



# POLICY AS PUNISHMENT

Asylum Seekers in the Community  
Without the Right to Work

Lisa Hartley & Caroline Fleay

February 2014



## CENTRE FOR HUMAN RIGHTS EDUCATION, CURTIN UNIVERSITY

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Photos © Barat Ali Batoor

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## TABLE OF CONTENTS

<b>Summary of Findings</b> .....	<b>1</b>
<b>Key Findings</b> .....	<b>2</b>
<b>Recommendations</b> .....	<b>3</b>
<b>Introduction</b> .....	<b>4</b>
<b>Overview of Current Policy</b> .....	<b>5</b>
Bridging Visa E with No Right to Work .....	7
<b>Research Design and Methodology</b> .....	<b>9</b>
<b>Key Findings</b> .....	<b>10</b>
<b>‘How am I meant to keep my mind busy?’: no right to work</b> .....	<b>11</b>
‘Time does not pass’: the mental distress of long days without work .....	12
‘I feel like a beggar’: living with minimal financial support .....	14
‘I think the Australians think I am lazy’: no opportunity to contribute to Australia .....	16
‘I try to fight with life’: coping without the right to work .....	18
Discussion .....	20
Recommendations .....	21
<b>‘Being in limbo is a huge concern for us’: fear and uncertainty about the future</b> .....	<b>22</b>
‘We’re always worrying about it and scared’: processing delays and the fear of being forced to return .....	23
‘We don’t know what’s happening to us’: uncertainty about the future.....	25
‘Please help us bring our families to safety’: fear for loved ones .....	26
Discussion .....	27
Recommendations .....	27
<b>Access to Housing</b> .....	<b>28</b>
Discussion .....	30
Recommendation .....	30
<b>Access to Healthcare</b> .....	<b>31</b>
Discussion .....	32
Recommendation .....	32
<b>Access to Support for Families and Schooling</b> .....	<b>33</b>
Discussion .....	33
Recommendations .....	33
<b>Conclusion</b> .....	<b>34</b>
<b>Appendix – List of Abbreviations</b> .....	<b>35</b>

## SUMMARY OF FINDINGS

*In my country they truly actually torture people, kidnap and beat them up. But here in Australia they torture people mentally through the brain.*

*(Sathiyan, Sydney)*

This research paper outlines the experiences of asylum seekers who arrived to Australia by boat and are living in the Australian community without the right to work and with only minimal financial support. It highlights the distress and fear many are enduring caused by the denial of work rights and ongoing uncertainty about their refugee claims. It builds on our previous research into the experiences of asylum seekers in the community after long-term detention that highlights the critical importance of the right to work and securing employment.<sup>1</sup> The findings of this research are based on interviews conducted in July-October 2013 with 29 men and women who continue to endure forced unemployment and conditions of poverty and great uncertainty due to Australian policy.

Asylum seekers who arrived by boat to Australia over the past few decades have been subject to a range of deterrence policies under the leadership of both major political parties. For some 27,000 asylum seekers who arrived after 13 August 2012 and were not sent to the Australian-funded regional processing centres on Nauru and Papua New Guinea's Manus Island, policies include being released from immigration detention into the Australian community on a Bridging Visa E (BVE) without the right to work and with minimal financial support. These asylum seekers have also been subject to ongoing delays in the commencement of the processing of their refugee claims. These policies were first introduced by the Labor Government in November 2012 and have continued since the election of the Coalition Government in September 2013.

All of the asylum seekers interviewed for this research arrived to Australia by boat after 13 August 2012 and are living in the community under these conditions. Given current policies, it is highly likely they will face months if not several years in the community without the right to work, pending the finalisation of their refugee claims. The Coalition Government has indicated that asylum seekers who arrived by boat will no longer be entitled to funded migration agent assistance with their refugee claim. These asylum seekers also face the prospect of never being granted a permanent protection visa if found to be a refugee.

To date there has been no published research on the experiences of asylum seekers who arrived after 13 August 2012 and were released into the community on bridging visas without the right to work. This research paper elevates the concerns expressed by 29 men and women in this situation and makes policy recommendations accordingly. It should be noted that 88 per cent of the refugee claims processed in 2012-13 for asylum seekers who came to Australia by boat resulted in protection visas being granted. In the previous three years, more than 90 per cent resulted in protection visas granted.<sup>2</sup> Therefore, it is likely a significant proportion of those currently living in the community without the right to work will be granted refugee status. This reinforces the need for the experiences of those we interviewed to be heard and the recommendations of this research implemented.

<sup>1</sup> L. Hartley and C. Fleay 'Released but Not Yet Free: Refugees and Asylum Seekers in the Community after Long-term Detention' *Australian Policy Online*, 31 December 2012, available: <http://apo.org.au/research/released-not-yet-free-refugees-and-asylum-seekers-community-after-long-term-detention>

<sup>2</sup> Department of Immigration and Border Protection (DIBP) *Asylum Trends Australia 2012-13 – Annual Publication*, 2013, p. 30, available: <http://www.immi.gov.au/media/publications/statistics/immigration-update/asylum-trends-aus-2012-13.pdf>

## Key Findings

The distress and fear caused by the denial of work rights and ongoing uncertainty about their visa status was evident for all the interviewees. This was particularly acute for those interviewees who had been living in the community the longest – over 8 months. Some described their situation in Australia as a form of torture or a continuation of the persecution they had experienced in their country of origin.

Not having the right to work was the over-riding concern of all of the interviewees. Their experiences highlight the importance of granting the right to work to asylum seekers living in the community while they wait for the refugee claims to be processed. Living without the right to work creates forced unemployment, and the minimal financial support received makes it very difficult to fill each day with activities. Even though many of those we interviewed were trying to structure their days with some of the very few activities available and affordable to them, spending waking hours with very little to do also served to compound the mental distress of other concerns.

These concerns included:

- Fear and uncertainty surrounding the ongoing delays in the processing of refugee claims as well as expired bridging visas that have not yet been renewed.
- Fear they may be forced to return to their home country, particularly since the election of the Coalition Government.
- Fear for the safety of their families still in situations of danger and not being able to at least financially support them.
- Difficulties in accessing housing and meeting the costs of living.
- Feeling dehumanised given the denial of the right to work.

All interviewees spoke of their strong desire to work. Some wished to pursue studies, and many expressed how they wanted the opportunity to contribute to Australia's economy and society. As several interviewees pointed out, denying asylum seekers the right to work is generating an unnecessary cost burden on the Australian Government. Instead, they could be contributing to tax revenue and local economies. Many also expressed how not working or studying made them feel socially isolated from the Australian community.

These findings and our recommendations reinforce the conclusions of earlier research on asylum seekers living in the community without the right to work. Granting the right to work has been found to be a vital coping mechanism for asylum seekers who have experienced the trauma of fleeing their own countries, difficult and dangerous journeys to find refuge, and the distress of being apart from their families.<sup>3</sup> It can help to restore feelings of self-worth that may diminish during lengthy periods of seeking asylum.<sup>4</sup> Prolonged uncertainty about refugee status, the threat of being forced to return to their country of origin and fear for loved ones still in dangerous situations have also been linked to negative mental health outcomes.<sup>5</sup> Finally, policies that create long-term destitution have been found to be associated with difficulties in asylum seekers accepting a negative outcome of their refugee application and a requirement to return to their country of origin.<sup>6</sup>

<sup>3</sup> S. Da Lomba (2010) 'Legal status and refugee integration: A UK perspective', *Journal of Refugee Studies* 23(4): 415-436, p. 424; S. Taylor (2000) 'Do on-shore asylum seekers have economic and social rights? Dealing with the moral contradiction of liberal democracy', *Melbourne Journal of International Law* 1(1): 70-97, p. 87.

<sup>4</sup> C. Fleay, L. Hartley and M.A. Kenny (2013) 'Refugees and asylum seekers living in the Australian community: The importance of work rights and employment support', *Australian Journal of Social Issues*, 48(4): 473-93.

<sup>5</sup> E.A. Spike, M.M. Smith and M.F. Harris (2011) 'Access to primary health care services by community-based asylum seekers' *Medical Journal of Australia*, 195(4): 188-91; Z. Steel, S. Momartin, D. Silove, M. Coello, J. Aroche and K.W. Tay (2011) 'Two year psychosocial and mental health outcomes for refugees subjected to restrictive or supportive immigration policies' *Social Science Medicine*, 72(7): 1149-56.

<sup>6</sup> A. Bloch and L. Schuster (2002) 'Asylum and welfare: Contemporary debates' *Critical Social Policy*, 22(3): 393-414; R. Sampson, G. Mitchell and L. Bowring (2011) 'There are alternatives: A handbook for preventing unnecessary immigration detention', Melbourne, The International Detention Coalition.

## Recommendations

### **‘How am I meant to keep my mind busy?’: no right to work and barriers to study**

1. Grant BVEs with the right to work to asylum seekers released from immigration detention into the community. For those unable to cope with finding and maintaining employment, provide ongoing assistance through the Asylum Seekers Assistance Scheme (ASAS) or the Community Assistance Support Ongoing (CAS-Ongoing) program.
2. Provide Federal and State Government funded pathways into education for asylum seekers living in the community, including subsidised TAFE and university places.
3. Grant access to the English as a Second Language (ESL) classes currently available under the Humanitarian Settlement Services (HSS) to asylum seekers living in the community.
4. Consistent with Victoria and the Australian Capital Territory, other states and territories should offer asylum seekers living in the community access to concession cards and fares for public transport.

