and not specific to a particular ethnic group. Zammit (2012) reports a similar finding in his research on the integration of Third Country Nationals living in Malta. He reports that Third Country Nationals, regardless of ethnicity, experience a number of negative processes (including institutional and social attitudes) that 'remind them that they are foreigners and can never really aspire to fully integrate into Maltese society' (Zammit, 2012:66). Zammit acknowledges the changeable criteria of social inclusion and exclusion and a 'quasi hegemonic exclusionary discourse' wherein 'racial bias seems to permeate Maltese attitudes towards TCNs, and this factor plays a prominent role in shaping their experiences of discrimination' (Zammit, 2012: 67). This may also explain the development of ethnic clusters described above, wherein neighbours are often members of the same ethnic group. Certainly, in our analysis of data collected through interviews conducted with property owners, there is a common perception that the Maltese community appear to be unwilling to share their immediate neighbourhood with ethnic minorities, and this also impacts the degree to which property owners are prepared to rent their property out to certain ethnic communities. Here we are able to observe how racist sentiments within the general public

has an impact on the practice of Real Estate Agents and property owners, thus leading to the development of ethnic clusters and general problems in accessing housing. Such practices are evidenced elsewhere. In the UK, Real Estate Agents engaged in practices that served to geographically 'steer' potential clients on the basis of their racial or ethnic identity in such a way that advanced segregation (see Philips, 2003).

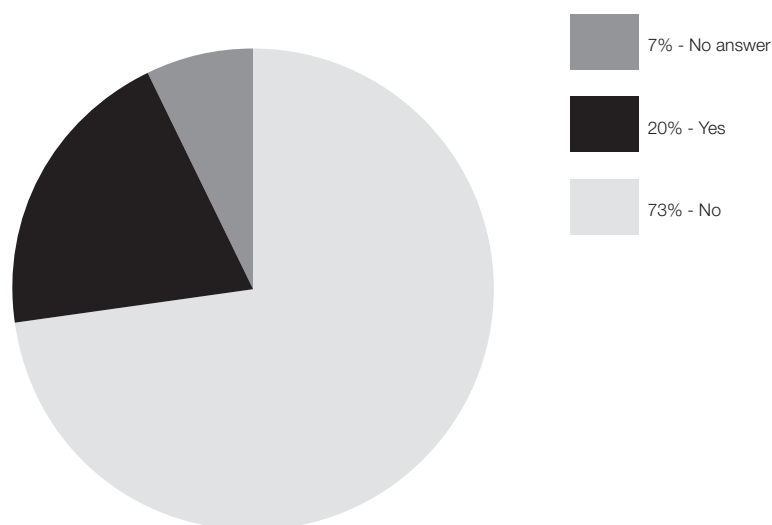
Certainly, such racialisation processes and subsequent social exclusion have been documented in Malta. In 2005, a survey conducted by the The Sunday Times of Malta (2005) reported that around 90% of the Maltese were averse to having Palestinians, Arabs, Africans or Jews as neighbours. As evidenced in the findings of this report, such attitudes will impact the practice of property owners and Estate Agents.

5.2.10 Knowledge of Rights

Elias (2004) suggests that processes of exclusion and stigmatisation are likely to change over time, wherein democratisation produces a levelling out in power relations. A contextual consideration would need to acknowledge that the shift from a country of emigration to a country of immigration is relatively recent in Malta, and as has been noted elsewhere, the move towards a more culturally heterogeneous society has been fraught with tensions. However, with the passage of time, migrants and ethnic minorities may feel able to challenge their social position and contest their marginal status in relation to access to resources, including housing. The legal framework provides the tools to do so, however, without knowledge of rights, the tools will remain ineffective.

In line with research conducted elsewhere, the findings reflect a lack of knowledge on rights. This was generally across the board and not restricted to a particular ethnic group. Figure 9 provides, in chart form, a snap shot of the degree to which respondents felt they were knowledgeable of law, and aware of their rights:

Figure 9: Awareness of Rights



The following narratives provide some insight into the degree of knowledge, be it on rights, services, or both; the excerpts also provide insight into the beliefs about the effectiveness and credibility of the system.

Some respondents were aware of their rights as tenants and related to the conditions in the rental agreement, whilst others (Maltese citizens and EU citizens) also mentioned the Housing Authority, and knowledge of their rights in this regard:

'Yes I have a written contract. I remember some obligations that I cannot keep animals, no barbecues in balcony and no satellite dishes. Though I don't remember my rights. I have to see the contract. I never heard of NCPE'. (Europe – Non EU)

'Yes I am aware that's why I prefer that I have a contract so my rights are clear. Also they can't come one fine day and throw me out in the middle of the street. I have never heard of NCPE and I don't know anything on the services offered by the Housing Authority'. (North African/Middle East)

'I know my rights because the Housing Authority always helped us whenever we had a problem. If I need to check something, I usually call the Housing Authority directly. I have never heard of NCPE'. (Maltese)

However, the vast majority of respondents did not appear to be familiar with legislation on discrimination and were not aware of NCPE:

'I am aware that I might have some rights but I have no idea what they are. I don't know NCPE or the Housing Authority'. (North Africa/Middle East)

Perhaps the bleakest responses were related to a lack of trust in the authorities, and disillusion with any form of protection or possibility of accessing rights. The latter suggests an element of institutional racism. The findings would appear to suggest that racism is so ingrained in the system, and within a range of social contexts, that they feel powerless to contest it or shift the prevailing culture. The upshot of this would appear to be the reinforcement of disadvantage, extending through all realms of day to day life, and impacting access to housing and experiences therein:

'I'm not aware of my rights, and what's the point? The police do not help. Once I went to work, the neighbours heard crying and called the police, and when the police came they asked my wife where I was and she told them to call me, but they didn't believe her and said that she was hiding me, and then when I arrived they wanted to arrest me because they said I was hitting my daughter and that's why she was crying, and I said, how can I have been hitting my daughter if I wasn't even home?'. (Middle East North Africa)

'Do I have any rights on this island since I'm coloured? Because even when police see us they look at us with suspicion as if we are always guilty and to blame'. (SSA)

The report of the consultation process linked to the NAPARX (NCPE: 2010a) confirms these findings. It found that:

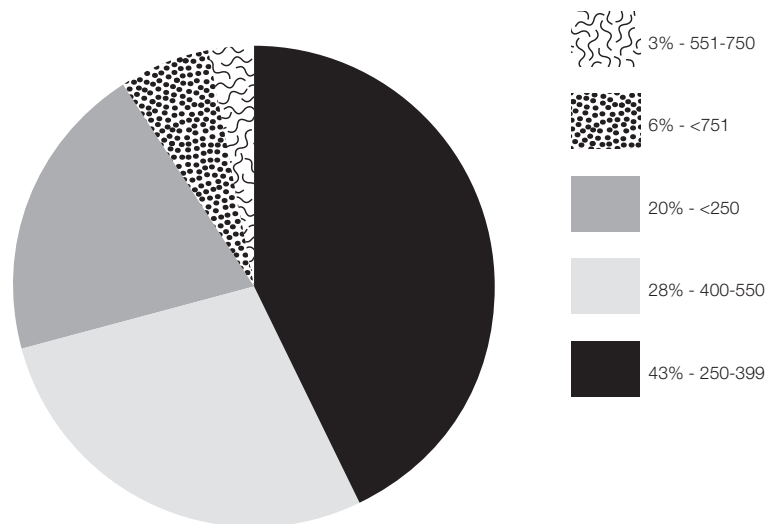
‘when it comes to knowledge of rights of victims of discrimination or harassment on the basis of ethnicity or religious belief one community leader claimed that most members are unaware of their rights and another claimed that most members are aware of their rights but are unaware of the bodies responsible for enforcing these rights. Three community leaders claimed that most members are aware of their rights, but have accepted discrimination or harassment as part of daily life in Malta. Feelings of powerlessness and lack of faith that the situation will change contribute to this acceptance.’ (Cited in ENAR, 2011:53)

5.3. Results of Property Owner/Estate Agents Interviews

The results of the interviews with property owners and Estate Agents are strikingly similar to those of the ethnic minorities and migrants, simply told from a different perspective. Certainly, it is worth noting that the interviewees were extremely candid in their responses, to the point that racist discourse and practice appears to be normalised: indeed, many of the respondents shared their opinions and beliefs with no sense of wrong doing or unethical principles. The following analysis will provide an overview of the key themes that emerged from the data.

Figure 10 provides a breakdown on the rental cost for properties owned by the respondents. The reader will note that the amounts provided are largely comparable and within the price range paid by the migrant/ethnic minority respondents.

