The legacy of Australia's treatment of onshore asylum seekers

Fethi Mansouri [1]
Deakin University

The Australian government's response to the 'unlawful' arrival of asylum seekers has been characterised by a host of draconian measures - most notably mandatory detention and a punitive 'temporary protection visa' with severely limited access to settlement services. This hard stance was seen as important in stemming the tide of 'illegal' asylum seekers - most of whom seek protection in Australia from their war-torn countries in the Middle East. However, the government's own statistics suggest that this strategy is not working, as the number of asylum seekers has not decreased since these tough measures were adopted in October 1999. Moreover, as this study [2] argues, the restricted access to social services and income support imposed on TPV holders is causing significant economic hardships and unnecessarily traumatic settlement experiences. Many non-government agencies (most notably community organizations and ethnic associations) are left with the daunting challenge of meeting both practical and special needs of traumatized refugees.

1. INTRODUCTION

The use of boats to bring people fleeing persecution to our shores is not a recent phenomenon. It began in 1975 with Vietnamese and Cambodian asylum seekers and continued throughout the 1980s. In 1990 there was a large influx of 'boat people' who came from China and in 2000 people began arriving from Iraq and Afghanistan. The principal change in the past three decades has been the countries people have come from, not the transport means by which they arrive. The growing number of internally displaced persons and asylum seekers poses many challenges to all concerned. The situation requires a principled approach within a global structure created by the international community and led by the United Nations High Commissioner for Refugees (UNHCR) rather than unilateral reactionary approaches such as that taken by Australia in the face of a perceived 'crisis'.

Australia's main response to the 'boat people' was the introduction of 'deterrence measures' such as the Temporary Protection Visa (TPV) which has represented a step backward in the search for durable and suitable solutions to the refugee issue. The publicised aim of the TPV policy was not to meet the challenges of providing refugee protection to those most in need, but rather to "deter" more "unauthorised" people from entering Australia, particularly 'the boat people' or asylum-seekers who in recent years were largely from Iraq and Afghanistan. TPV were originally granted for three years after which TPV holders would be eligible to apply for a Permanent Protection Visa (PPV). The results of the first applications, due to be reviewed in March/April 2002, were not available at the time of writing this report. However, this protection regime was further undermined by recent Migration Amendments passed in
September 2001 under the vague umbrella of 'Border Protection', which will practically eliminate the chances of TPV holders gaining permanent protection status in Australia. By introducing the permanent TPV policy, the government had in effect created a discriminatory two-tier system of protection visas. This discrimination can be illustrated by noting the essential settlement services, available to PPV holders, from which TPV holders are excluded:

- The right to sponsor their families to Australia
- The right to travel outside Australia and return on the same visa.
- Access to settlement services funded by the Federal Government.
- Access to the mainstream welfare system for pensions or New Start Allowance.
- Access to the 510 hours free English Language classes offered by the Adult Multicultural Education program (AMEP).
- Federally funded government tertiary education in public universities.
- Government employment training programs.

These recent changes contrast with Australia's long history of accommodating and settling refugees going back to the end of the World War Two. Australia has since provided a new life for more than 600,000 people from around the world (Australian Refugee Council, 2000) through its Refugees and Special Humanitarian Programs. It is worth noting here that the majority of these 600,000 refugees were processed offshore. The offshore component of the Humanitarian Program resettles refugees already processed by UNHCR regional offices and are, therefore, declared Convention Refugees. The on-shore component of the Humanitarian program allows people in Australia to seek recognition of their claims in accordance with the Convention's guidelines (Department of Immigration and Multicultural Affairs [DIMIA]'s Humanitarian Program Outcomes, 2001). In fact, it is towards on-shore applicants and in particular the so-called 'boat people' that Australia's attitude and policy has hardened in recent years.