### **‘Being in limbo is a huge concern for us’: fear and uncertainty about the future**

5. Process refugee claims in a timely, efficient and consistent manner through a credible process that includes independent review. For those found to be refugees, grant permanent protection visas.
6. Provide asylum seekers with funded migration advice and assistance in order to prepare their protection applications and any review.
7. Ensure expired BVEs are renewed without delay.

### **Access to Housing**

8. Increase the period that housing is offered through the Transitional Support stream of the Community Assistance Support (TS-CAS) program from six weeks to up to one year, in line with support offered through HSS. For those particularly vulnerable, a housing safety net, such as the provision of rental subsidies and assistance, beyond this period should also be provided.

### **Access to Healthcare**

9. Ensure all BVE holders are issued a Medicare card without delay upon their release from immigration detention.

### **Access to Support for Families and Schooling**

10. Ensure children holding BVEs have access to public education in each state and territory.
11. Give BVE holders access to the same supports and entitlements as Australian citizens in relation to childcare and early childhood education in each state and territory.

## INTRODUCTION

*Feeling like a rat in a wheel. Days go by, day after day with my mind going around and round in circles...I worry too much about my family. How am I meant to keep my mind busy here if I cannot work?*

*(Ali, Sydney)*

This research paper details the experiences of 29 asylum seekers who were released from immigration detention in Australia into community-based arrangements with no right to work and limited entitlements. All of the men and women interviewed for this research arrived to Australia by boat after 13 August 2012, the date when the former Labor Government commenced this policy.

The term “asylum seeker” refers here to an individual who arrived to Australia wishing to claim asylum but whose refugee status is yet to be determined. An individual is found to be a refugee if it is considered likely they would face persecution in their home country due to their race, religion, nationality, membership of a particular social group or political opinion. The Department of Immigration and Border Protection (DIBP) report that 88 per cent of the refugee claims that were processed in 2012-13 for asylum seekers who came to Australia by boat resulted in protection visas being granted. During the previous three years, over 90 per cent of these claims resulted in protection visas being granted.<sup>7</sup> It is likely, therefore, that a significant proportion of asylum seekers currently in Australia who arrived by boat will also be recognised as refugees.

This paper aims to elevate the experiences of asylum seekers living in the community without the right to work. It is important that the voices of those most affected by government policies are heard. While some argue that democratically elected governments have a mandate to implement the asylum policies they outlined prior to an election,<sup>8</sup> decision makers must also consider the impacts of these policies on asylum seekers themselves. Governments retain vast powers to decide the fate of asylum seekers who arrive at the borders. This ‘asymmetry of power’<sup>9</sup> has too often meant that policies have been adopted in Australia that ignore the right of people fleeing persecution to seek asylum. These policies have also been adopted despite the existence of research that documents the harm created by earlier such policies.

As the Minister for Immigration and Border Protection acknowledges, some 27,000 asylum seekers that continue to live in the community without the right to work have been left ‘effectively sitting around’.<sup>10</sup> Our research findings reinforce that policy shifts are needed to address this. However, the experiences of asylum seekers themselves must guide future policy making. To this end, the words of the interviewees are included here as much as possible to illustrate the findings of this research.

Many of our findings are consistent with those of other studies on asylum seekers and the right to work. We discuss this relevant research and make recommendations accordingly at the end of each section. Before discussing the research findings, we provide an overview of current policy and outline the research design and methodology.

<sup>7</sup> DIBP *Asylum Trends Australia 2012-13 – Annual Publication*, 2013, p. 4, available:

<http://www.immi.gov.au/media/publications/statistics/immigration-update/asylum-trends-aus-2012-13.pdf>

<sup>8</sup> For example, see the recent statement by S. Morrison, Minister for Immigration and Border Protection ‘No illegal boat arrivals for more than three weeks’, 10 January, available:

<http://www.minister.immi.gov.au/search/cache.cgi?collection=immirss&doc=2014%2Fsm210747.xml>

<sup>9</sup> M. Korac (2003) ‘Integration and how we facilitate it: A comparative study of the settlement experiences of refugees in Italy and the Netherlands’, *Sociology* 37: 51-68, p.53.

<sup>10</sup> S. Morrison, Minister for Immigration and Border Protection ‘Operation Sovereign Borders update’, 1 November 2013, available: <http://www.minister.immi.gov.au/media/sm/2013/sm209273.htm>

## Overview of Current Policy

The former Labor Government first adopted the policy denying the right to work to all asylum seekers released from Australia's immigration detention centres in November 2012. This was a response to the increasing number of boat arrivals that year compared with the previous year. It also followed the adoption of earlier policies in 2012 that attempted to deter the arrival of boats, such as sending asylum seekers who arrived after 13 August 2012 to regional processing centres on Nauru and Papua New Guinea's Manus Island.

As more asylum seekers continued to arrive to Australia by boat than could be sent to Nauru and Manus Island, increasing numbers were held in Australian immigration detention centres. In November 2012 the Labor Government declared that people arriving by boat since 13 August 2012 and who had not yet been sent to a regional processing centre could be released from Australian immigration detention centres on a community-based arrangement with limited entitlements.<sup>11</sup> This was consistent with the Labor Government policy that commenced in late 2011 allowing most asylum seekers to be released from detention prior to their protection claims being finalised. However, in contrast to those granted bridging visas under this previous policy, none of the asylum seekers released from detention who had arrived since 13 August would be given the right to work.

The Labor Government's response to increased boat arrivals, which included an increase in arrivals from Sri Lanka, also involved the introduction of an "enhanced screening" process. Under this policy, boat arrivals from Sri Lanka have been subject to a screening interview by DIBP. If the Department considers that a person raises claims during this interview that potentially engage Australia's protection obligations, they are "screened in" and can make a protection claim. If not, they are "screened out" and removed from Australia.<sup>12</sup> Between 27 October 2012 and 31 October 2013, 3,072 asylum seekers from Sri Lanka were interviewed on this basis, resulting in 1,056 being involuntarily returned and 159 voluntarily returned to Sri Lanka.<sup>13</sup> Serious concerns have been raised about this process as asylum seekers are interviewed without access to a lawyer and any determination that they are not entitled to Australia's protection is not subject to independent review.<sup>14</sup>

In the wake of the election of the Coalition Government on 7 September 2013, the "screening out" process continues. The policy of denying the right to work to asylum seekers in the Australian community who arrived since 13 August 2012 also effectively continues, but with further restrictions. By November 2013, there were some 27,000 asylum seekers in Australia who had arrived by boat since 13 August 2012 and were living in community-based arrangements with no right to work and limited entitlements.<sup>15</sup> As at the end of December 2013, some of these asylum seekers were living in the community without valid bridging visas given that DIBP has not been renewing those that had expired since at least the September 2013 election. It is still unclear when these visas will be renewed although it was announced on 20 December 2013 that DIBP intend to commence their renewal. However, in order to get a renewed visa, asylum seekers will be required to sign a "Code of Behaviour". This will allow for the cancellation of their visa if criminal charges are laid against them, they are considered to engage in "antisocial" behaviour, or they are considered to not cooperate with all

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<sup>11</sup> S. Cullen 'First asylum seekers arrive on Manus Island' ABC News, 21 November 2012, available: <http://www.abc.net.au/news/2012-11-21/first-asylum-seekers-arrive-on-manus-island/4383876>

<sup>12</sup> Australian Human Rights Commission 'Tell me about: the "enhanced screening process" June 2013, available: <https://www.humanrights.gov.au/sites/default/files/document/publication/enhanced-screening.pdf>

<sup>13</sup> W. Southern, Evidence to Senate Legal and Constitutional Committee, Parliament of Australia, Canberra, 19 November 2013.

<sup>14</sup> Kaldor Centre for International Refugee Law *Fact sheet: Enhanced screening process and fast track policies*, 2013, University of New South Wales, available:

[http://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/enhanced\\_screening\\_final\\_13.11.13.pdf](http://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/enhanced_screening_final_13.11.13.pdf)

<sup>15</sup> M. Cash, Evidence to Senate Legal and Constitutional Committee, Parliament of Australia, Canberra, 19 November 2013.



“reasonable requests” from DIBP.<sup>16</sup> The Minister for Immigration and Border Protection also announced the Government’s intention to implement a ‘mutual obligation program to more effectively engage people who are on bridging visas’.<sup>17</sup> As at February 2014, it is unclear what this program will entail.

In addition, none of the asylum seekers who arrived since 13 August 2012 have had their refugee claims finalised and most have received no indication of when this may commence. For those living in the community or still in immigration detention in Australia, the Coalition Government has indicated that asylum seekers will no longer have access to funded migration agent support to prepare their protection applications and assist with review through the Immigration Advice and Application Assistance Scheme (IAAAS).<sup>18</sup> It has also announced its intention to abolish the capacity for independent review of claims decisions.<sup>19</sup>

Further, in October 2013 the Coalition Government attempted to introduce temporary protection visas for those who will be recognised as refugees. These visas would be granted for a maximum of three years. While they would include the right to work, they would not include the right to family reunion nor travel outside of Australia. They would also require another attempt to claim asylum near the time of visa expiry in order for a further temporary protection visa to be secured.<sup>20</sup> However, the regulation enabling temporary protection visas was disallowed in the Australian Senate on 2 December 2013. The Coalition Government responded by refusing to allow any asylum seekers who arrived by boat to apply for a protection visa in Australia. The Government also suggested that asylum seekers who remained in Australia’s immigration detention centres as at early December would face ongoing detention given the disallowance of temporary protection visas.<sup>21</sup>

In January 2014 the Coalition Government effectively re-introduced temporary protection visas in the form of temporary humanitarian concern visas. The Government announced that asylum seekers who arrived to Australia without a valid visa would only be offered this temporary visa if the Minister for Immigration considers they have ‘humanitarian concerns that should permit them to remain in Australia for a period of time’.<sup>22</sup> Issuing these temporary visas will mean there will be no prospects for these asylum seekers to secure a permanent visa.