Figure 10: Rent Amounts in Euros



Despite the transposition of the Racial Equality Directive into Maltese law, the majority of respondents clearly stated that there are some ethnic groups or nationalities that they would not consider as tenants. In answer to the question 'Are there individuals of any nationalities OR ethnic groups OR religions you would never rent your property/ies to, even if they show you that they have the means to pay the monthly rent?' The vast majority replied in the affirmative (see Figure 11). As evidenced in the responses provided above, the findings make it abundantly clear that direct discrimination, based on ethnicity, is rampant within the housing market. Moreover, particular ethnic groups appear to face systematic housing discrimination. The findings also demonstrate how such discriminatory practices may also have a knock on effect with regard to tenant practice and the landlord/tenant relationship.

Figure 11: Willingness of landlords to rent to ethnic minorities



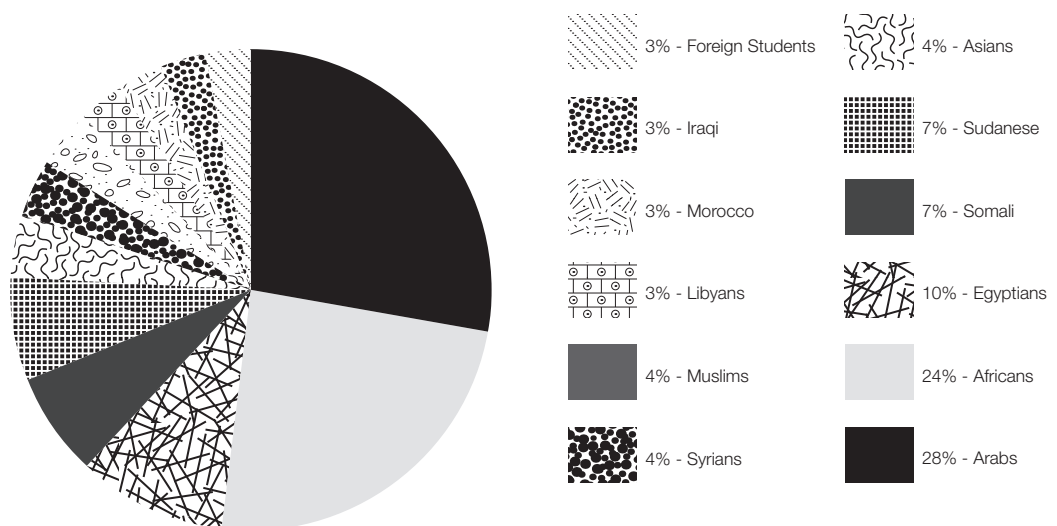
The findings also suggest that property owners are very clear as to who they are not prepared to consider as tenants. Whilst the categories may vary with regard to how they are labelled, namely, by nationality, skin colour, ethnic group, and religious identity, with the exception of 'foreign students' (the key characteristic here seemingly being age), the pattern is very clear: dark skin colour, Africa, 'Arab' and Islam would appear to be the unifying categories and as such, face disproportionate levels of discrimination. Figure 12 provides a visual snap shot of how national and ethnic groups are categorised, and, according to the property owners, would be refused the possibility of housing. The reader will note that the characteristics generally associated with the dominant group, namely 'white', 'Christian', 'Roman Catholic', and European (amongst others) do not feature anywhere in the list. It is also interesting to note that, as evidenced in the interviews conducted with migrants and ethnic minorities, access to housing may also be gendered, with women facing less discrimination with regard to finding property to rent.

As one property owner noted:

'if they were a family of a woman I might consider it but I will not rent to males on their own'.

The findings do however suggest the need to reflect, not only on how the dominant group defines and represents the 'other', establishing and reinforcing the 'normal' order of things and thus, inequality and marginalisation, but also, by effect, on how the dominant group is valorised and validated, maintaining power relations including privileged treatment within the housing market.

Figure 12: Nationalities / Ethnic Groups to which Property Owners / Estate Agents would not rent out property



The findings also provide some insight into how individuals are categorised, the racialisation of particular ethnic groups, and how discriminatory practices are justified, and how such decision may also have ramifications for the way the housing market pans out, the behaviour of certain ethnic groups that must confront widespread discriminatory practices, and how the landlord/tenant relationship is experienced by the property owners.

These findings are also supported by Estate Agents. Interestingly, whilst a number of them have provided services to migrants from Europe (EU and non-EU) and other regions, the majority had few or no experiences of working with migrants from SSA or North Africa/ Middle East. Whilst their experiences with such ethnic groups was generally described in positive terms none had actually resulted in a success in as much as they were not able to find property. This was largely because property owners generally make it clear that they are not interested in renting their properties to categories generally referred to as 'Arabs', 'Blacks' or specific nationalities, including 'Libyans' and 'Chinese'.

5.3.1. Negative Experiences

A number of respondents stated that their decision not to let their property to specific ethnic or national groups is grounded in negative past experiences, as one respondent stated, *'once bitten, twice shy'*. Furthermore, it would appear the respondents are reluctant to change their practice, as one property noted, *'not even God would change my mind.'*

As the findings will demonstrate, those collectively defined as 'Arabs', 'Muslims' or 'Africans' – or any other category (or cultural practices) that would appear to be associated within this homogenised group - are not the only individuals who have reportedly created problems for Property Owners. The crucial difference however, and a theme that runs throughout this section of the analysis, is that it is only in regard to those individuals collectively defined as African/Arab who are collectively labelled as trouble makers, impacting consequent treatment towards the whole ethnic group. To be clear then, the following passages, without exception, refer to one or more of the categories of persons listed in Figure 12:

'They are very dirty people, and sorry to say that they also do their belongings on the floor, very noisy un polite and destroy anything they find in the house, besides they get over many other people to sleep in the home even if there is not enough space.... Now I fear that they will do the same thing again as they did in the past. I can't rent my property and have to spend so many money for the way they ruin things, and what I gain I have to spend for refurbishment'.

'[I will not rent out to Muslims because] they killed live animals in my flat, so nothing will change my mind as I am not a good judge on people so I might be lumped with people who might do the same so I ban all of them from my property'.

'I decided not to rent to Africans from Somalia and regarding Africans not to rent to Libyans anymore because they are too much dirty people. The kitchen was left in a very disastrous state. They hardly pay their bills regarding water and electricity even monthly rents. They leave outside the door dirt and rubbish everywhere, besides that they broke a bed, and burnt the mattress with cigarettes'.

5.3.2. The construction and marginalisation of ethnic communities

What we begin to see is a homogenisation process, wherein individuals are essentialised and characterised purely in terms of their affiliations to a specific group, such as 'Muslim', 'Arab', 'African' and so on. Such characterisations not only negate the vast heterogeneity within such groups, but also how group membership can be multiple and cross-cutting, and how boundaries can be fluid (Anthias, 2010). Beyond this, the findings also appear to illustrate how different constructions of groups and their boundaries impact racialisation processes and different forms of violence. In the following passages we are provided with some insight into why some property owners – who have no experience in letting their property out to those collectively referred to as 'Arab' and/or 'African' – justify their decision to never rent their property to such ethnic groups:

'the value of the property goes down'.

'No I won't change my mind. Renting out the villa or an apartment to black Africans would lose the image of the villa or apartment'.

'I won't rent out to low class Arabs, low class Asians, well anyone who is low class and Muslims...for the same reason that I don't go to live in low class areas. I was brought up in an upper class surroundings and my property is an upper class property'.

'[will not let out to Africans] because I am scared that they won't pay, most of them are boat people, so they might not be able to pay'.

These findings were also supported by the observations made by Estate Agents, who also claimed that property owners expressed concern that renting property to (in particular) 'Arabs' would lower the property price in the area.

The examples provided above illustrate a number of assumptions that may push certain ethnic minorities to the margins of society, both metaphorically, and literally, with regard to housing. Reflecting the findings of the ethnic minority/migrant interviews, here we see how the function of social class, that intersects with ethnicity and racialisation processes may push some ethnic groups into particular areas of Malta, generally characterised as 'no go' areas and defined as 'slum areas'. These processes are also sustained by avoidance (see also the discussion on relationships with neighbours, above and below). The reference to Africans and their association with 'boat' people, would also suggest that the situation in Malta, and the impact on the African communities, is also produced by colonialism, time, political circumstance, and of course, the ignorance of some individuals (Pisani, 2011). In this regard, unemployment, a lack of material support and ethnicity may also act as a social and spatial divider rather than social class in isolation.

For a number of respondents the decision not to rent to certain ethnic groups was based on information they received from family and friends, rather than direct experience:

'My friends who are also property-owners informed me of their very bad experiences when they let their properties to Arabs. These are very dirty, break things and furniture, etc. ... Sadly, nothing will change my mind. I have rented my properties out to Maltese and never had problems, so why should I take risks with letting my properties to Arabs after what I heard they did to my property-owner friends'.

'I don't rent to these mentioned because I heard from friends and relatives who rent to them that that they bring lots of friends to sleep in the house too, and besides they damage the property also... I am sorry to say but I don't intend to change my mind because I have heard enough of trouble they give'.