This 'tough' policy towards mostly Middle Eastern asylum seekers was signalled by the creation of a new category of refugee visa, the 785 Temporary Protection Visa (DIMIA, 1999-2000 Annual Report). The treatment of Temporary Protection Visa (TPV) holders has been characterised by tendency to depict them as somehow less deserving of our protection than those refugees who have come through offshore channels. This is despite the fact that more than 90% of on-shore applicants are found to be genuine Convention refugees by the Federal Government's own determination processes. Having spent prolonged periods of time in harsh detention centres, many TPV holders find themselves practically homeless upon release, with few or no belongings, separated from those they love and clearly apprehensive about their newly found freedom and protection (Brotherhood of St Laurence Comment, December 2000).

Such scenarios came to the fore when nearly six hundred TPV holders were released from detention centres in Melbourne in June 2000, leaving local community organizations and non-government agencies with a major challenge that tested their limited resources and ability to respond at short notice to pressing needs of these 'undesired' refugees. This decision to release refugees into the community without adequate support raises ethical questions for the Government, and practical ones for ethno-community associations that carry the burden of direct social services delivery with little or no additional funding. This study is an attempt to provide a well-informed picture of TPV holders' experiences in an overall national context of misrepresentation and refugee vilification - a staple diet produced by officialdom and the media for constant public consumption.

1.1. The international dimension of the refugee crisis

At the start of 2001 UNHCR reported 21.8 million people "of concern". This included 12 million refugees (55%), 6 million internally displaced people (27%), 0.9 million asylum
seekers (4%), 0.8 million returned refugees (4%), 0.4 million returned Internally Displaced Persons (2%) and 1.7 million others of concern (8%).[3] Australia allocates only a maximum of 12,000 places for refugees per annum under its Humanitarian Program. The 1951 Convention relating to the Status of Refugees (and its 1967 Protocol), to which Australia is a signatory, defines a refugee as:

Any person who owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her nationality and is unable, or owing to such fear, is unwilling to avail himself/herself of the protection of that country.

Given the magnitude of the refugee's crisis globally, Australia's annual quota of 12,000 places (that includes both off-shore and on-shore applicants) is by no means a disproportionate quota if compared with other countries (Solomon, 2001). The government has been engaging in self-congratulatory statements about its generous treatment of 'genuine' and orderly refugees, claiming that it ranks Australia as the second largest recipient of refugees per capita. This is not the case as the Government compares its combined offshore and onshore intake with the offshore quotas of other resettlement countries. In fact, statistics provided by the Refugee Council of Australia (2001:24) show that among the 71 countries that accept refugees, Australia ranks a lowly 32nd behind Djibouti, Syria and Kazakhstan. More importantly, out of the 29 developed countries that accept refugees, Australia is ranked 14th. Contrary to the Government rhetoric, Australia is not being swamped by cashed up 'illegal' migrants who are choosing Australia for pure 'life style' reasons. It appears the introduction of punitive policies such as the TPV regime are inadequate responses, even as 'deterrence measures', to a complex international problem. In fact, since the implementation of the TPV policy, nearly 10,000 asylum seekers mostly from Iraq and Afghanistan have landed on our shores and sought protection as permitted under the 1951 Refugee Convention. These figures supplied by DIMIA (2001, fact sheets) would suggest that the stated aim of the TPV policy has not been achieved.

1.2. The 'threat' of refugees from the Middle East

Media and government representations of refugees in Australia often relate to their morality and implied character. Much has been made of the security risk associated with 'illegal' asylum seekers arriving from war-torn countries in the Middle East. In the wake of September 11, this rhetoric reached new levels with senior cabinet ministers in the Australian Federal Government arguing for tougher measures against 'illegal' asylum seekers who could pose a security threat to Australia. One of the questions often neglected in discussions about refugee crises is the causes that lead individuals, families and sometimes entire communities (as was the case with the Kosovars in 1999) to flee their homelands in search a safe environment elsewhere. There link between political and social upheaval in countries of origin and the flow of refugees and asylum seekers is an undeniable factor that ought to be understood as a necessary step towards a global approach to humanitarian crises (c.f., UNHCR, 2000). The following section provides a brief account of the contemporary history of Iraq and Afghanistan, the major source of the asylum seekers from the Middle East.