Given the processing backlog faced by DIBP, it is likely that asylum seekers living in the community will face months if not several years without the right to work while they wait for their refugee claims to be finalised. The capacity for any asylum seeker who arrived by boat to secure a visa to enable their immediate families to join them in Australia, including those already granted permanent visas, has also now been effectively blocked. The Coalition Government has instructed DIBP to place all such applications in the Family Stream lodged by former boat arrivals to the bottom of the processing pile.<sup>23</sup>

All of the 29 asylum seekers interviewed for this research project arrived to Australia by boat after 13 August 2012 and are subject to the policies outlined above. All were held in immigration detention centres in Australia until their release into the community upon being granted a BVE with no right to work and limited entitlements.

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<sup>16</sup> S. Morrison, Minister for Immigration and Border Protection ‘Government implements behaviour code for illegal maritime arrivals in the community’, 20 December 2013, available:

<http://www.minister.immi.gov.au/search/cache.cgi?collection=immirss&doc=2013%2Fsm210412.xml>

<sup>17</sup> S. Morrison, Minister for Immigration and Border Protection ‘Operation Sovereign Borders update’, 1 November 2013, available: <http://www.minister.immi.gov.au/media/sm/2013/sm209273.htm>

<sup>18</sup> DIBP *Community Programmes Service Providers’ Newsletter #8 November 2013*, p. 1.

<sup>19</sup> Coalition *The Coalition’s Policy to Clear Labor’s 30,000 Border Failure Backlog*, August 2013, available:

<http://www.nationals.org.au/Portals/0/2013/policy/ClearLabor30000BorderFailureBacklog.pdf>

<sup>20</sup> *Amendments to the Migration Regulations 1994 relating to Temporary Protection Visas Commencement: 18 October 2013*, available: <http://www.immi.gov.au/legislation/amendments/2013/131018/lc18102013-01.htm>

<sup>21</sup> S. Morrison, Minister for Immigration and Border Protection ‘Government acts swiftly to deny people smugglers’ promise of permanent visas’ 4 December 2013, available:

<http://www.minister.immi.gov.au/media/sm/2013/sm210040.htm>

<sup>22</sup> DIBP *Temporary Humanitarian Concern Visa*, January 2014.

<sup>23</sup> DIBP, *Direction 62 — order for considering and disposing of Family Stream visa applications*, 19 December 2013.

## Bridging Visa E with No Right to Work

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The majority of asylum seekers who arrived to Australia by boat since 13 August 2012 and have been released from immigration detention have been issued a BVE. This visa allows them to live in the community and remain lawfully in Australia while their refugee status is determined.

BVE holders who arrived since 13 August 2012 have a condition attached to their visa that prohibits them from working. They also receive minimal financial support, equivalent to 89 per cent of the Centrelink Special Benefit – \$222.95 per week for a person on their own. This is only 55 per cent of the amount calculated as the Henderson Poverty Line, which was \$397.63 per week (including housing costs) in the June quarter 2013.<sup>24</sup> BVE holders aged 18-22 years are entitled to even less – just 89 per cent of the Youth Allowance, which amounts to \$184.41 per week.

BVE holders are allowed to participate in volunteering activities, however, there are restrictions on this. DIBP outline that volunteering can only be engaged in with a not-for-profit or local government agency that has a volunteer program, no cash or kind benefits can be received for the volunteering, the activities must 'not otherwise be undertaken in return for wages by an Australian resident', and the volunteering should 'benefit the community'.<sup>25</sup>

While BVE holders are entitled to study, they must meet the required expenses themselves.<sup>26</sup> For BVE holders who are eligible to pursue studies at TAFE or a university, this means they would need to pay international or full student fees.

BVE holders are not entitled to access ESL classes offered under HSS for permanent visa holders. They are entitled to access a six week abridged version of these classes, usually conducted for two to three hours, three days per week. Other English classes that can be accessed depend on where an asylum seeker may be living, their knowledge and capacity to participate in what is offered by service providers and community groups in that area, and the transport costs of getting to classes. Such courses are generally only conducted for short periods of time such as a few hours each week or several hours a day over three or four weeks.

Children who hold BVEs are entitled to attend school. As at November 2013, all state Governments except for Western Australia have agreed to admit children holding BVEs into their public education system.<sup>27</sup>

While BVE holders in Victoria and the Australian Capital Territory can access concession fares for public transport, those in other states and territories cannot.

In the first six weeks in the community, BVE holders who arrived after 13 August 2012, if referred by DIBP, are entitled to support funded by the Department under the TS-CAS program. This includes:

- Basic living allowance (equivalent to 89 per cent of the Centrelink Special Benefit).
- Accommodation for up to 6 weeks (but accommodation contribution payable to DIBP is \$85 per week).
- Assistance to find other accommodation (BVE holders may choose where they live within Australia but must regularly report to DIBP).
- Orientation to the community.

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<sup>24</sup> Melbourne Institute of Applied Economic and Social Research *Poverty Lines: Australia June Quarter 2013*, available: <http://melbourneinstitute.com/downloads/publications/Poverty%20Lines/Poverty-lines-Australia-June2013.pdf>

<sup>25</sup> DIBP *Summary of what Asylum Seekers Arriving by Boat Without a Visa May Access under Community Support Programs*, August 2013.

<sup>26</sup> Ibid.

<sup>27</sup> DIBP *Community Programmes Service Providers' Newsletter #8 November 2013*, p. 4.

- Assistance to open a bank account.
- Access to Medicare and assistance to access physical and mental health care and pharmaceuticals approved by DIBP.<sup>28</sup>

After the six-week transition period, unless a BVE holder is assessed as requiring additional assistance by DIBP, the support received is reduced. If referred, support after the transition period is provided under the ASAS program and includes:

- Basic living allowance (equivalent to 89 per cent of the Centrelink Special Benefit).
- Rent assistance (equivalent to 89 per cent of Centrelink Rent Assistance) where eligible and access to rental and bond loans.
- Access to Medicare and some assistance to access physical and mental health care.<sup>29</sup>

For BVE holders who are assessed as being vulnerable and requiring additional assistance, the capacity for further support is theoretically available. According to DIBP these assessments are based on the individual's immigration status, their ability to 'access adequate support in the community', and their specific needs and vulnerabilities.<sup>30</sup> This assistance is provided through the CAS-Ongoing stream and includes the ASAS support as well as the following:

- Organisation of access to health and welfare services.
- Assistance with securing accommodation.
- Complex case work support.
- Additional DIBP case management.<sup>31</sup>

However, as at 11 December 2013, some service providers reported that over the previous two months every request to DIBP for additional assistance for asylum seekers assessed as vulnerable had been rejected. Over the past six months, requests for this assistance were reportedly rejected in around 90 per cent of cases.<sup>32</sup>

Some government funded emergency relief is available for families with children aged 16 years and under who hold BVEs when they are in a crisis or transition situation. This may be upon their release from detention or when they are required to fund their own accommodation, a child is born or commences school, or a family member is critically ill. This support comprises vouchers of a fixed value for items such as food, public transport, educational materials and infant requirements, and the provision of clothing and bedding.<sup>33</sup>

While DIBP-funded, the services of TS-CAS, CAS-Ongoing and ASAS are provided nationally by the Australian Red Cross. Other service providers include AMES in Victoria, Settlement Services International in New South Wales, Communicare in Western Australia, Access Community Services and Multicultural Development Association in Queensland and the Migrant Resource Centre of South Australia.

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<sup>28</sup> Australian Red Cross 'Community Assistance Support', available: <http://www.redcross.org.au/community-assistance-support.aspx>

<sup>29</sup> Australian Red Cross 'Asylum Seeker Assistance Scheme', available: <http://www.redcross.org.au/asylum-seeker-assistance-scheme.aspx>

<sup>30</sup> DIBP, *Fact Sheet 64 – Community Assistance Support Program*, November 2011, available: <http://www.immi.gov.au/media/fact-sheets/64community-assistance.htm>

<sup>31</sup> Ibid.

<sup>32</sup> R. Morton 'Abbott puts pressure on asylum-seekers' *The Australian*, 11 December 2013, p. 3.

<sup>33</sup> DIBP, *Guidelines for the Provision of Emergency Relief to IMA Families Released into the Community on Bridging E Visas*, 2013.

## Research Design and Methodology

The experiences of asylum seekers who arrived after 13 August 2013 and are living in the community with no right to work and limited entitlements have not been the subject of published research to date.

This research involved interviews with 29 adults – 23 men and six women – who arrived to Australia by boat after 13 August 2012 and were living in the community on a BVE without the right to work after their release from immigration detention. The ratio of the numbers of men and women interviewed is comparable to the ratio of men and women who have come by boat to Australia seeking asylum over the past few years. For example, 85 per cent of boat arrivals recorded by DIBP as requesting Australia's protection in 2012-2013 were men.<sup>34</sup>

The semi-structured, in-depth interviews were conducted by the authors of this research paper and interpreters were used when required. Each of the interviewees was first asked to describe the biggest challenges they faced living in the community on a BVE. Questions were then asked relating to activities they engaged in or wished to engage in, former employment, housing, health, claims processing, support networks, sense of belonging, and any other issues they identified as important.<sup>35</sup>

Face-to-face interviews were conducted with the participants during July-October 2013. Ten participants were interviewed in Perth, all prior to the election of the Coalition Government on 7 September 2013. Nine participants were interviewed in Sydney and ten in Melbourne, all conducted after the election. Individual interviews were conducted with fifteen participants – thirteen men and two women. Four group interviews were conducted with men who were friends. Group interviews were also conducted with the adult members of each of two families and one interview was conducted with a married couple. Two families who participated were living in the community with their children, and one woman interviewed on her own was living in the community with her child. All of the interviewees were recruited through contacts known to the authors, such as former asylum seekers and advocates working with asylum seekers in the community.