Once again, we can refer to Elias' (2004) notion of 'gossip' and the function it plays in the construction and stigmatisation of the 'outsider', as well as in managing the relationship with, and social cohesion of, the dominant group. This cohesion is reflected in the following two passages, wherein the respondents differentiate the outsider, namely, the 'Arab' or the 'foreigner', from the insider, in this case the 'European' or 'Maltese' respectively. What is particularly interesting about both of these passages is the decision both respondents took: not to rent to Arabs *because* of a negative experience, but to continue to rent to Maltese *despite* a negative experience:

'to be honest with you, with Europeans I never had any problems whatsoever, but I had a lot of problems with Maltese and Arabs from different nationalities...[I will not rent out to] Arabs in general, I'm very choosy about them. Whenever I had problems there was an Arab involved. I don't want to sound racist but I'm afraid that's the truth, for example especially when you have a man living on his own he doesn't take care of the apartment as a woman would and some of the damage we found is not worth it to us since that is our business.'

'I just rent out to Maltese. I don't want any problems with foreign people. I did in the past and I don't want to encounter the same problems'.

The choices may reflect an element of distortion and selective memory grounded in essentialist categories, the insider/outsider dichotomy, and the maintenance of these power differentials. As the following passage illustrates, problems with tenants are not limited to specific ethnic groups or migrants, but differential treatment apparently is:

'I had problems with the Maltese because they are not on time to pay the water and electricity bills and sometimes also the monthly rent'.

In contrast, the following passages suggest that, in regard to specific ethnic groups at least, one negative experience results in the essentialisation of the whole group or category, wherein the ethnic group is collectively assigned a negative stereotype. The formation of this stereotype influences perception and behaviour, leading to discrimination. Ergo, certain ethnic groups, as has been illustrated in this report, will face limitations on housing choice:

'Since I had the flat I only rented it out to two Egyptians who used to share it together, until the two of them were there the flat was always kept spotless and they always paid the rent on time,. Then one of them left and the other one asked me if he could stay and I accepted, that was my biggest mistake, because for 4 years every month he gives me hassle to pay me the rent, he got a huge bill for water and electricity and he messed up the whole apartment for me. I admit it's my first experience and I shouldn't have trusted him so much'.

'I will not rent to Syrians, because they ruined all my property, like cooker broken toilet and so many other things like stealing cutlery, and also stealing things from the washroom of the other neighbours. They used to throw bottles from the balcony and spilling beer on people'.

We are reminded that not all ethnic groups are assigned such crude stereotypes, nor face subsequent discrimination. For example, one respondent referred to a European tenant and complaints he received from neighbours: '[they said] *the tenant smoked in the lift and at home, and came home drunk*', however, in this case the behaviour was attributed to the character of the individual rather than his ethnicity, as such, this has not led the respondent to change his opinion of 'Europeans', nor his renting practices.

In the following passage the use of selective memory, distortion of experience, the allocation of crude stereotypes and subsequent discriminatory practices raises some interesting questions. The respondent claims that he has never, and will never, rent his property to Africans (specifically asylum seekers) for fear that they will not pay. Seemingly, this 'rational' decision is based on 'beliefs' rather than concrete experience. The respondent was asked, 'have you had negative experiences in the past?'

'A Libyan who was renting the apartment disappeared and did not pay for the water and electricity expenses, a total of Lm 400. The Bulgarians who were renting the villa – I got to know that they were involved in money laundering. In the apartment [an individual] overdosed with drugs'.

In order to understand the process of racialisation describe above, and subsequent discrimination, it may be necessary to reflect on the ideological practices through which 'race' is given significance, and the 'cultural or political processes or situations where race is invoked as an explanation or a means of understanding' (Murji & Solomos, 2005:11). In other words, in order to understand such a 'rational' decision making process, one must

also consider the temporal and special context, namely, the way SSA asylum seekers are represented in Malta, within what is a particular historical, cultural and political context: seemingly, it is assumed that Africans are poor, that they will remain poor, and that they will cheat the system.

5.3.3. Relationship with the neighbours

Once again, supporting the data generated through interviews with migrant and ethnic minorities in Malta, the interviews conducted with property owners suggest that neighbourhood relations, more specifically between the indigenous Maltese and migrant groups from North Africa, the Middle East and Africa (the focus would appear to be on National Groups), are particularly problematic. Those respondents who claimed that they had let their property to SSA, North Africa and Middle Eastern nationals also reported a higher degree of complaints from neighbours. The findings, that must not be seen in isolation, but rather, in relation to the key themes that have emerged from this research, appear to point to a number of recurrent issues that may impact, not only the day to day life of ethnic minorities and migrants living in the Maltese community and of course the broader society, but also, the long term implications of housing discrimination in Malta.

In the following passage a respondent describes how she no longer rents to particular nationals because of the problems this creates with the neighbours.

'I don't rent anymore to Egyptians, Iraqi, Sudan, the reason is that they make too many problems with neighbours, too noisy and when they organised a get together with their friends on the roof they left music loud till late and besides that they were jumping on the neighbours roof and throwing cigarettes everywhere'.

It is interesting to note that the respondent makes reference to the tenants having friends round, a point that was also brought up during the interviews with migrants and ethnic minorities. Whilst it is beyond the remit of this research to explore and try to understand the dynamics at play here, or indeed to assign 'blame', certainly, the findings of this research appear to reflect relationships grounded in fear, ignorance of the 'other', and a breakdown in communication. However, the findings also appear to demonstrate that, regardless of who may have been at fault, the relations of power are maintained: if someone must exit the scene, it must be the foreigners, again, more specifically, the North African/Middle Eastern. This is not an isolated case. For example, in the passage below we can see how the relationship between the tenant and the neighbour has put pressure on the property owner, wherein he feels compelled to refuse to rent his apartment to 'Africans and Arabs'. Once again we are able to observe how crude stereotypes, stigma and 'gossip' will impact housing opportunities for others belonging to the same ethnic groups:

[I will not rent to 'Africans and Arabs'] not because I am in favour of discrimination, but they leave the house too dirty and they break many things, they are very noisy and they disturb the neighbours, because they bring lots of friends in the house, unfortunately they speak too loud even in the night, they don't respect the time and never obey my rules regarding the property... [the neighbours complained] because they bring too many people in the house and are too noisy, though I say that still the complaints with neighbours were all racial discrimination'.

It is also worth noting that not all of the respondents cave in to such pressure. In the following passage the respondent describes how he has stood up to the complaints levelled by the neighbours. The text may also provide some insight into how the neighbours are interpreting the presence of ethnic minorities in their community. The remark and use of disparaging language seemingly points to racism and an expression of self superiority (to the degree that he suggests an individual of such worth should not be residing in his proximity), and perhaps a sense fear on the part of the neighbour, possibly linked to his concerns that the property and neighbourhood will lose value (see above):

'Since I have been renting the place I only rented it to this Syrian and he's been there for 6 years and I never had problems with him... but with the neighbours, for example [they complained] that he parked his van in front of their house but I don't think he did anything wrong with that. I know that some of the neighbours are racist because they told me personally that I got them – excuse my English – 'shit' living next to them'.

5.3.4. Subletting

The practice of subletting without the consent or knowledge of the property owner appears to be a concern that has also influenced property owners' decision not to rent their property to individuals representing particular ethnic groups. In the first passage the respondent describes a positive experience with Moroccan nationals, followed by a negative experience that appears to have involved subletting. It is also interesting to note that, despite a positive experience, the respondent has taken the decision not to let her property out to Moroccan nationals again. Once again we are able to see how constructions of boundaries of difference, in this case 'Moroccan national' homogenise those within the line of differentiation, paying no heed to differences based on, for example, social class, gender, religion, and so on. As such, as a result of a negative experience, all those assigned the label 'Moroccan' will be refused the possibility to rent from the respondent. Beyond this, the respondents' central concern is that if she lets her property to (in this case) Moroccans, she will have no control over who will be residing in the property, and that there will be the real risk that they will sublet the property to strangers whom she did not have the opportunity to 'vet':

'I rented my property to two people from Morocco; they used to leave the house spic and span, without telling me anything they left the place and instead two others came over without my permission. I decided to rent it to them but this was the biggest mistake of my life as they stole all I had in the house and got to know that they left the country. Afterwards I got to know that they gave the missing things to their friends, ex: microwave, cutlery, plates, wall pictures, as my property was very well furnished and up to date'.

A similar experience is described in the following excerpt, wherein the property owner let the apartment to one individual, only to find ten individuals living in the property:

'Yes, I had bad experiences regarding Somalia and Sudan people, they rented the place for a long let, and instead to one person as I did, I discovered that there were 10 sleeping in there. I didn't like this because they did a lot of noise and besides the home destroyed completely, and also left the place and didn't pay the rent for 3 months'.