Iraq's recent history has been dominated by Saddam Hussein who came to power through a bloody military coup in 1979, and has been in power since. From 1980 to 1988 the war between Iran and Iraq killed approximately one million people, military and civilian. Another million were disabled and almost three million became refugees. And as soon as the war ended, each regime organised military campaigns against their own minorities. Approximately 5,000 Kurds, mostly women and children, were killed by poison gas. Before Iraq had the chance to recover from the bloody war with Iran, the Gulf War erupted in 1990 [4].
Repression under Saddam's regime continues, with arrests of political opponents and the forcible expulsion of non-Arabs (mainly Kurds, but also Turkmen and Assyrians) is still a fact of life in Iraq. This harsh political oppression is compounded by the indiscriminate economic sanctions imposed by the United Nations. The sanctions have, according to many international experts, journalists, non-governmental organizations and UN agencies, crippled Iraq's economic infrastructure and have resulted in the breakdown of the socio-cultural fabric of the society, acute poverty, malnutrition, wide-spread corruption and crime, and the reported deaths of over half a million children under the age of five[5]. It is, therefore, unethical for the Australian Government to deal with refugees from this region on the assumption that they are somehow responsible for the shortcomings of the regime from which they are fleeing.

Afghanistan, on the other hand, has produced the single largest refugee group in the world since the Russian occupation over two decades ago, which resulted in internal ethnic conflicts and ongoing civil war. When the civil war ended in 1992, power was divided between mutually antagonistic regional warlords and factional Islamic forces - a new phase in an ongoing conflict. Afghans have suffered torture, persecution, hunger and discrimination for three decades. After the Taliban regime came into power in 1996, civilians (and especially women and children) were once again the main casualties. The Taliban reportedly practiced brutal acts of human rights violation such as executions, amputations, floggings and other form of torture as common punishment measures. Victimised by a narrow interpretation of Sharia (Islamic law), Afghani women were punished for crimes, such as exposing any flesh, using makeup or wearing colourful printed garments. In this case as in others, the Australian government twisted the facts in order to blame the victims and to vilify them by crude association with their own tormentors.

Despite the fall of the Taliban and the establishment of an Afghan interim government made up of a cross-section of ethnic and regional groups, Afghanistan remains both unsafe[6] and in desperate humanitarian need.[7] Although the Federal Government Minister for Immigration Philip Ruddock has urged Afghani asylum seekers to return to Afghanistan to begin rebuilding their country,[8] Afghanistan is still rife with crimes such as thefts, robberies and murders.[9] The country also remains riddled with landmines and cluster bombs and military action continues between the multinational peacekeeping force and the remaining Taliban and al Qaeda fighters.[10] After years of war and drought, much remains to be done to provide the population with adequate food, housing, education, sanitation and medicine.[11] Also, the Hazara minority has suffered persecution under all Afghani regimes. The fall of the Taliban may prove irrelevant to the systematic and long-running discrimination against certain ethnic minorities.

It should come as no surprise that following two major wars and prolonged civil conflicts in both Iraq and Afghanistan, the number of asylum seekers from this region would be on the rise. Given this recent history of wars, civil conflicts and systematic oppression, the number of asylum seekers arriving to Australia from these war-torn countries is relatively low. In fact, during the year 1999/2000 the total number of protection visas granted to Iraqi and Afghani asylum seekers were as follows:

- A total of 700 protection visas for Afghani nationals: **576 TPV and 124 PPV**.
- A total of 615 protection visas for Iraqi nationals: **231 TPV** and 384 PPV[12].