Ten of the participants were from Afghanistan, all identifying as members of the Hazara ethnic group. Seven participants were from Sri Lanka, all identifying as Tamil. The remaining twelve participants were from Iran and identified with a number of different ethnic groups. The length of time that participants had been living in the community on BVEs without the right to work ranged from two weeks to 9.5 months. All of the participants have been given pseudonyms in this paper.

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<sup>34</sup> DIBP, *Asylum Trends: 2012-2013*, November 2013, available:

[www.immi.gov.au/media/publications/statistics/immigration-update/asylum-trends-aus-2012-13.pdf](http://www.immi.gov.au/media/publications/statistics/immigration-update/asylum-trends-aus-2012-13.pdf)

<sup>35</sup> These questions were based on the United Nations High Commissioner for Refugees (UNHCR) recommended basic reception standards for asylum seekers. UNHCR *Reception Standards for Asylum Seekers in the European Union*, 2000, available: <http://www.unhcr.org/refworld/pdfid/3ae6b3440.pdf>

## KEY FINDINGS

While community-based arrangements for asylum seekers waiting for their claims to be processed are a welcome measure to limit the time spent in detention, the negative impacts of being released with no right to work and limited entitlements raise serious concerns.

When our interviewees were asked to identify the biggest challenges they faced now they were living in the community, not having the right to work was the most common answer. This also generated the most discussion out of all the concerns raised in the interviews. The financial difficulties generated by not having the right to work and only receiving minimal financial support were experienced by some interviewees as dehumanising. It was also apparent that being without this right has far-reaching implications in other areas of life. Being without the right to work creates forced unemployment. Coupled with the minimal financial support received, it is very difficult for asylum seekers in this situation to fill the waking hours of each day with activities. Even though many of those we interviewed were trying to structure their days with some of the very few activities available and affordable to them, spending waking hours with very little to do was compounding the mental distress of their other major concerns.

For many of those we interviewed, particularly after the election of the Coalition Government, one of their other major concerns was the ongoing fear and uncertainty they felt due to the continuing unresolved status of their refugee claim. Some expressed fears in relation to their expired bridging visas that had not yet been renewed as well. Many expressed fears about being forced to return to their home country. Fears were also apparent for the safety of their families and their inability to assist their families given their own precarious visa situation.

Another major concern for the interviewees was the difficulties involved in accessing housing.

Other concerns raised by some of our interviewees included access to healthcare, and access to childcare and schooling for those with children.

All of these concerns are discussed below in separate sections.

**‘How am I meant to keep my mind busy?’: no right to work**

Not having the right to work was the most cited concern of the men and women we interviewed. Not being able to participate in work and, therefore, not being able to financially support themselves and their families, was a profound issue for everyone we interviewed.

Some asylum seekers were also concerned that they were unable to study. Even though asylum seekers living in the community on a BVE are allowed to study, they must meet the costs of doing so themselves. Given the minimal financial support they receive, this effectively excludes opportunities to study. They are also denied the opportunity to participate in the 510 hours of free English classes that are offered to refugees with permanent visas through HSS. Access to short-term English classes depended on where our interviewees were living. In addition, while a number of interviewees spoke of a strong desire to undertake volunteer work to give them something to do with their time, only one person had managed to find such activities.

When our interviewees spoke of the distress that not having the right to work or study caused, it was most often related to the lack of having something to do during the day and the impact this has on mental wellbeing. Interviewees also highlighted the financial hardship generated by not being able to work, and a feeling of not being able to contribute to Australian society.

## **‘Time does not pass’: the mental distress of long days without work**

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Many of our interviewees spoke of how long the days felt given they were not allowed to work or able to access studies. They described waking up as late as possible to minimise the time they would need to be awake during the daytime. The impact of spending long days with very little to do was linked to feelings of great anxiety, sadness and fear.

Sathiyar described the experience of not being able to work while waiting for his refugee claim to be assessed as profoundly traumatic.

*In my country they truly actually torture people, kidnap and beat them up. But here in Australia they torture people mentally through the brain...We've been used as a sport or toy for political gain. So it was like a big topic during the election time. Each party using the refugee as an election campaign.*

*(Sathiyar, Sydney)*

Mohammad spoke of his experience in Australia without the right to work or study as a continuation of the persecution he had experienced in his own country.

*Sometime we are just thinking that we are...some useless parts in the world. Just our people – Hazara people...Now [the] Taliban has started special missions to kill the Hazaras...It is our mistake we were born in this world. Everywhere we will be threatened. Even when we came to Australia so there is also no mercy to look after us.*

*(Mohammad, Sydney)*

Others found the long days without much to do exacerbated their concerns for their future and their families who were still living in potentially dangerous situations.

*Feeling like a rat in a wheel. Days go by, day after day with my mind going around and round in circles...I worry too much about my family. How am I meant to keep my mind busy here if I cannot work?*

*(Ali, Sydney)*

For Criss the long days at home without the right to work felt like the experience of being held in immigration detention.

*Staying at home is like detention...Time does not pass.*

*(Criss, Melbourne)*

Some linked their anxiety and sadness around not being able to work with being denied a right that others in the community have. Omed described not being allowed to work as being denied his “humanness”.

*The biggest challenge and the biggest worry is that whenever I wake up...I kind of feel like a lot of people around me, they have some of the rights, but I still don't have that right, and that is the work right...*

*I've always felt miserable, right from the beginning, right from the time when I was born. Because in Afghanistan, even the people who are persecuting, they've always taken our rights, and even here, when I'm here, I don't really have the right to work and to just really enjoy whatever other people are doing, so that really, really worries me...*

*The thing is that if they think that all human beings are the same, why are we different? Is it our fault to be born in Afghanistan and we're here now? We came here to survive, we knock on the right door to get some help. Nobody's answering that door to us. Why are they thinking that humans are different? If we are human, we should have the same right.*

*(Omed, Melbourne)*

The importance of being able to work or study was associated with the importance of having a structure in daily life that would, in turn, mean that they would sleep better.

*We go to bed late. We wake up late and then the whole doing, being, a craziness...So there's no structure to a day because of that. So there's no need for us to get up early and do something at a certain time.*

*(Kumar, Sydney)*

*I'm so stressed and frustrated...So there is no sleep, I am suffering from insomnia at this stage. I just go to bed at around three, four o'clock and get up at 10 o'clock in the morning. I just stay at home. I don't go anywhere.*

*(Mohammad Zaman, Melbourne)*

The inability to work was a major concern for everyone interviewed. Having to spend every day without the opportunity to engage in work exacerbated the ongoing fear and uncertainty expressed by most of our interviewees regarding their refugee claims (see next section). It also heightened the intense worries expressed by those who had left their families behind in their attempt to seek asylum.

This was particularly so for those we interviewed who had been living in the community without the right to work for many months. Mohammad Zaman in Melbourne had been living in Australia in this situation for 9.5 months and was visibly distraught about living without the right to work and with ongoing uncertainty for so long. Similarly, Naweed had been living in the community on a BVE for more than eight months and feared for his mental health should his situation not change.

*There is no brightness for the future and, you know, after three years, after four years when I be like that here, everything will be removed from my mind.*

*(Naweed, Melbourne)*



## 'I feel like a beggar': living with minimal financial support

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Many of those we interviewed talked about how difficult it was to survive without having the right to work and receiving a minimal fortnightly payment from the government. After meeting the costs of rent, household bills, food and phone cards out of the financial assistance received (89 per cent of the Centrelink payment), there is very little, if any, money left. Being forced to rely on government hand-outs was expressed by some as an undignified existence.

*I don't have the right to work and the income that I'm receiving...I can hardly manage that.*

*(Mohammad Zaman, Melbourne)*

*I feel like kind of cheap when getting money, I feel like a beggar. But what I understand is if I had the right to work, I could work, and this money that they were giving to us, they could just spend that on a lot of other areas which is necessary and vital.*

*(Omed, Melbourne)*

Our interviewees particularly mentioned how they often could not afford to go anywhere other than by walking given the costs of public transport. This included those living in Victoria where BVE holders can access concession fares. Public transport costs added a further barrier to accessing activities and services for those we interviewed, and often meant that they would stay at home, socially isolated from the broader community.

*Most of the time it's like we are in a cage.*

*(Criss, Melbourne)*

For some, the financial hardships of living in the community without the right to work made them now feel like they would rather be back in immigration detention.

*Our budget is so limited that, for example, if I ever have to buy chicken I make it so small pieces like, you know, an ant that can eat, and I feel personally that perhaps living in the [detention] camp was much better until I get my visa.*

*(Riaz, Perth)*

Jaweed spoke about how excited he had been to leave the detention centre but soon realised how difficult it was to live in the community with such minimal support.

*The money that I get here it just keeps you half alive half dead.*

*(Jaweed, Perth)*

Those living in the community with children were very anxious about not being able to provide them with basic necessities such as adequate housing and clothing.