The property owner's sense of frustration and resentment is of course understandable. The findings suggest that the practice of subletting, or sharing accommodation, appears to be fairly widespread, and the consequences of this practice also appear to be clear: housing discrimination based on race/ethnicity. The situation requires further unpacking and analysis.

Contrary to the findings of other research conducted in Malta, the findings of the migrant/ethnic minorities' interviews did not suggest the practice of subletting. This can be contrasted with the findings of the HUMA (2011) report wherein 88% of the respondents claimed that they had resorted to sharing accommodation with 'friends, compatriots or fellow migrants' (p. 79) and indeed the responses provided by property owners in the present report. This compels the questions, a. why does subletting appear to be such common practice? And b. what are the housing implications for ethnic minorities, and in particular, migrant (ethnic minority) populations in Malta?

A review of the literature, combined with the results of the stakeholder interviews can provide substantial explanation vis-à-vis the SSA asylum seeker population. The analysis leads us to consider the structural obstacles faced by this population in Malta. At present, asylum seekers are placed in an open centre for up to one year, after which they are expected to find accommodation in the community. However, as things stand, no safety nets are provided for this transition; this despite the guarantees laid out in the Reception Directive²², wherein Asylum seekers have a right to material reception conditions (including housing) considered adequate to ensure an adequate standard of living. That said, the directive is limited to provision for 'asylum seekers' and does not consider those granted protection or those whose request for asylum has been denied. However, one may also consider the provisions laid out in the Qualifications Directive²³. With regard to housing, Article 28 of the directive, states that:

Member States shall ensure that beneficiaries of refugee or subsidiary protection receive, in the Member State that has granted such statuses, the necessary social assistance, as provided to nationals of that Member State.

This article then would require the Government of Malta to extend the provision of social housing to beneficiaries of protection. However, the same article makes the following proviso:

By exception to the general rule laid down in Paragraph 1, Member States may limit social assistance granted to beneficiaries of subsidiary protection status to core benefits which will then be provided at the same levels and under the same eligibility conditions as nationals.

Whilst the Directive fails to define 'core benefits', a general interpretation may reasonably include access to basic accommodation. The directive also calls for beneficiaries of international protection to be provided, without discrimination, adequate social welfare and means of subsistence (see also Fondazzjoni Suret il-Briedem, 2010). As noted above, at present beneficiaries of international protection are not integrated within the mainstream welfare services of the State.

22 Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers' Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF>

23 Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML>

Thus, the findings may provide some insight into how the social reality of SSA asylum seekers, that is experienced at the micro – individual – level, is constituted at the political level. In the absence of material support, including housing, coupled with the numerous problems in finding long term, reliable employment and guaranteeing an adequate income, the decision to share accommodation costs with others would appear to be a reasonable strategy in securing accommodation in the community. The findings of this report also appear to reflect a lack of understanding with regard to these structural obstacles, wherein the practice of sharing accommodation tends to be blamed on cultural factors, where, in the final evaluation, the assumption is that ‘African people like to/always share accommodation *because they are African*’.

In order to understand such beliefs, we must again consider the specific cultural, historical and political context, and how SSA asylum seekers are constructed and positioned in Maltese society: defined by their mode of entry, skin colour, and their ‘illegality’. The hegemony of racist beliefs extends to the housing market. Paradoxically, the structural obstacles described above may serve to reinforce and maintain popular beliefs pertaining to SSA asylum seekers, impacting how property owners perceive and behave towards this minority group. The upshot of this is limited opportunities to find rent, fuelled by the fears and beliefs of the property owners (who may be rightly aggravated to discover that their property is housing a large number of individuals, or has been sublet to others within the community), and fuelled by neighbours who are clear in their demands to keep the ‘Africans/blacks/boat people’ and so on, out of their neighbourhood, and not in their proximity. This seemingly also leads to the development of ethnic clusters, or involuntary segregation, as certain areas become labelled as ‘deprived areas’, wherein the ethnic majority moves out, and the ethnic minority groups are almost forced to move in. Needless to say, upshot of this scenario will also impact the wider Maltese society.

Other ethnic minorities in Malta (namely those assigned the category North African/Middle East, or ‘Arabs/Muslims’) undergo a similar racialisation process, grounded in historical constructs that have continued into contemporary times, maintaining negative stereotypes. Once again, in the face of limited housing opportunities as evidenced in the findings of this report, such individuals may also feel compelled to share accommodation – or confront the possibility of homelessness.

Therefore, given the problems in finding accommodation in the community, it would make sense to make the most of any opportunity to hold on to any property made available, if not for oneself, then for others who may be facing the same processes of exclusion. As such, individuals from ethnic minorities may be tapping into their own horizontal social capital and working through their network of friends, in order to find opportunities to sublet accommodation when such possibilities arise. Once again, we are able to see how racialised beliefs may be maintained here, again, as a result of the limitations some ethnic minorities face in accessing housing. One can see a vicious circle developing.

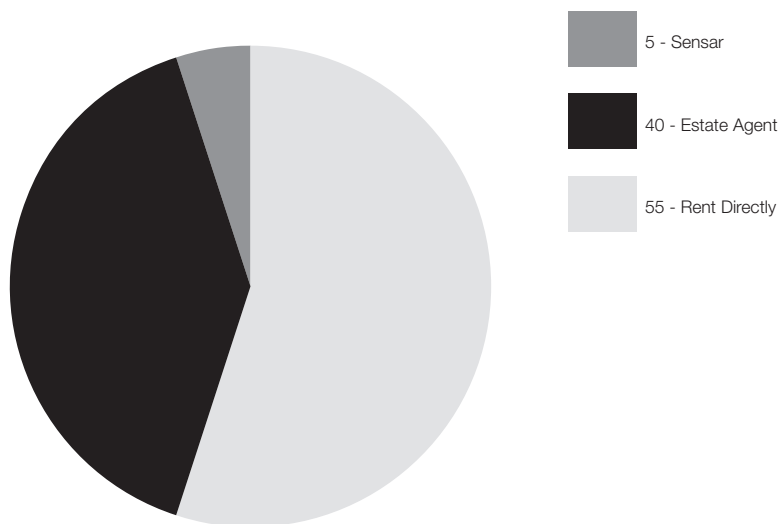
In the long run, if such racial discrimination and other structural obstacles are not dealt with, in the case of beneficiaries of protection at least, policy makers may need to reconsider the provision of more space in open centres (a task that will involve institutions such as AWAS and MEPA, see above). An alternative would be to readdress the situation vis-à-vis the qualifications directive and access to social housing (this would also fall under the responsibility of the Housing Authority).

5.3.5. Methods adopted to lease out property

The findings appear to suggest that property owners, in general, would prefer not to use the services of an Estate Agent. Figure 13 provides an indication of the methods property owners prefer to use in advertising their property. Whilst the findings are fairly balanced, it would appear that, given the preference, property owners would prefer to let out their property direct to the tenant, rather than request assistance from elsewhere. The cost of rent or type of property or location did not appear to make any difference in the decision to use an Estate Agent or other intermediary.

The research also sought to understand the degree to which Estate Agents influence the Property Owner/Tenant relationship, in particular with regard to racial discrimination and providing information on the Racial Equality Directive.

Figure 13: Method used to let property



5.3.6. Knowledge of Rights & Obligations

The property owners were each asked if they were aware of their rights and obligations as landlords. Figure 14 provides a snapshot of how respondents responded, either in the affirmative or negative; the response was largely in the affirmative. The property owners were also asked to provide an example of both a right, and an obligation in this regard.

Figure 14: Do you know your rights and obligations as a landlord?



It is interesting to note that not one respondent made reference to the Racial Equality Directive, nor any legislation in regard to discrimination. With regard to 'rights', the responses largely referred to the right to enter the property with due warning, that the tenant respects the contract and pays the rent on time, whilst obligations referred to the maintenance of the properties and covering costs for breakages and damage, and adhering to the contract. In answer to the question, how did you learn about these rights and obligations, the responses were also fairly standard, the key sources of information appears to be 'through experience', by reading the contract, through a lawyer or notary, and through family and friends.

Similarly, with regard to Property Owners, a small majority of respondents were not aware of NCPE, the agency's operations and remit. Figure 15 provides a visual picture of the degree to which respondents were aware of NCPE and its operations. For those respondents who claimed that they were aware of the work of the commission, the findings suggest a common understanding that NCPE's activities largely revolve around discrimination, promoting respect, fighting racism and equality issues (especially on gender issues). In this regard, the results appear to reflect a degree of contradiction, in as much as, despite the respondents' awareness of discrimination issues, and, as one remarked '[NCPE's is] *formed to encourage people to respect and combat discrimination*', this appears to have had little effect on beliefs or observed behaviour.