So far, no evidence has been provided by the Government showing that refugees such as the Iraqis and the Afghans represent a significant threat to Australia's security. Little information has been provided to the Australian public as to the aspirations, aims and true feelings of refugees, both with regard to Australia and their country of origin.

### 2. RESEARCH METHOD
The current study was aimed at investigating the social impacts of the TPV policy on asylum seekers, community organizations and service providers. It was also aimed at increasing the visibility of asylum seekers whose voices remain relatively unheard in mainstream media and to validate and reaffirm their personal experiences. This paper will discuss and report on the needs of TPV holders in Victoria, and ways in which non-state actors, in particular ethno-community organizations, assist and service them.

The research design follows the established principles of community research, which typically has a consultative focus, and is participatory, inclusive and collaborative. Given the nature of the topic under study, this research project is based on a humanistic approach as opposed to a scientific one, and ideally encourages spontaneity, informality and emotional input. The aim of the semi-structured interviews was to enable participants to speak about sensitive, personal issues in an informal environment, in their familiar surroundings, with confidentiality. The TPV holders were interviewed by a research assistant with extensive experience as a volunteer social worker working with a non-profit community organization. Both the research assistant and the author, by virtue of their ethnic background and long association with refugees and migrants in Australia, have a strong understanding of sensitive cultural and religious issues.

In terms of participants, a selected focus group of 15 TPV holders (20 TPV holders initially approached), 13 service providers (7 completed the written questionnaires), 2 volunteers and 4 community organisations (2 completed the written questionnaires) were included in this study. For the TPV holders, the focus group was randomly selected from those who have been in contact with social workers affiliated to the Victorian Arabic Social Services (VASS). As for service providers and community organisations, all efforts were made to include as many as possible ensuring that various types of services are covered. Despite the relatively small size of the sample (mainly as a result of time pressures) the report, provides a representative and broad-ranging picture of the various government and non-government agencies involved in service provision to newly released TPV holders. Four separate questionnaires were designed: one for the community associations; one for the volunteers working with community associations. Each questionnaire featured open-ended questions to avoid pre-empting responses.

3. FINDINGS

One of the dominant themes in the testimonies of the participants relates to the trauma of prolonged detention and the perception of being 'unwanted' by the host country. In fact, all the participants in this study spent at least four months in a detention centre after their arrival. The longest stay was 13 months, and the average, nine months. Ten participants were detained at Woomera (South Australia), two at Port Hedland (Western Australia) and three at Curtin (Western Australia). Only four of the 15 participants knew of anyone living in Australia they could contact.

3.1. Fear of oppression and persecution

The first question asked of every participant related to the reasons for fleeing their countries of origin and/or their countries of first asylum. All 15 participants indicated that authorities in their home countries had harassed them. Five of the 15 interviewed became refugees because they had heard they were to be executed, and so decided to escape from prison. Five fled because they were wanted by the authorities for alleged political activities against the ruling regimes. Another five were harassed and threatened by the authorities because of their association with someone who had been executed or was wanted by the security services.

All the TPV holders interviewed either believed they would have been executed had they
stayed, or imprisoned indefinitely. One Iraqi man said:

When they put people in prison they don't have to go to court for a decision to execute them, they make their own decision. Sometimes you hear someone has been taken to prison and sometime later they go missing, never to be found.

The comments made by TPV holders on the question of persecution in their home countries need little interpretation or analysis as they paint a graphic picture of 'fear of persecution' beyond any reasonable doubt. In fact, for these individuals, the 1951 Refugee Convention was the only way out. Some testimonies tell stories of suffering, misery and persecution that defy human belief. For the purpose of this paper, a brief summary of some of these stories will be provided below. An Iraqi woman told her story, trembling and in tears. She said it is very difficult for women in Iraq, and worse if you are a Shia Moslem with a brother who was killed for speaking against the oppression of the government:

My parents died shortly after my brother was killed. I was a young single woman living with my other brother and his wife who are my only living blood relatives. This brother was wanted by the security because he was suspected of supporting the opposition. He could not come home for weeks as our home was ransacked and my sister in law and I were interrogated regularly as to the whereabouts of my brother. We had to run away from our country late at night and find smugglers to help us. If we try to leave the legal way my only brother would have been killed and eventually my sister in law and I would have been killed too. You see, we had no other choice. (Iraqi TPV holder)

One woman also became a refugee after her husband, a political activist and defender of human rights, had fled Iraq to save his life. When her husband left 13 years ago, her two sons and her daughter were young:

We didn't know where my husband was or whether he was alive. Thirteen years living in Iraq with three children is very difficult. Because of my husband's former political activities we were constantly harassed because they thought we knew where my husband is. My children were expelled from school and we were under constant surveillance by the authorities. Every time they come to our home to ask where my husband is they would interrogate my sons and threaten them. I was terrified that I was going to lose my sons like I lost their father, maybe worse. The authorities will torture them to death. As a mother I did not want to take that chance so I raised some money through extended family and friends and left Iraq. (Iraqi TPV holder).

Another woman asked: "Where else in the world do you get arrested and put in jail for making a politically incorrect joke?". Another fled with her children, leaving her husband in prison. She explained that southern Iraq was (supposed to be) protected by America.

If Saddam could not hurt you directly (then) he found a way of hurting people indirectly. My husband is in prison indefinitely for political reasons. I was detained twice, accused of political activity against the government. I was worried about my husband and my children's safety. I had no time for political activity. They were watching my every move, they were watching my children's every move. They were looking for an excuse to put me in jail. I could not take this risk, I sold everything we owned and ran away one night. (Iraqi TPV holder)

People are executed for being affiliated with the "wrong" political or religious groups, or for not having a strong enough affiliation with the "right" groups, explained a man from Afghanistan. He believed Afghani people, suffering for two decades, are the world's most oppressed people because their country is forgotten by the rest of the world, divided by
ethnicity and ruled by the fanatical fundamentalists:

They brainwash their followers with slogans like, 'If you write with the victims' blood on their shrine they will get closer to heaven.' How does the world believe that with this mentality of the Taliban, any other minority groups will survive? Hazara people are easily identified because they have very specific features. In Afghanistan you don't have to be smart or be politically active. If you look different, that is sufficient reason to be imprisoned executed or tortured. I left my village as a young man when civil war was on between the warring factions, which were also in my village. During that time I fled in fear for my life and went to one of the neighbouring countries and stayed there illegally. I attempted to make an application in this country where I was staying illegally as an asylum seeker. I found where the UNHCR office was. When I went there it was surrounded by police and security all around the building. I was afraid that I would be arrested and deported back to Afghanistan. As I feared, I was arrested and sent back to Afghanistan. This coincided with the Taliban defeat in the North. All victims were civilians and I was one of them. I was arrested and jailed for three months. I was tortured and traumatised. So many people in jail were executed and some were tortured to death. I was very lucky to be alive because about 90 per cent of the people who were arrested with me were killed or had their limbs cut off. Some of the prisoners were kept in one piece because they were going to use them to exchange for Taliban prisoners. I survived by chance. One year after I returned to my village the Taliban seized and destroyed most of my village. My father sold his house and other personal belongings to get me out of Afghanistan. (Afghani TPV holder).

3.2. Post-release settlement experiences

Every participant had experienced difficulties accessing services such as education, language classes, employment and employment training, family reunion and restrictions on travel. More than half the participants reported that they had difficulty accessing housing. One participant stated, "[W]hen we tell people we are looking for house or job, they look at us like we have some diseases". All participants believed they were unable to access these services because of the restrictions placed upon them by the TPV they held.