*Most of the time we try not to get out of the house so that we won't spend much. So if we go to the shopping centre or if we want to do our shopping, we never take our kids with us because they will ask for things that we won't be able to buy for them.*

*(Aimad, Melbourne)*

Others stressed that not being able to work and help financially support family members in their home country was adding to their anguish.

*At the moment, we are safe, but we can't do anything...we are the responsibility for our family, right? It's a big struggle...we only came here to seek safety. I didn't come here [because of] work, but when our families not looking after themselves or having three meals, that also upset us that we be in a situation that we can't help them as well.*

*(Raja, Sydney)*

Several interviewees were worried that not having the right to work, and receiving so little financial support, would lead to some asylum seekers engaging in illegal, exploitative and potentially dangerous work. As Supan explained, this was considered understandable as people would have to do 'what they need to do to survive'.

## **‘I think the Australians think I am lazy’: no opportunity to contribute to Australia**

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Having the right to work was also linked to being able to contribute to the Australian society and economy. Ali was acutely worried about how Australians perceived him and other asylum seekers given they were not working.

*I think the Australians think I am lazy, the refugees are lazy. We are not. We are not allowed to work.*

*(Ali, Sydney)*

While some of our interviewees mentioned they had not had negative experiences with other people in the Australian community, two people we interviewed had felt disrespected by some they had met once it became clear they were bridging visa holders who were not allowed to work. Naweed described one of his experiences of being treated as if he is not human.

*Once in a train, when I went to the city, inside of train a person came and sat behind me. When he starts a conversation, when he asking about my situation and I tell them the truth on that he stopped really the conversation. After a minute – five or six minute – he change his chair. He stood up and he going somewhere else and find another chair and sat over there. That time I really did feel sad and I feel that here also the people look at me as not a human. When I got off the train I never know where I should go, because of that happening, because of that situation, because of what that person did with me.*

*(Naweed, Melbourne)*

Similarly, Shahram was aware, through reading Australian newspapers, about the sentiments of some who did not want asylum seekers arriving by boat to remain in Australia. From his reading, he described how the policy of not allowing asylum seekers to work had made him feel unwelcome and unwanted by the Australian government and community.

*If they wanted us in Australia they would not make us live with nothing. They would want us to start our lives.*

*(Shahram, Sydney)*

It was striking how important it was to many of our interviewees that they be given the opportunity to contribute to Australia. For some, this opportunity was necessary in order to feel they belong in Australia. Others expressed this in terms of the importance of being independent and not reliant on scarce government funding.

*Because we're not working we don't pay taxes, we feel that we are not – we don't belong here because we can't contribute to this country. When we work and when we pay our taxes then we feel we are a member but for the time being we think that we can't be a part and we always think that we are a burden for Australia.*

*(Mina, Perth)*

*Allowing us to study would help us with the future opportunities for us. Also allowing us to work in the country the economy will grow...If we end up working we can look after ourselves and we don't have to depend on the government funding...From my background or culture, most of the people, they don't depend on other people. They tend to have the education and they look after themselves, which again here mentally affect us.*

*(Sathiyam, Sydney)*

Kumar highlighted that not allowing asylum seekers in his situation to work could be preventing Australia from benefiting from employment skills and experience. He also expressed his concern that through not being allowed to work, his skills and the skills of other asylum seekers were disappearing.

*There's a lot of skilled or educated people there. The people – the government – should make use of that...Because the government not making use of them, their skills are being destroyed. They're all fading away.*

*(Kumar, Sydney)*

Most of our interviewees had employment and/or higher education study experience prior to arriving in Australia. Former employment included in the fields of teaching, information technology, engineering, psychology, finance, sales, carpentry and plumbing. Some had commenced or completed studies in accounting, architecture, computer science, management, marketing and biology. All expressed their strong desire to commence work, if not in their own field then in any employment.

Some expressed their strong desire to participate in studies as well. Two of our interviewees had already been accepted into university courses but reported they were told by the university they could not enroll given their visa status. Sahil, who was in his mid-twenties, spoke of his desire to study so he could start planning his future and re-building his life. He felt that the ideal years when he should have been studying were wasted due to the conflict in his home country, and now living in Australia he felt his life was further on hold.

## 'I try to fight with life': coping without the right to work

Most of those we interviewed were trying to cope with the great barriers placed on their lives in the community by trying to structure each day and week with some activities. Some were participating in free courses offered by local agencies or community groups, including short-term English classes, although they highlighted that such courses were usually too short to be effective.

*There is some basic study like if someone's got problem with their language...but three weeks English I think it's not helping the people.*

*(Mohammad, Sydney)*



For those without families who they were trying to financially support as much as possible, some had found gyms with cheap membership deals to try to keep physically active. Others were visiting their local public library on a daily basis to read materials in their own language, attend any free classes, and to be around other community members.

*Just normally, we just get up, come to the library, and we will pass the whole day at the library. We looked for some classes. If there were classes, then we'll go to classes. If not then we'll just go home – we'll just go back home.*

*(Hussain Ali, Melbourne)*

Another of our interviewees spoke of her attempt to cope with her situation by learning about the political situation in Australia.

*I try to think that here is my home. I try to adapt and I try to know more about everything that is happening around me...Before election campaign I follow everything by newspaper.*

*(Bahar, Sydney)*

Two of our interviewees were participating in a free community course on trade skills that was run two mornings each week over six months. A refugee advocate had discovered the course and facilitated Mostafa and Hussain's access. Both remarked on the benefits for their mental health in having the opportunity to do so.

*This is much better than having nothing to do, and helps us to improve our English, and learn the course as well.*

*(Mostafa, Perth)*

Only one of our interviewees, Rathan, was engaging in volunteer activities, helping with gardening as part of a community volunteer program. This activity was facilitated by the Australian Red Cross. Rathan described how important it was to him to at least be 'doing something' even if it was only for several hours each week. He also spoke how volunteering enabled him to interact with members of the wider community.

*Every Saturday I go and volunteer...I would feel better seeing people there and at least doing something, spending some time, rather than being in this house, look at the same people, same faces, I would feel better.*

*(Rathan, Perth)*

Others spoke of their efforts to find volunteer activities but had not been able to secure anything. Bahar had previously taught English to people and tried to find volunteer opportunities to do the same. She particularly wanted to engage in volunteer work so she could contribute to Australian society and learn more about Australian culture.

*There is an organisation here in Sydney...I called them and I said I want to do voluntary job for you, I am able to teach. They take my number but no one called me...My caseworker,...she sent me some websites but I search and for once I sent them email, but again, no one, no one called.*

*(Bahar, Sydney)*

Omed talked about how he had tried to set up English classes for others in his situation until he realised the barriers to doing so.

*I do want to deliver a free English class...but the thing was financially we were not in a very good state, as the printing, the advertising and stuff, we couldn't accomplish that, so that just fell apart... after a couple of weeks [we] realised that people were not feeling, like mentally they were not in a good status to come and attend the classes.*

*(Omed, Melbourne)*

Subhan told us of his years of experience teaching young people in his own country and his frustration at not having the opportunity to do so in Australia.

*Here is a place that I can't even teach a fly.*

*(Subhan, Perth)*

Some of our interviewees found important emotional support in others who were either from their own ethnic community or in their situation. The men and women from the three families we interviewed all talked of the importance of their frequent contact with other refugee families of the same ethnicity. All of these families also spoke of the great importance of the support they had received from refugee advocates.

Despite the efforts of many we interviewed to cope with long days without being able to work or study, the mental stress of their situation was clearly evident. Bahar tried to maintain a hopeful attitude to her life.

*I was in Christmas Island, after that I have lots of nightmare. But I try to make myself very tired, exhausted when I go to sleep...I'm so disappointed about some things but I says whenever I get up in the morning I say that today is any other day and I thank God that today I'm healthy and I can breathe. I try to fight with life, you know.*

*(Bahar, Sydney)*

## Discussion

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Our interviewees highlight that living without the right to work and spending long days with very little to do both contributes to and exacerbates feelings of great anxiety, sadness and fear. This suggests that granting the right to work would be an important step forward in alleviating these mental health impacts. This is supported by other research that highlights that paid employment is profoundly important for mental health, self-esteem and self-worth.<sup>36</sup> Similarly, paid work has been found to be a vital coping mechanism for asylum seekers who have experienced the trauma of fleeing their own countries, the difficult and dangerous journeys to find refuge, and the distress of being apart from their families.<sup>37</sup>

The financial difficulties generated by not having the right to work and only receiving minimal financial support was experienced by some of our interviewees as dehumanising. As found in other research, denying the right to work to asylum seeker fosters a life of poverty and despair.<sup>38</sup> Granting the right to work would at least give asylum seekers the opportunity to take steps to move beyond living below the poverty line, and significantly minimise the ongoing cost to the Australian Government of supporting some 27,000 people in this situation.

Policies that create long-term destitution have also been found to be associated with difficulties in asylum seekers accepting the outcome of their refugee application if their claims are unsuccessful and they are required to return to their countries of origin.<sup>39</sup> Granting the right to work may thus help to reduce difficulties in accepting negative outcomes.

A number of interviewees were also concerned that their job-related skills would fade due to being denied the right to work. Previous research has found such de-skilling to be a major factor leading to unemployment for

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<sup>36</sup> Fleay et al. (2013) 'Refugees and asylum seekers living in the Australian community'.

<sup>37</sup> Da Lomba (2010) 'Legal status and refugee integration'; Taylor (2000) 'Do on-shore asylum seekers have economic and social rights?'