Figure 15: Knowledge of NCPE



The results would also suggest that Estate agents are not recognised as a source of information, be it with regards to legislation on discrimination, or any other legal proviso. Rather, the role of the Estate Agent is perceived as an intermediary in a business transaction and nothing more. This was also supported by the findings of interviews conducted with Estate Agents. In general the latter refer to the contract and ‘personal experience’ as their source of knowledge on the rights and obligations of landlords. Perhaps more worryingly, Estate Agents have little regard for the Racial Equality Directive, as one respondent noted,

‘I always ask them first if they want to rent to these kind of people’.

When asked if they try to educate the property owner with regard to discrimination, the Estate Agents replied in the negative:

‘No, because they are adamant on this’.

‘No I don’t, and they add a clause specifically in the contract we sign with them’.

The responses may also help to explain why so few of the migrants and ethnic minorities interviewed for this research have used the services of an Estate Agent (see above).

Whilst the individual discriminatory acts of Estate Agents may not have intent to discriminate – at least in the more obvious or blatant sense, clearly, the results of the research indicate a discriminatory practice and effect. In responding to the request of the property owners, apparently with no regard to the Racial Equality Directive, or provisions therein, Estate Agents appear to be playing a central role in producing and sustaining housing discrimination and the deprivation of certain migrants and ethnic minority communities in Malta. Their somewhat ambiguous or seemingly neutral role has almost toxic results: the Estate Agent, whilst perhaps unwittingly, has in essence, taken on the role of gatekeeper in maintaining neighbourhoods ‘white/non Muslim’. Whilst individual acts may be perceived as innocuous - a naive act based on the request of a client - when viewed as a whole, or rather, as an ingrained institutional practice,

one may deduce that the quality of treatment received from the Estate Agents depends on one's ethnicity. Furthermore, whilst Estate Agents may not be directly refusing their services to certain migrants and ethnic minorities in Malta, the discriminatory effects of their practices may be directing categories of migrants and ethnic minorities into areas associated with deprivation, market segmentation and ethnic clustering. This form of discriminatory practice is seen to be far more subtle, and yet, the results are insidious. Such discriminatory practices are evidenced elsewhere, for example, the practice of racial steering by Real Estate Agents remains one of the most prevalent forms of housing discrimination in urban settings in the USA (see for example, Ross & Levine, 2012). Certainly, and most decisive given the scope of this research, the actions adopted by Estate Agents described above are considered unlawful and prohibited by the Racial Equality Directive. As noted earlier, elsewhere in Europe, Estate Agents have been sentenced on the basis of collusion to discriminate in agreeing to act in accordance with discriminatory requests made by property owners, and also, for creating inventories that indicate the requirement for 'no immigrants' (The European Network of Legal Experts in the Non-Discrimination Field, 2010).

Certainly, one may infer that the discriminatory beliefs and action of property owners has a direct impact on the quality of service provision of Estate Agents. So much so that Estate Agents will apparently include blatantly discriminatory provisos in their written contracts. In this regard, as service providers, Estate Agents are unequivocally partaking in racial discrimination, a direct violation of the Racial Equality Directive.

It is also worth noting that Estate Agents may play a crucial role in combating racial discrimination and educating property owners on Maltese legislation. The findings suggest that however, that at the time of writing at least, they have neither acknowledged nor assumed this role, rather, they appear to have resigned themselves to the present situation and indirectly support the pervading milieu.

5.4. Situation Testing – Telephone Calls

Situation testing provides the opportunity to assess housing opportunities for persons of different ethnic origins:

Unfavourable treatment will be relevant to making a determination of discrimination where it is unfavourable by comparison to someone in a similar situation. Therefore a ‘comparator’ is needed: that is, a person in materially similar circumstances, with the main difference between the two persons being the ‘protected ground’ (CoE & FRA, 2010:23).

Situation testing has long been recognised as a powerful tool in exposing evidence of racial discrimination in access to housing, in investigating housing practices, and to gauge compliance with the laws on discrimination. The key aim is not to actually access the service *per se*, but rather to collect evidence in order to ensure enforcement of the law, rather than seek compensation for harm suffered (CoE & FRA, 2010). That said, the Racial Equality Directive does state that if a victim can demonstrate a case of direct or indirect discrimination, the onus is on the respondent to prove otherwise, namely that there has not been a breach of the principle of equal treatment. In this regard, courts are increasingly recognising ‘situation testing’ as a means of proving discrimination.

Elsewhere, the implementation of fair housing legislation has had an extensive and positive influence on the practice of racial steering – blatant or manifest discriminatory practices have essentially been eliminated. However, more subtle forms of racial steering, that are not easily detected, nor indeed fought in the court of law, remain. Much of the data on housing discrimination has been collected on such situation testing exercises that provide the opportunity to compare how different ethnic groups are treated. The results of such appraisals have illustrated how real estate practices have contributed to the pattern of racial segregation. Such practices include *inter alia*, Real Estate Agents showing fewer homes to ethnic minorities in predominantly white neighbourhoods, providing less assistance in arranging financing in a home considered to be in a racially incompatible area, and individuals belonging to ethnic minority groups being given fewer opportunities to view properties. Estate Agents are also able to ascertain a callers ‘race’ from the sound of voice on the phone, consequently leading to follow-up questions that effect the terms and rates. Research has also demonstrated how Estate Agents provide a polite and courteous treatment, again emphasising the shift from blatant discrimination, to a more subtle form, wherein the clients are not even aware of their mistreatment, and as such, are less likely to report such acts of discrimination (Ross & Levine, 2012:212 - 213).

The data presented below, generated through ‘situation testing’ provides evidence of patterns of differential treatment. Such data collection is deemed necessary in illustrating a. that discriminatory practices do exist, and b. that particular practices have a disproportionate impact on a particular group or groups. Indeed, the results that follow provide some kind of insight into the workings of housing discrimination in Malta, and how comparable individuals (age, gender, employment, family size and so on), but of different ethnicities/nationalities will be treated in relation to each other. The results also provide the possibility to gauge the degree to which the Racial Equality Directive is being adhered to.

This chapter presents a brief overview of the ten situation testing conducted as part of this research, involving a total of 30 phone calls.

5.4.1. Results

The results appear to illustrate examples of manifest discrimination, and more subtle practices. As illustration, the following two examples demonstrate the use of direct, unconcealed discrimination. The situation testing provides an opportunity to gauge observance of LN 85 of 2007 in providing a hypothetical comparison. On both occasions the agent requests the nationality of the caller, on learning that they are 'African' they are both refused service and the call is terminated. Such practice would be in direct violation of Article 2(a) of LN 85 which states:

Direct discrimination shall be taken to occur where a person is treated less favourable than another person is, has been, or would be, treated in a comparable situation.

Likewise, the tone adopted by the call recipients - both Estate Agents - on both occasions suggests harassment. Once again, the reader is reminded that harassment is also prohibited by LN 85 of 2007, Article 2(c) states:

Harassment shall be deemed to be discrimination when it is related to racial or ethnic origin and ethnic origin and takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

It is also interesting to note that in the first example, the property owner would appear to further categorise between the Italian and the Maltese caller, providing preferential treatment to the latter and as such, illustrating a more subtle example of discrimination. Whilst the tone with, and treatment of the Italian caller was both cordial and respectful, the property owner appeared to use delaying tactics. In contrast, the property owner appeared to switch into pitching the property with the Maltese caller, and clearly provided him with the opportunity of first refusal – thus limiting the housing opportunities for the Italian.

In the second example, the Estate Agent asked the Maltese caller if he was making the request for his own needs or acting on behalf of a third party. The reasons for this are not provided in the test and as such cannot be further examined. However, the question may suggest an element of suspicion, possibly related to the use of intermediaries as noted above.



Example 1

Accommodation Request:

Bugibba - just off the promenade. Two bedroom furnished flat.
Euros 210 per month

Respondent Profile: Male in his 20s, single, employed as plasterer

AFRICAN: Nationality: Libyan. Called on: 16.10.2012 at 1130 hrs

Findings:

- *Asked "what do you want?"*
- *The Libyan told him that he had seen his advert on the newspaper re the flat and that he was interested to rent it.*
- *The call recipient asked for the nationality of the caller and the Libyan stated his nationality.*
- *The person said "I only rent to Maltese, thanks!" and hung up.*
- *Manner was very abrupt and rude in his tone of voice.*

EUROPEAN: Italian. Called on 29.10.2012 at 1200 hrs

Findings:

- *The person concerned answered the phone very politely.*
- *The Italian called asked some questions regarding the property*
- *Call recipient enquired on the caller's nationality; he told him that he was Italian.*
- *The Italian asked when is it possible to view the property.*
- *He was asked to leave his mobile number so that the call recipient would call him back to fix an appointment.*
- *The Italian replied.. 'I will call you again tomorrow when I finish my work to view the place'.*
- *Before he hung up, the call recipient told the Italian:
'I will wait for your call and "good day"*

MALTESE: Called on: 17.10.2012 at 1800 hrs

Findings:

- *The call recipient was very nice.*
- *He said he is an agent and that the flat is on the second floor but has no lift*
- *He said that one must see the flat to be able to appreciate how nice it is.*
- *The water and electricity expenses are to be paid separately.*
- *He was willing to fix an appointment; best if one calls in the morning to fix an appointment before 5pm.*

Example 2

Accommodation Request:

Marsascala - nicely furnished, 2 Bedrooms apartment, fully equipped, 300EUR Monthly.