All 15 participants believed their experiences could have been different and, equally, would have preferred their experiences to be different. The responses were very vocal and emotional. Eleven participants spontaneously referred, to their detention centre experience. These eleven also wished they had had a better settlement into the Australian community, and raised the issue of the TPV restrictions. The other four felt very strongly primarily about visa restrictions (especially family reunion, travel restrictions and restrictions on using settlement services) and about their detention centre experiences.

There is was a strong belief that extending and compounding the experience of trauma (by means of a hostile mandatory detention and a punitive visa regime) was counterproductive to a quick and easy process of rebuilding shattered lives. This issue clearly warrants further longitudinal research involving systematic comparative analyses of both visa regimes (PPV and TPV).

"Visa restrictions are not benefiting anyone including the government", stated one of the TPV holders, who believed that if people had access to education and training, their increased rate of employment and/or business establishment would reduce the money the government is paying in benefits. Indeed, he added, "the working person will be paying the government with taxes". Another woman participant added that this kind of approach would reduce isolation, improve self-esteem and self-image, which would in return reduce demand on mental health and physical health services. Family reunion and travel restrictions further imprison and
marginalise TPV holders who believe that they should be treated like any other refugees because that is what they are. When the TPV holders were asked (through interpreters) about their plans for the remainder of the time they held TPV status, many responded with a blank look, which quickly turned sad. All participants answered with a variation of "How can we make plans when we don't know what is going to happen to us? We don't have control over our future, the Australian Government has. We cannot plan until the Government decides." The level of anxiety about the uncertainties of their future was evident and strong. One woman commented:

...if I had control over my life and future I would like to find a job, my husband would like to find job, pay our tax, pay our mortgage and have a normal life.

The participants feel their lives have been frozen for three years. It has created anxiety and insecurity. Those who are approaching the three-year visa period, do not, on one level, want it to finish: they fear being sent back. On another level, they want the "nightmare" to end. The visa is the primary focus in their lives at this stage of settlement. They clearly desire to move forward as some have been feeling 'stuck' for years. There is a strong yearning for a fresh and energetic start to a new life in a new country as soon as they are given permission. They point to the many professional skills they possess and their responses reveal them to be highly motivated people with strong desires to pursue employment and businesses, to improve or learn English, and find out for themselves how in Australian society they can pursue a "normal life".

Iraqi women who attended an Iraqi women's group run by the Darebin Community Health Centre, said that the group had reduced their social isolation to some extent. Others, particularly Afghani participants, were more cautious about socialising with their own community because of ethnic and political divisions in their own community. Other needs identified by the participants include a reconsideration of family reunion policy, followed by a removing of restrictions placed on individual asylum seekers as a result of the TPV policy.

The following are a few statistics that show the difficulties of accessing basic services faced by TPV holders post-release from detention centres. In terms of assistance in settling into their new communities, twelve of the participants were able to identify that Centrelink assisted them with income security, while three believed all assistance, including income security, was provided by DIMIA. Two participants recalled being helped by the Salvation Army while the others did not know who helped them. Two participants found their own accommodation, four could not remember who helped them, four received assistance from the TPV workers, two described it as emergency housing and three thought it was DIMIA who assisted them with housing. Five of the 15 participants either did not remember, or did not know, who helped them. Four received no assistance, three thought it was DIMIA who assisted them, two were assisted by the Salvation Army, and one said he used his own resources. It is clear from this that there is much confusion within the minds of the refugees at the point of settlement. All steps must be taken to minimise the uncertainty and confusion felt by people who have already suffered a great deal of trauma.

3.2.1. TPV holders and health services

To understand the health needs of TPV holders, it is paramount to appreciate the context and experiences that characterise the long journey from 'fleeing persecution' in the homeland to detention in the country where protection is sought. While accurate statistics are difficult to establish (given the lack of clear guidelines and definitions as to what constitutes traumatic experience and harassment in different countries), anecdotal evidence, supported by the findings of this report, suggests that nearly 80% of all genuine refugees have suffered from some form of torture and trauma. Although the level and severity of the experience varies
significantly from one individual to another, the underlying themes were characterised by consistent narratives of forced displacement, detention, physical torture, rapes and abduction of relatives and close friends.