<sup>38</sup> Asylum Seeker Resource Centre (2010) *Destitute and uncertain: The reality of seeking asylum in Australia*, October 2010, available: <http://www.asrc.org.au/media/documents/asrc-welfare-paper.pdf>

<sup>39</sup> Bloch and Schuster (2002) 'Asylum and welfare'; Sampson et al. (2011) 'There are alternatives'.

refugees upon exile.<sup>40</sup> This indicates that granting the right to work would enable asylum seekers to not only be financially independent, but to maintain and develop their job-related skills and contribute to the Australian economy.

Social isolation was described as another significant concern as a result of not being allowed to work or access studies. As found in previous research, a lack of access to work and study can inhibit the capacity of asylum seekers to develop social connections with the broader community.<sup>41</sup> Similarly, little or no language tuition can hinder the development of English language skills that are vital to securing employment opportunities in Australia.<sup>42</sup> Thus, granting the right to work and providing pathways for study, including English language lessons, would enable asylum seekers to better integrate into Australian society.

It is important to highlight that the right to work is outlined in a range of international human rights instruments that Australia has ratified, including the United Nations Convention Relating to the Status of Refugees and the International Covenant on Economic, Social and Cultural Rights. As argued by Mathew, 'there are strong legal arguments for permitting asylum seekers access to the employment market immediately, and they must certainly have access if asylum procedures are prolonged'.<sup>43</sup> Given that none of the refugee claims of the interviewees had been finalised and most had no idea of when processing would commence, granting the right to work appears particularly pertinent.

It is also pertinent to note again that given the great majority of refugee claims of boat arrivals processed over the past few years received positive decisions, it is likely that a significant proportion of the 27,000 asylum seekers currently living in the community without the right to work will also be found to be refugees. With this in mind, we make the following recommendations.

## Recommendations

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- 1. Grant BVEs with the right to work to asylum seekers released from immigration detention into the community. For those unable to cope with finding and maintaining employment, provide ongoing assistance through ASAS or CAS-Ongoing.**
- 2. Provide Federal and State Government funded pathways into education for asylum seekers living in the community, including subsidised TAFE and university places.**
- 3. Grant access to the ESL classes currently available under HSS to asylum seekers living in the community.**
- 4. Consistent with Victoria and the Australian Capital Territory, other states and territories should offer asylum seekers living in the community access to concession cards and fares for public transport.**

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<sup>40</sup> G. Hugo (2011) *A Significant Contribution: Economic, Social and Civic Contributions of First and Second Generation Humanitarian Entrants*, available: [http://www.immi.gov.au/media/publications/research/\\_pdf/economic-social-civic-contributions-booklet2011.pdf](http://www.immi.gov.au/media/publications/research/_pdf/economic-social-civic-contributions-booklet2011.pdf)

<sup>41</sup> Da Lomba (2010) 'Legal status and refugee integration'.

<sup>42</sup> P. Waxman (2001) 'The Economic Adjustment of Recently Arrived Bosnian, Afghan and Iraqi Refugees in Sydney, Australia', *International Migration Review* 35(2): 472–505.

<sup>43</sup> P. Mathew (2012) *Reworking the Relationship between Asylum and Employment*, Oxford, Routledge.



**‘Being in limbo is a huge concern for us’: fear and uncertainty about the future**



Fear and uncertainty about the future was another major concern expressed by the men and women we interviewed. Many were worried about the delays in the processing of their refugee claims and the indeterminate nature of their visa status. Many also feared being forced to return to their home country and were desperately concerned about their family members and loved ones still in dangerous conditions or in offshore processing centres. The accumulation of these issues was a source of significant mental distress.

A number of government policies were relevant to the interviewees' feelings of fear and uncertainty. First, some were living in the community without valid bridging visas or with bridging visas that were close to expiring, and had no idea when their visas would be renewed by DIBP. Second, none of the refugee claims of the interviewees had been finalised and most had received no indication of when processing would commence. Finally, all of the Tamil interviewees were acutely aware of the “enhanced screening” process that resulted in 1,056 asylum seekers being involuntarily returned to Sri Lanka between October 2012 and October 2013. As such, fear of being forced to return to Sri Lanka was particularly salient for these interviewees.

## ‘We’re always worrying about it and scared’: processing delays and the fear of being forced to return

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Most of our interviewees described how fearful and unsafe they felt living in the Australian community. Importantly, those interviewed after the September 2013 federal election expressed specific fears about the newly elected Coalition government and Prime Minister Tony Abbott’s negative attitude towards asylum seekers who arrived by boat. Some spoke of their deep fear that the Government may start forcibly returning asylum seekers to their home country.

*Since Tony Abbott...has been the Prime Minister, we have been hearing rumours that he does not like refugees and maybe he will be sending refugees back to their countries.*

*(Aimad, Melbourne)*

A number of our interviewees expressed concerns that the Australian government did not appreciate or take seriously enough the unsafe conditions in their home country that they had fled. Naweed described what would be the dire consequences of returning people to his country.

*If you're deported back to Afghanistan, you're going to be die over there...it's not humane.*

*(Naweed, Melbourne)*

Another issue causing fear for many was that they did not have any visa documentation that allowed them to stay permanently in Australia. The indeterminate nature of their visa status, coupled with the lack of clarity about when refugee processing would commence, made many feel extremely unsafe and at risk of being forced to return to their home country.

*I would like to thank the Australian people for supporting us...I wish we could, and I wish I would return that in a day, but the only request I have from the Tony Abbott Government is just not to bother and torture us more than this and grant us visa so we can just go and just see our families, see our kids.*

*(Mohammad Zaman, Melbourne)*

It was striking that each of our Tamil interviewees conveyed very specific fears about the Australian Government returning them to Sri Lanka. Many spoke of knowing individuals subjected to the “enhanced screening” process who had been “screened out” and subsequently returned to Sri Lanka. Some recounted stories of people they knew who had been arbitrarily detained or tortured upon their return. These accounts had made them particularly distrustful of the Australian Government.

*I don't know if I can trust [the Australian Government] anymore because of the people being sent back being tortured on based on what they said here.*

*(Kumar, Sydney)*

The perceived threat of forced removal to Sri Lanka was clearly a terrifying experience. Sathiyam described how hearing stories of the forcible return of fellow Tamils had negatively affected his mental health and his ability to communicate with others.

*When I see someone - when they say hi to me - I don't even realise that they're saying hi to me because we always worry about what will happen next and not sure about what's happening... [If] someone has been called [by] immigration we're not sure what's going to happen to them.*

*(Sathiyam, Sydney)*

Some of our Tamil interviewees highlighted concerns of being sent to an offshore processing centre. Others described how the lack of certainty about their future and fear of being forcibly removed from Australia had left them feeling extremely unsafe and vulnerable. Sathiyam described how he would rather die than be returned to Sri Lanka.

*We're worried all the time about what will happen. Some people have been sent to offshore processing and some people have been sent back [to Sri Lanka]. We always worrying about it and scared.*

*(Kumar, Sydney)*

*Since we don't know what's going to happen we don't have any hope, all we want is a peaceful life. We know how dangerous it is to travel in the sea...In case immigration want to deport me or deport us we are happy to write a note to them telling I give me permission to inject me with poison so I could die when I arrive in Sri Lanka, that's how we feel about deportation. I'm not joking I'm being very serious, the problem is once you're in Sri Lanka you can't apply for any sorts of visa anywhere, no one would give us a visa. If we go back to Sri Lanka that's the end for us.*

*(Sathiyam, Sydney)*

Another issue raised was that some asylum seekers' bridging visas were close to expiration or had expired, which made many of the interviewees feel even more vulnerable. Suresh described how his daily thoughts were pre-occupied with worrying about whether he and others would be granted another bridging visa and, if not, whether they may be forcibly returned.

*Because our visas are expiring, we don't know what's going to happen and we can't really concentrate on anything else, we just think about visa is going to expire, what's going to happen to us next. That's taking all our energy and time.*

*(Suresh, Perth)*

A number of interviewees expressed concerns about the lack of clarity regarding the refugee claim process, and whether they would eventually be granted protection.

Mohammad described how this lack of clarity had made him feel sick with worry, despite his attempts to try to forget about it.

*The hardest challenge...with this bridging [visa] is having no time when we can get it the next one. When will get lawyer, when will be court - yeah this stuff - we don't know when it will happen. But I just decided to forget about that - don't think. If you think - the more you think the more I get sick. Yeah. Better to just say forget it. But it's still in my heart. You cannot forget it totally.*

*(Mohammad, Sydney)*

Only one of the 29 asylum seekers we interviewed had been contacted by DIBP regarding his refugee claim. Mohammad Zaman had been living in the community for 9.5 months – longer than the other interviewees. He had received assistance from a migration agent to prepare his statement before the election of the Coalition Government. None of the other interviewees had received any contact from DIBP about when their claims process may commence.

### **‘We don’t know what’s happening to us’: uncertainty about the future**

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The length of time waiting in uncertainty meant that many of the men and women were in a vulnerable mental state. They felt utterly powerless to direct their future and trapped in a state of limbo.

*The challenges that I have struggled in my life I can't even speak about it. It has been so hard on me. The happiness and the joy that we had when we first landed on Christmas Island, that's fading now. That's fading, it's not the same joy and happiness that we had. Being in limbo is a huge concern for us.*

*(Mohammad Zaman, Melbourne)*

*When a child is born, wherever he or she is born, because she doesn't know what's happening, and that's her or his home, and for us, too - we're here and this is our home for now. We have hopes and dreams. But we don't know what's happening to us.*

*(Hussain, Perth)*

The constant changing of Australia’s asylum seeker policies, coupled with speculation about future policies, was experienced by many of the interviewees as extremely frustrating and worrying. This lack of clarity compounded their concerns about their future and ability to cope. As Suresh explained, he felt completely unable to plan for the future.