Respondent Profile: Male in his 40s, married with wife and 2 kids, employed as kitchen helper

AFRICAN: Nationality: Somalia. Called on 12.10.12 at 12 noon

Findings:

- *Caller is told the apartment is situated next to the sea and found on the 3rd Floor*
- *Lift is available*
- *Employed with a private agency*
- *Recipient ask for nationality*
- *States he does not rent properties to Africans*
- *The tone of voice was very bad.*

EUROPEAN: Nationality: Italian. Called on 12.10.12 at 1930 hrs

Findings:

- *Caller is told the apartment is situated next to the sea and found on the 3rd Floor*
- *Lift is available*
- *Employed with a private agency*
- *Rent is not negotiable*
- *When can we fix an appointment?*
- *Tone of voice was excellent.*

MALTESE. Called on 12.10.12 at 2000 hrs

Findings:

- *Caller is told the apartment is situated next to the sea and found on the 3rd Floor*
- *Lift is available*
- *Employed with a private agency*
- *Rent is not negotiable*
- *When can we fix an appointment?*
- *Do you want it for you self, or are you a broker?*
- *Tone of voice was friendly.*

Whilst the examples provided above illustrate manifest discrimination, the following examples demonstrate how discriminatory treatment may be very subtle, indeed, hardly discernible at first glance. Krysan et al (2010) have illustrated how discriminatory housing practices in the U.S. have evolved: from the more obvious, direct rejection, to more understated practices that highlight the need to look beyond quantitative analysis (namely, how many potential customers were accepted versus how many were rejected) to a more nuanced analysis that investigates the quality of acceptance/rejection.



In Example 3, the female Estate Agent appears to treat each respective caller with respect and maintains a polite tone. However, further interrogation illustrates less favourable treatment as experienced by the Nigerian National. Interestingly, the Estate Agent inquired about the nationality of both the Nigerian and the British customer. The results remind us of how the term 'migrant' defies homogenisation, and how the historical context, not least the colonial legacy, remains ever present: impacting representations, perceptions, and patterns of inclusion and exclusion. Combine this with contemporary representations of the 'colonial' subject and the subordinate 'Arab/African', and the notion of the 'West' and the 'rest' seemingly remains ever present: apparently innocuous, but always divisive. Whilst the response to the Nigerian is negative, the response to the British is positive, indeed, the latter is offered the opportunity to view immediately – paradoxically unlike the Maltese caller who, on this occasion, remains subjugated to the British (Pisani, 2012). Clearly, the example illustrates disparate treatment: friendliness and enthusiasm, and almost fervor to please and serve, can be contrasted with an abrupt response that does not encourage further communication.

Example 3

Accommodation Request:

QAWRA - Quiet area. Two bedroom furnished apartment.
Euros 350 per month.

Respondent Profile: Male, in his 20s, married, With wife and 2 kids, Working as a builder, Been living in Malta for 4 years. Currently living in Gzira

AFRICAN: Nationality: Nigerian. Called on 17.10.2012 at 1930 hrs

Findings:

- *The woman was an estate agent.*
- *Initially, her tone of voice was friendly and polite.*
- *She said that the flat is close to the church; it's a second floor flat with lift.*
- *She enquired on the nationality of the man and he said he is Nigerian.*
- *She then asked him to call her in the morning to fix an appointment.*
- *From her tone of voice, the caller sensed a change in her tone of voice once he informed her that he was Nigerian. He sensed that if he did call her the following day, she would not take his call.*

EUROPEAN: Nationality: British. Called on 30.10.2012 at 1900hrs

Findings:

- *The tone of voice of the call recipient was very welcoming.*
- *The British caller asked for more information because there are no details regarding the property on the newspaper.*
- *She told him that it is in a quiet place and close to all amenities. She enquired on his nationality. Again asked for nationality, tone improved, offered viewing immediately.*
- *As soon as he told her that he was English, her tone of voice improved further and said: "How nice, I used to live in England a long time ago".*
- *She asked him whether he wanted to view the property in an hour, but he told her that he could not, but he would call her in the morning to fix an appointment.*

MALTESE: Called on 16.10.2012 at 1830 hrs

Findings:

- *The woman was an estate agent and very polite over the phone.*
- *She said that the flat is in a quiet area and on the 2nd floor; lift is available.*
- *She will be available in the mornings for an appointment but best if the caller called her a day before to fix an appointment.*
- *Said also that one has to pay a deposit and the agency fee but first they would have to see the flat before negotiating any prices.*

In example 4 (below), we can witness a similar pattern. On this occasion, the Estate Agents spoke in the same manner, keeping with what can be described as a professional tone for each of the three calls. Likewise, the information provided by the Estate Agent in describing the apartment remained consistent. As evidenced elsewhere, discrimination is rarely overt, potential customers are 'always treated courteously and are often told about some available houses or apartments' (Turner, 2008:778). However, once again we are able to identify a disparity in the treatment between how the Algerian national is treated when compared with the French and the Maltese. The situation test provides some insight into how the Estate Agent employs a delaying or diversion tactic in making an appointment with the former, whilst the latter were both offered appointments.

Finally, it is interesting to note that once again the Maltese national is asked if he is working as a broker. The reasons for this are not clear.





Example 4

AFRICAN: Nationality: Algerian. Called on 10.10.12 at 1030 hrs

Findings:

- *The call recipient was a real estate agent, this is an agency.*
- *The flat is on the 2nd floor but no lift.*
- *He said that the rent was not negotiable and that the water and electricity expenses had to be paid separately.*
- *The agent asked for the caller's mobile number so that he would call him himself for an appointment.*
- *The agent was polite.*

EUROPEAN: Nationality: French. Called on 10.10.12 at 1900 hrs

Findings:

- *The call recipient was a real estate agent.*
- *The flat was located near the sea, no lift available.*
- *The rent is not negotiable. Water and electricity bills to be paid separately.*
- *The agent asked the caller when he would like to view the flat so they may schedule an appointment now.*
- *The tone of voice of the agent was good.*

MALTESE: Called on 10.10.12 at 2000 hrs

Findings:

- *The call recipient (an agent) asked whether the caller (mystery shopper) wanted the flat for himself or was he a broker?*
- *The flat is on the 2nd floor with no lift available. The agent said that he could not offer a lower rent and that the bills had to be paid separately.*
- *He then asked the caller when was he available for an appointment to view the flat and made appointment.*
- *The tone of voice of the agent was fine.*

Example no. 5 also provides an illustration of disparate treatment, suggesting harassment, and also racial profiling and indirect discrimination. The property owner only asks the first caller to identify his nationality, and upon learning this nationality a process of racial profiling appears to kick into place. The property owner speaks to the caller in a disparaging way, that can be interpreted as harassment, ergo, unlawful. Whilst he provides the opportunity to view the property, the property owner also applies new criteria demonstrating disparate treatment. Ross et al (2012) describe a similar pattern, wherein an accent sets off a process of racial profiling and indirect discrimination:

‘...in some cases, real estate and home insurance agents ascertain a caller’s race [sic] from the sound of their voice over the phone, leading to follow up question that affect the terms and rates of a home loan’ (Ross et al, 2012:213).

Indeed, this example would appear to evidence how members of particular ethnic groups, whilst not being refused service, may also be at a disadvantage when compared to other groups. In this regard, the discursive and material legacy of past and contemporary racism is evident and tangible. In asserting the need for a deposit, the property owner may well be aware that he is automatically excluding certain ethnic groups. On the other hand, we are again reminded of how constructions of difference bound and homogenise, paying little attention to intersections of class, gender, age, and so on. Likewise, such categorisations are dependent on history, context, situation and meaning. Whilst both the Sudanese and the British share the category or label of ‘foreign national’ for the former, this appears to be a source of social division and exclusion, for the latter, a source of cultural capital and elevation - indeed, once again the British caller appears to have been given priority over the Maltese national. The results highlight how housing opportunities are experienced differently, and also how ethnicity interacts with other signifiers of difference, always historically and contextually grounded, producing differentiated outcomes.

Example 5

Accommodation Request:

ZEJTUN - Maisonette, ground floor in a good area close to all amenities. Consists of pine kitchen / living / dining, one good sized bedroom and shower. Ideal for elderly couple. Euros 250 per month.

Respondent Profile: Male in his 40s, Single, High-paid job: skilled worker, been living in Malta for 3 years, currently living in Qawra

AFRICAN: Nationality: Sudan. Called on 07.10.12 at 1400 hrs

Findings:

- *It is located in quiet area.*
- *I am a property owner.*
- *The rent is not negotiable.*
- *What Nationality are you please?*
- *When he heard African, his voice was not welcoming at all.*
- *He accepted to make an appointment to view the house, but on the condition to pay 250EUR deposit, water and electricity to be paid apart.*

EUROPEAN: Nationality: British. Called on 07.10.12 at 1800 hrs

Findings:

- *I am a property owner.*
- *The house is situated in a nice place.*
- *Rent is not negotiable.*
- *When are you free for an appointment to view the house?*
- *The tone of voice was very welcoming.*

MALTESE: Called on 07.10.12 at 2000 hrs

Findings:

- *It is located in quiet area.*
- *I am a property owner.*
- *Do you need to rent for you self?*
- *Rent is not negotiable.*
- *Water and electricity to be paid apart.*
- *Can you call me tomorrow for an appointment.*



The final example, number 6, provides an illustration of how the property owner adopts a polite and professional tone throughout. Supporting the findings above, the situation testing appears to confirm that the housing process is also gendered – the results suggest that women are generally treated with more respect and no overt aggression. This does not mean that discrimination does not occur, as the following example illustrates; rather, the discrimination is less overt. Indeed, in example 6, the caller would not be aware of any discrimination. However, on further analysis the reader will note that the property owner demonstrates disparate treatment, first, in requesting the employment details of the African caller, but failing to inquire with regard to the European or Maltese caller. Likewise, whilst the property owner provided consistent information throughout, he provided more information on the apartment to the European caller – adopting a sales pitch in order to promote the property, and only accepted to fix an appointment with the Maltese caller. Thus, once again a hierarchy of preference is established, with the Maltese at the top and the African at the bottom. Once again the pattern illustrates how such disparate treatment results in limiting the housing options for certain ethnic minorities.

Example 6

Accommodation Request:

Mellieha - New 3 bedroom, modern, furnished apartment, 2 balconies, Euros 430 per month.

Respondent Profile: FEMALE in her 30s, married with husband and 1 child. Husband has high-paid job, been living in Malta for 4 years, currently living in Qormi.

Findings:

- *Situated on the second floor.*
- *No lift.*
- *Rent not negotiable.*
- *Property owner.*
- *Asked to call the next day for an appointment.*
- *Asked if employed in Malta or not.*
- *Tone of voice was welcoming.*

EUROPEAN: Nationality: Swedish. Called on 14.10.12 at 12 noon

Findings:

- *Situated on the second floor.*
- *No lift.*
- *Rent not negotiable.*
- *Property owner.*
- *Found in a quiet place.*
- *Asked for the period of time needed.*
- *Tone of voice was welcoming.*

MALTESE. Called on 14.10.12 at 1330 hrs

Findings:

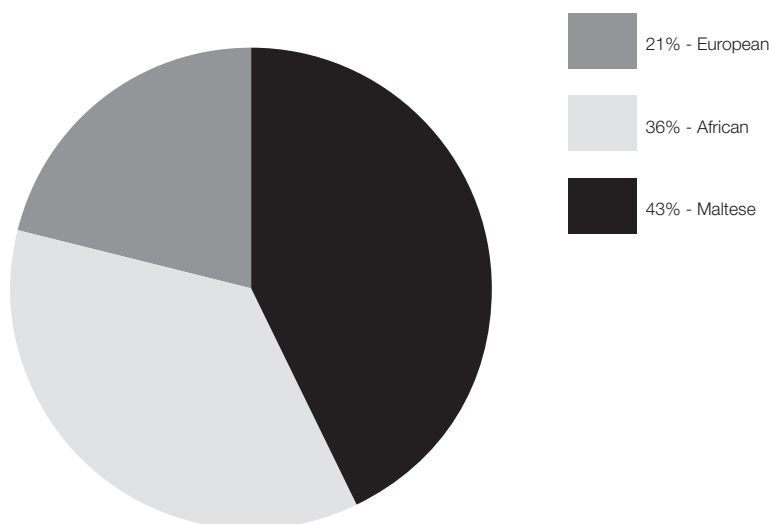
- *Situated on the second floor.*
- *No lift.*
- *Rent not negotiable.*
- *Property owner.*
- *Accepted to fix an appointment to view the house.*
- *Tone of voice was welcoming.*

5.5. Situation Testing – Emails

Research conducted elsewhere suggests that the methods potential households adopt in searching for housing increasingly involves the use of the internet (Krysan et al, 2010).

The results of the Email Situation Testing present some interesting findings. Supporting research conducted elsewhere (see for example Krysan et al, 2010), the results of this research find no discernible quantitative difference in the responses received from Estate Agents, in other words, Estate Agents responded to emails regardless of the race or ethnicity implied by their names. For example, figure 16 illustrates the breakdown of email requests that did not receive a response from the Estate Agents; these are further split into three categories, namely, Maltese, European and African. The reader will note that those clients with a typically Maltese name actually received the lowest response.

Figure 16: No response to email



However, given the results of the research thus far, the results of the email situation testing do require deeper analysis. As was demonstrated in Figure 16 (above), the findings indicate that European nationals (both EU and non EU) are most likely to use the services of an Estate Agent, whilst migrants from SSA, North Africa and the Middle East, and Maltese ethnic minorities are more likely to use alternative means. Socio economic factors may also play a role, suggesting that individuals corresponding with the latter groups may not be in a position to afford Estate Agents fees. Likewise, in this regard, EU and non EU citizens are more likely to use the internet and Estate Agent websites, suggesting that the email situation testing may not be a true reflection of the actual context, wherein African ethnic minorities are less likely to contact an Estate Agent on-line. This is further reflected in the results of the interviews with the stakeholders (see above), where it was suggested that SSA asylum seekers are less likely to buy newspapers or access the internet due to literacy obstacles; indeed, socioeconomic status will also determine the degree to which a person actually has access to the internet and/or a computer – a reminder also of how race and ethnicity intersects with socioeconomic status. A random internet search highlights the degree to which Malta, and



indeed the Real Estate Industry, relies on foreign investment and attracting highly skilled migrant workers migrating to Malta. Maltese websites providing advice, guidance, and the professional services are ubiquitous. The following passage, taken from a Maltese Estate Agency website, highlights the required credentials, underscoring the allure of socioeconomic status:

Malta is an ideal place to take up residence. Besides its pleasant climate, safe environment and hospitable English-speaking population, it offers a range of benefits to individuals seeking to acquire residence on the island, given its advantageous tax regime and competitive cost of living (Frank Salt Real Estate Ltd, 2012).

5.5.1. Content of response

Research conducted elsewhere suggests that landlords and Estate Agents apply subtle discrimination through the use of 'language associated with describing and viewing a unit, inviting further correspondence, making a formal greeting, and using polite language' in their response to e-mail inquiries (Hanson, 2011:277). Hanson (2011) found that the email responses and use of language was generally more positive, emails tended to be longer, and responses were generally quicker when replying to a 'white' name, in comparison to an African American name (Hanson, 2011: 277). Such findings highlight the need to look beyond the question as to 'if' discrimination' occurs, and to consider 'how' discrimination' occurs, namely, whether qualitative differences occur in the nature of the email responses based on race and ethnicity.

Contrary to research conducted elsewhere, the results of the email situation testing did not reveal a significant difference in the tone of language, the language use, or indeed the service provided and the degree to which the email relationship/housing process is facilitated. In the main, the email responses were either identical, or for all intents and purposes, almost identical and across the board. The exercise generated three examples wherein the response was markedly different, and on all three occasions, this was to the detriment of those clients with a name that implied African origin.

The first two examples essentially follow the same trail of response. The Estate Agents responded to the 'Maltese' and 'European' client in an identical way, see example 1a.

Example 1a

*Dear ****

*Regret to advise you that ref. *** is not available for renting till 1 June 2013 but we can offer you the following apartment which is available immediately. Please let us know if you are interested.*

[what follows is a detailed, bulleted description of the property. Photos are also attached]

Regards,

This response can be contrasted with the response to the 'African' correspondent, see example 1b below.

Example 1b

*Dear ****

*Many thanks for your email. Please give us more information about your request as Ref *** is no longer on the market for renting. We need to know what is your budget, how many persons will be occupying the property, if there are any children and if yes their ages and how long for do you need the apartment.*

Assuring you of our best attention at all times. Looking forward to hearing from you again soon.

Regards



The example provided above highlights how discrimination can work in subtle ways that are not easy to recognise. The language throughout is polite and professional, and yet, rather than provide information and an alternative housing opportunity (as was the case in example 1a), thus facilitating the housing process, the questions posed to the client are more direct, and may be seen to hamper the process and restrict housing opportunities. Whilst the example does not provide insight into *why* the Estate Agent requested such information, when contextualised and considered in light of the broader findings of the present report, the reasons would appear to be grounded in the stereotypes associated with tenants of African/Muslim origin.