*The problem is we don't know how to spend the next hour, that is the problem at the moment, and where to go. We don't know how our future is going to look like, we have no clue. That's how I feel. When I left Sri Lanka we thought we may have a future in Australia, but now it's a big question mark. When we arrived they were talking about new rules, new policies and we didn't have any clue what it was.*

*(Suresh, Perth)*

In relation to their uncertain future, many of our interviewees expressed feelings of loneliness, hopelessness and powerlessness. These feelings were compounded by the lack of daily structure and opportunities to engage in different activities. Raja spoke of his constant worry about the future and thoughts of suicide.

*Because we are lonely and we don't have anyone to share our thoughts or what we're going through, especially the people who are surrounded with me or around me having the same problem or similar problem, and because things not solving back in the country as well and if I hear something that...will upset me or will that put more pressure on me and then sometime I even think about suicide and things. That's how the thoughts are at the moment, because we don't have anything to distract ourselves rather than just sitting at one place and keep going.*

*(Raja, Sydney)*

### **‘Please help us bring our families to safety’: fear for loved ones**

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Another significant concern expressed by our interviewees was the fear they held for their family members and loved ones living in dangerous situations overseas and in offshore processing centres, and about when, or if, they would be able to bring them to safety. As described by Ali, these thoughts were compounded by the lack of clarity around when their refugee claims would be processed and, if refugee status is granted, whether their visa would allow for family reunion.

*We are not bad people, we need help. We have families who need safety and we are stuck here with nothing to do. And no future. Please help us bring our families to safety.*

*(Ali, Sydney)*

Indeed, for some there was a sense that they may not see their families for a very long time. For Hussain Ali, the fears arising from an ongoing worry for loved ones further exacerbated his stressful existence.

*Give us an opportunity to live here and support our family and our kids...back in [Quetta], my family does not have anybody there...they are without any work. They are there without any dependent...I'm the only person supporting my family...I was scared of the Taliban so I left my family there.*

*(Hussain Ali, Melbourne)*

## Discussion

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Our interviewees highlight the high levels of mental distress that asylum seekers living in the community without the right to work are enduring given the ongoing fear and uncertainty of their refugee status. As found in other research, security, safety and certainty are important factors for the mental health and well-being of asylum seekers.<sup>44</sup> The fears evident for many of those we interviewed around being forced to return to their country of origin, and for the safety of their loved ones remaining in dangerous situations, have similarly been associated with negative mental health impacts in other research.<sup>45</sup>

Asylum seekers who arrived after 13 August 2012 and are living in the community without the right to work need their refugee status to be considered as soon as possible, in a system that is characterised by fairness and integrity.

## Recommendations

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- 5. Process refugee claims in a timely, efficient and consistent manner through a credible process that includes independent review. For those found to be refugees, grant permanent protection visas.**
- 6. Provide asylum seekers with funded migration advice and assistance in order to prepare their protection applications and any review.**
- 7. Ensure expired BVEs are renewed without delay.**

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<sup>44</sup> Spike et al (2011) 'Access to primary health care services'; Steel et al (2011) 'Two year psychosocial and mental health outcomes'.

<sup>45</sup> Spike et al (2011) 'Access to primary health care services'; D. Milosevic, I. Cheng and M. Smith (2012) 'The NSW Refugee Health Service: Improving refugee access to primary care' *Australian Family Physician* 41(3): 147-9; V. Johnston (2009) 'Australian asylum policies: have they violated the right to health of asylum seekers?' *Australian & New Zealand Journal of Public Health* 33(1): 40-6.

## Access to Housing



The ability to access adequate housing was another significant area of concern for our interviewees. This included difficulties in affording and securing housing in the private rental market.

When asylum seekers are released from the community onto a BVE they are given accommodation for 4-6 weeks. This is sourced by their service provider with rent payable to DIBP of \$85 per week. The transition accommodation for those we interviewed included hostels, motels, houses and apartments. After the six-week transition period a BVE holder must secure accommodation through the private rental market. For most of those we interviewed, informal social networks (friends and refugee advocates) were instrumental in helping them finding housing. While this highlights the importance of social support networks, it also raises serious concerns about the ability of other BVE holders to access housing after the initial six-week period if they do not have such networks.

The most pressing concern expressed by our interviewees was being able to afford weekly rental payments. This was compounded by the lack of availability and affordability of housing in many parts of Australia, particularly the major cities. For all of the men and women we interviewed, a significant portion of their fortnightly payment went towards paying their rent, and whatever money was left was used to buy food and other basic necessities. In some instances there was insufficient money for necessities such as food. Many of our interviewees were forced to share bedrooms with others and some had lived in houses with in excess of seven individuals.

*The biggest challenge that we faced was housing and because the money that we get it's not enough to buy food and pay for the rent. So we had to get just one room and 10 people are living in this flat, this house.*

*(Mina, Perth)*

All of the men we interviewed who were either single or without their partners in Australia, were living in shared and often crowded accommodation with other men. However, women on their own, married couples and families faced additional barriers in finding suitable accommodation. Bahar in Sydney described how uncomfortable she and her husband felt at the prospect of having to share accommodation with single men.

Through the help of her case worker, they managed to rent an apartment with another couple but this cost was significantly higher than had they rented in shared accommodation with more people. The families interviewed faced similar issues when finding accommodation.

Rent assistance (equivalent to 89 per cent of Centrelink Rent Assistance) is available to those eligible and there is access to rental and bond loans through ASAS. A couple, Ashkam and Mina, highlighted how useful their service provider had been in helping them with the additional costs of renting.

*Communicare, when we wanted to get this house because we didn't have any money, paid four weeks deposit that they ask for plus the first two weeks of rent and they said we'd get that money from Immigration.*

*(Ashkam, Perth)*

*Then [Communicare] deduct \$50 per week from what they offered us which is good. Also they gave us some money to live when we arrived here and they said \$20, they also did deduct per week for the money that they give to us to survive here.*

*(Mina, Perth)*

A number of our interviewees described how they had stayed temporarily in friends' houses on couches and on the floor while they were trying to source more stable accommodation. Even more concerning was Riaz's account of being homeless for one week when he was forced to live in his brother's car.

*For a week I slept in a car...[My brother said] I can't find you any place so I lend my car then you can sleep in my car.*

*(Riaz, Perth)*

While Riaz eventually found accommodation through a friend, at the time of the interview he was paying in excess of \$200 a week to share a small room with another man in a three-bedroom house. There were six people living in the house. This highlights that asylum seekers living in the community without work rights are at risk of exploitation from landlords, and also how little money is left for other necessities after paying rent.

Many of the asylum seekers we interviewed had moved houses a number of times, some up to six times, which was a source of distress. This movement was due to a combination of factors, including only being able to secure short-term leases and interpersonal tensions involved in staying in overcrowded housing. Riaz described how unhappy he was living in his fourth house in Australia.

*Because we don't have any visa nobody gives us the house...so this is the fourth house that I live. The last three ones I stayed between one and two months. They were given to me from a friend...but after one and a half or two months they said you have to leave the house. So, so far this is the fourth house that I am desperate to move out.*

*(Riaz, Perth)*

Other barriers to accessing stable housing highlighted by the interviewees included not having enough money to pay for rental bonds, no Australian referees, no permanent visa or proof of income from a job.



*Challenge for us is getting accommodation here. Because wherever you go, they're going to ask for a referee, they're going to ask for your previous landlord's number and it's pretty hard for us. That money that we're receiving, if we live seven to eight people in a house, that might be enough for us, but if we live three or four people in a house, it's just going to be very hard for us to manage the financial part. Right now, we three are living in a house and we are paying \$1300 per month, which is very hard for us.*

*(Mohammad Zaman, Melbourne)*

Finally, a number of our interviewees described living in very poor living conditions. Aimad and his family described their experience living in sub-standard conditions as humiliating. When they had first moved to this house, it was without electricity and heating in the Melbourne winter. They relied on a refugee advocate to organise beds and heating for them.

*Well I spoke to one of my friends who speaks Arabic and I told him that I need a house so they gave us this house which is really old, no heating. It's really cold the kitchen is terrible, we found even rats in there and mice. When I tell them and complain about the house they just don't listen.*

*(Aimad, Melbourne)*

## Discussion

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The ability to access adequate housing was a significant area of concern for our interviewees. This included difficulties of affording and securing housing in the private rental market. The implications of all the difficulties raised by those we interviewed are reinforced by previous research that has found that refugees and asylum seekers are at higher risk of homelessness than those Australian born due to such barriers to securing housing.<sup>46</sup> Other research also reinforces the distress that some of the interviewees highlighted in relation to frequently moving between accommodations.<sup>47</sup> There is a need to provide additional housing assistance support to asylum seekers on BVEs, in addition to granting them the right to work so that they have a greater capacity to be able to afford adequate housing.

## Recommendation

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- 8. Increase the period that housing is offered through TS-CAS from six weeks to up to one year, in line with support offered through HSS. For those particularly vulnerable, a housing safety net, such as the provision of rental subsidies and assistance, beyond this period should also be provided.**

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<sup>46</sup> J. Forrest, K. Hermes, R. Johnson and M. Poulsen (2012) 'The Housing Resettlement Experience of Refugee Immigrants to Australia', *Journal of Refugee Studies* 26(20): 187-206; F. Fozdar and L. Hartley (2013) 'Refugee resettlement in Australia: What we know and need to know', *Refuge Survey Quarterly*, doi: 10.1093/rsq/hdt009; N. Liddy, S. Sanders and C. Coleman (2010) *Australia's Hidden Homeless: Community-based options for asylum homelessness*, Hotham Mission Asylum Seeker Project, Melbourne, available <http://hothammission.org.au/wp-content/uploads/2011/10/Hotham-ASP-Report-Australias-Hidden-Homelessness.pdf>

<sup>47</sup> Steel et al (2011) 'Two year psychosocial and mental health outcomes'.