This was not an isolated case. In Example 2, the 'Maltese' and 'European' client are treated in exactly the same way, and provided with an identical, apparently standardised, response.

Example 2a

*Dear ****

*Many thanks for your email. Regret to advise you that the property with ref. No. *** is not available at the moment but should be back on the market on the 1st January 2013. If you would like to give us your requirement we would try and see if we can offer you an alternative. We would appreciate if you could give us your contact telephone number.*

Regards

In example 2a the property requested is no longer available, however the Estate Agent offers the opportunity to provide more examples that will be tailored to their needs: their needs are not assumed or assigned. The client is also informed that the property will be available in the future (thus keeping the option open) and asked to provide a contact number in order to facilitate the process in looking for other properties. This can be contrasted with Example 2b, wherein the correspondence takes on a different approach for a client of apparently 'African'/Muslim ethnicity.

Example 2b

*Dear ****

Many thanks for your email. May we kindly ask you if you could tell us how many people will be occupying the place, if there are any children and if yes their ages.

Looking forward to hearing from you soon.

Regards

Once again, the use of language, including tone and content is courteous. Reference is not made to the requested property (that we may assume has already been let), and the opportunity to view it in the future has not been made available. Moreover, as was the case in Example 1b, the response would appear to be grounded in the negative stereotypes associated with African/Muslim ethnicity, including the number of children and other residents, perhaps also reflecting concerns related to subletting. The tone is more constrained, and a telephone number is not requested, thus hindering the sales/housing process.

In Example 3a the responses sent to the 'Maltese' and 'European' respondents are almost identical; whilst brief, they offer the opportunity to view the property and provide viewing times.



Example 3a

*Hi ****

We can arrange a meeting anytime between today & Friday, between 3.30 till 5pm. Let me know if the time is convenient for you and when.

Thanks for contacting us.

*Kind regards,

This can be contrasted with the response to the 'African' client, Example 3b, wherein the response is more restrained. Whilst polite, the Estate Agent responds first with reference to long let – a criterion that was not referred to in any of the emails requesting information, nor in the responses above. This suggests that the 'long let' criteria may be used as a condition and thus, possibly restrictive. Likewise, the Estate Agent does not provide meeting times, but rather, responds in a way that does not appear to encourage or facilitate the housing process.

Example 3b

*Hi ****

Thanks for contacting us. I called the owner and the flat is available for long let. Let me know if you would like to see it so we can make arrangements.

*Thanks.
Kind regards*

The email situation testing provides the opportunity to look beyond qualitative results: attention to text and minor details uncovers the almost concealed differences that ultimately amount to housing discrimination. Whilst subtle, the disparate treatment evident in three out of the twenty situation tests conducted, suggests that those perceived to be European or Maltese are considered to be more valuable tenants. The differences in treatment, as evident in the examples provided above, are barely discernible, and yet when considered as part of the bigger picture, cumulative and profound.

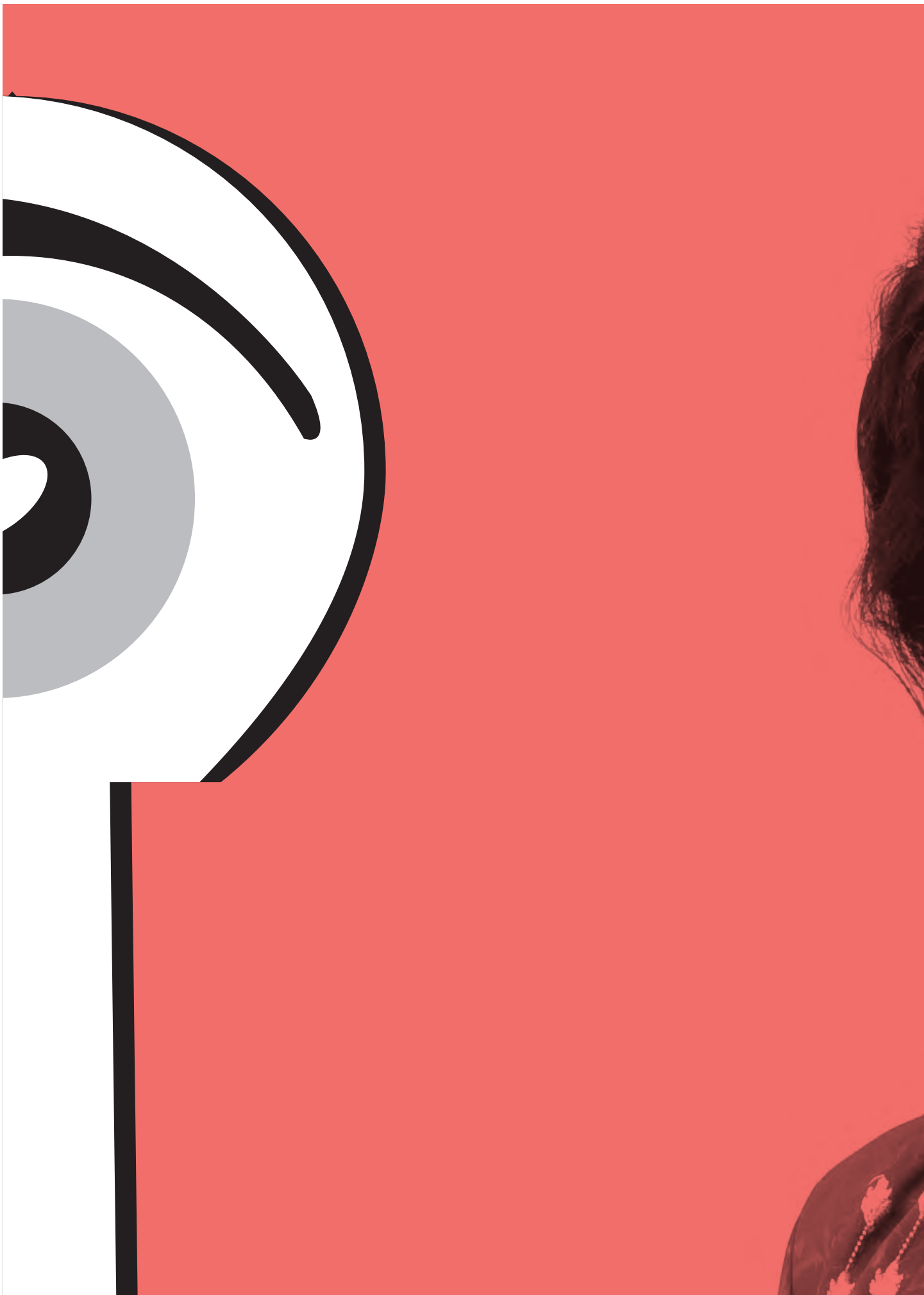




6 CONCLUSION

In the light of the foregoing review of recent literature and the research study carried out, a number of salient conclusions on the situation of immigrants and ethnic minorities and housing in Malta emerge. These are presented in Chapter 2 of this Report, together with some policy considerations on the subject matter.







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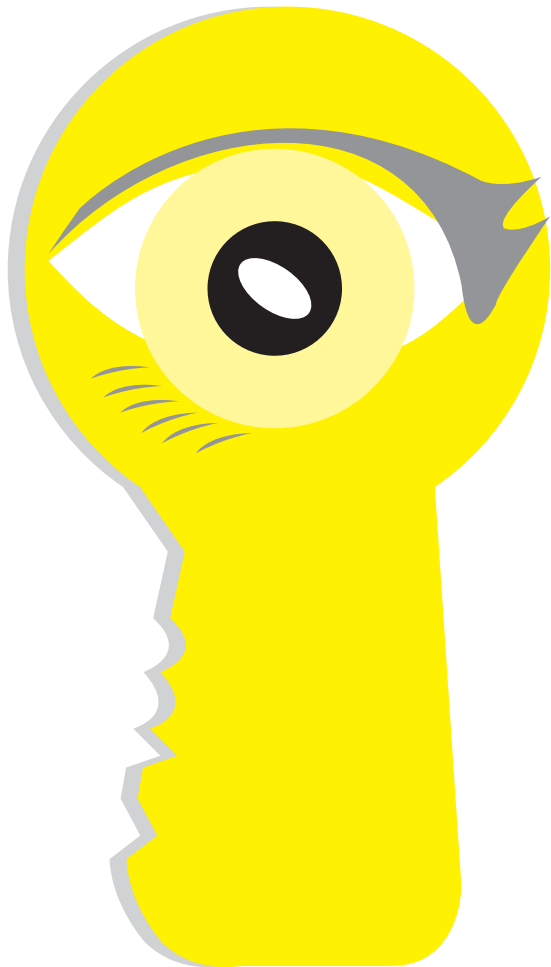
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