## Access to Healthcare

Those we interviewed reported a range of experiences with accessing healthcare services while living in the community. As at the time of their interview, some had already needed access to healthcare professionals while others had not. For those who had required healthcare services, some had been assisted to do so and received the appropriate care and support. However, others reported that they had not been able to access the healthcare they needed.

When granted a BVE, asylum seekers are entitled to receive a Medicare card that gives them access to healthcare services through this system. They are also entitled to assistance from their case worker to access healthcare services. Such assistance is particularly important where there are English language barriers and a lack of knowledge about where and how to find such services. For BVE holders requiring specialist medical attention that is beyond what is covered under Medicare, it is up to the discretion of the case worker and DIBP case manager to approve the extra funding that such access requires. In addition, for some asylum seekers living in the community, the expiry date of their Medicare card was the same as the expiry date of their BVE. This means that if there is a delay in renewing a BVE, there is no access to the Medicare system. In this situation, BVE holders are reliant on their case worker and DIBP to meet the costs of their healthcare.

Some of our interviewees mentioned they had received helpful assistance from their case worker to access the healthcare services they needed, or anticipated they would receive this assistance should they need it in the future.

*I have some old internal wounds, from beatings I received...as soon as I was released into community I spoke to Red Cross about it, and they were very helpful, my case worker was very helpful.*

*(Rathan, Perth)*

Others had received support from either a friend or an advocate to visit a medical doctor. Several said that there was a doctor near where they were living who spoke their language and were reassured by that for when they may need medical assistance.

*Fortunately we have Medicare here and we can visit doctor, and luckily there is an Afghan doctor near our accommodation and we can visit him.*

*(Bahar, Sydney)*

Difficulties faced by some of the others we interviewed in relation to accessing healthcare included delays in obtaining or renewing their Medicare card. Mohammad in Sydney reported that his Medicare card had expired as his BVE had not yet been renewed. Two other interviewees had not yet received a Medicare card from their case worker, including Kamal in Perth who had been living in the community for five months. While Subhan in Perth had only been living in the community for 2.5 weeks without a Medicare card, he had urgent health issues that required medical attention and his medication had finished. The authors assisted Kamal and Subhan to contact their case workers about this and Medicare cards were issued.

For some of our interviewees, there was uncertainty over who would meet the cost of their specialist healthcare needs. Riaz in Perth paid for his doctor's appointment and then was alarmed to find out from his case worker that his costs could not be reimbursed. Mohammad in Sydney needed to go to a doctor for a check-up after a serious operation but could not afford it. He reported that his case worker was willing to attempt to get the cost reimbursed to him from DIBP but was not sure this would be possible. Given he would have had to pay the doctor initially himself regardless of reimbursement, he cancelled the appointment as he was unable to meet this cost.

Kumar has a serious disability that requires treatment but was told by a hospital that he needed to have a permanent visa to be able to access this. He did not feel there was any prospect that anyone could help him with this matter, indicating that he was unaware of the support that could be offered by his case worker and DIBP regarding this issue.

Omed could not access psychological healthcare support in the area that he was living given there were a lot of others requiring the same service.

*There is a huge queue in Dandenong if you have any mental issue or psychological issue, there's a huge line. That means that there are a lot of clients waiting in the queue.*

*(Omed, Melbourne)*

Mina and Ashkam faced a financial barrier to accessing healthcare services because of the costs of transport required to get to a doctor. There was no medical practice in their area that bulk-billed concession cardholders and they could not afford the public transport cost to travel to a practice that did so.

## Discussion

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While some of our interviewees had received appropriate healthcare or felt confident they would receive it should the need arise, others experience difficulties accessing it. As found in previous research, asylum seekers may have complex healthcare needs<sup>48</sup> and, especially when there are language barriers, largely rely on service providers and the Government to secure appropriate services and medication. Continuing to allow asylum seekers to access the Medicare system, and facilitating this access as well as any further support required, would assist in this regard.

## Recommendation

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- 9. Ensure all BVE holders are issued a Medicare card without delay upon their release from immigration detention.**

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<sup>48</sup> L. Newman, N. G. Procter, and M Dudley (2013) 'Seeking asylum in Australia: immigration detention, human rights and mental health care', *Australasian Psychiatry* 21(4): 315-320.

## Access to Support for Families and Schooling

Our interviewees included three families in Melbourne who have pre-school or primary school-aged children. For the families with pre-school children, no access to childcare was available. This made it particularly difficult for Aliyah to leave her accommodation and participate in any of the few activities available to her.

The three children of one family were attending the local public primary school and their parents, Aimad and Pooran, told us that this was a positive development for both them and their children. An advocate had facilitated the children's access to schooling, as well as the clothing and bags that the children needed. However, Aimad and Pooran worried about not being able to afford what their children may need at school.

*The problem is the children with them there [at school], [they] won't understand how the other parents are living. So they will ask them: why didn't you buy this?*

*(Pooran, Melbourne)*

The experiences of the parents of all of the three families we interviewed highlight the great importance of community networks, including refugee advocates. Aliyah had relied on refugee advocates for support with accessing housing and other essentials for herself and her child. Criss and Sofia had similarly been greatly assisted by refugee advocates for their family's housing needs and items such as bedding.

It also highlights the importance of the availability of the public school system. All states and territories allow the children of families holding BVEs to access the public school system, except for Western Australia.<sup>49</sup> While BVE holders with children in this state have been able to gain access to some of the private schools, these are not always close to their accommodation. This means extra transport costs and thus a further barrier to accessing education.

## Discussion

Our interview with the parents of school-aged children highlighted their perception of the positive impact of schooling on the family. This is consistent with previous research that suggests access to schooling is essential for the well-being of children as it acts as a stabilising feature for those who have endured traumatic journeys of asylum. Access to schooling is also important as it can help to deliver literacy, which is central to educational success, social participation and successful settlement.<sup>50</sup> Our interviews with the parents of pre-school children raised the importance of family and informal networks in order for parents to participate in activities outside the home. For Aliyah, who lives with her small child without family support, access to childcare or other such support was needed.

## Recommendations

- 10. Ensure children holding BVEs have access to public education in each state and territory.**
- 11. Give BVE holders access to the same supports and entitlements as Australian citizens in relation to childcare and early childhood education in each state and territory.**

<sup>49</sup> DIBP *Community Programmes Service Providers' Newsletter #8 November 2013*, p. 4.

<sup>50</sup> J. Matthews (2008) 'Schooling and Settlement: Refugee Education in Australia', *International Studies in Sociology of Education* 18(1): 31-45.

## CONCLUSION

*The only request we have is to just consider our problems, our issues that we are struggling with.*

*(Mohammad Zaman, Melbourne)*

This research paper highlights the experiences of asylum seekers who arrived to Australia by boat since 13 August 2012 and are now living in the community without the right to work and with minimal financial support. The findings of this research echo the calls of asylum seekers and their support agencies that the denial of the right to work and provision of financial support that is well below the poverty line, coupled with ongoing uncertainty around the processing of refugee claims, is causing great hardship and distress.

Despite the efforts of many to structure their days with some activities, all of those we interviewed endure many long days with very little to do. This greatly exacerbates the fear and uncertainty surrounding their refugee claim and whether they will be returned to their country of origin, and their concerns for the safety of their families who continue to live in precarious or dangerous circumstances.

Based on the experiences of all of the interviewees, the right to work must be granted to asylum seekers who arrived since 13 August 2012 and are living in the community without the right to work. This would at least provide them with the opportunity to take steps to move beyond living below the poverty line. This would help to alleviate their mental distress and would significantly minimise the ongoing cost to the Australian Government of supporting some 27,000 people in this situation. It would also reflect that it is likely a significant proportion of these asylum seekers will be found to be refugees.

The limited financial support offered is simply inadequate to meet basic needs such as housing and food, forces many to live a life of destitution, and limits access to activities such as free English classes as well as interactions with the wider community. The denial of the right to work also contravenes a number of international human rights instruments including Article 23 of the Universal Declaration of Human Rights and articles 17, 18 and 19 of the United Nations Convention Relating to the Status of Refugees. Through the denial of such a right, Article 6 of the International Covenant on Economic, Social and Cultural Rights is also disregarded.<sup>51</sup>

In addition, our interviewees ask that their refugee claims be considered without delay. For those found to be refugees, permanent protection must be granted. This would similarly help to alleviate their mental distress and facilitate an end to the uncertainty they continue to endure.

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<sup>51</sup> University of Michigan Law School (2010) *The Michigan Guidelines on the Right to Work*, available: <http://www.unhcr.org/refworld/docid/4bbaf1242.html>

## APPENDIX – LIST OF ABBREVIATIONS

ASAS	Asylum Seekers Assistance Scheme
BVE	Bridging Visa E
CAS	Community Assistance Support
DIBP	Department of Immigration and Border Protection
ESL	English as a Second Language
HSS	Humanitarian Settlement Services
IAAAS	Immigration Advice and Application Assistance Scheme
TS-CAS	Transitional Support Stream of Community Assistance Support