Many of the health problems associated with detention would be minimised if the length of stay were kept to an acceptable level. All the participants in this study spent at least four months in a detention centre after their arrival. While the longest stay was 13 months, the average was nine months. Sultan & O'Sullivan (2001:3) suggest that "there may be some common themes in the psychological reaction patterns of detainees over time. Each successive stage is associated with increasing levels of distress and psychological disability". The Sultan & O'Sullivan (2001:5) study reports a wide range of psychological disturbances among detainees at the Villawood detention centre. The "most commonly observed effects of detention include separation anxiety, disruptive conduct, nocturnal enuresis, sleep disturbances, nightmares/night terror, sleepwalking, and impaired cognitive development". These findings are in line with previous inquiries (HREOC, 1998)[13] into the impact of mandatory detention on the psychological and physical conditions of asylum seekers.

In terms of specific health needs, the issues highlighted by the participants were very broad, and quite holistic. Dental and optical care were immediate needs, followed by psychological care and counselling due to the experiences of torture, trauma, grief and separation anxiety. General health was seen as less significant than these other health issues. Four participants reported that they were helped by the local community health centre, and two by the foundation house. Three could not remember who assisted them, six said they received no help with health issues - three of these had helped themselves through community information and word of mouth. Five participants got their Medicare cards themselves, after being directed to the local Medicare office by their own communities. However, even this did not prove to be a positive experience as they had to visit the office several times before any action was taken. Three could not remember who assisted them, three recalled being helped by Medicare representatives at the reception centre, three thought it was DIMIA and one was helped by the community health centre. All participants' Medicare cards were slow in coming - some up to two months - which prevented them from seeking medical attention as evidenced in the following statement:

I just wanted to recover from my mental and physical health problems which, crippled my life after being tortured. I hoped that I would be treated. Once again I was terribly disappointed, as I could not access any of the services I required for five months. The general practitioners would not see me because I did not receive my Medicare card for two and a half months. It took the same amount of time to get a referral to see the appropriate specialist.

TPV holders represent a vulnerable group of people traumatised by their experiences as oppressed, displaced and detainees in extremely harsh conditions. The findings of this study as regards the health needs of TPV holders are in line with all the available evidence (e.g., HREOC 1998; O'Sullivan & Sultan 2001), which clearly indicates that the prolonged mandatory detention of asylum seekers has devastating effects on their physical wellbeing and psychological health. Appropriately targeted health services should be a priority, and various types of health care services, including mental health care should be made readily accessible to all TPV holders upon release from detention centres.

3.2.2. TPV holders and access to housing

The traumatic experiences, resulting from being detained for an extended period of time in inhumane conditions, are not immediately addressed upon release because of the limited access to services and the other punitive measures associated with the TPV policy. In fact, on
release most TPV holders live in short-term housing then move to housing classed as either 'temporary' or 'emergency'. Notably, nine of the fifteen participants were still living in short-term accommodation between six and 12 months after their release. Two had been living in temporary accommodation for between three and six months. Two have been living in emergency housing for two months. Only one lived in medium-term housing and had been for the last two years.

Housing needs created further stress and anxiety. As already noted, nine of the participants (that is 70% of the participants in this group) lived in short-term housing, two in temporary and two in emergency housing. The nature of the visa, and not being able to find work had made it very difficult to establish reliable housing. It is clear that after the fear and persecution the refugees had experienced in their country of origin, the hazardous trip to Australia, and then being detained for several months, establishing a 'home' is of critical importance. All of the participants had been living in temporary conditions since fleeing their home country and the fact that they continued to live in temporary housing meant feelings of insecurity, anxiety and helplessness were sustained.

The healing process and the rebuilding of shattered lives cannot be achieved without a basic housing arrangement. The TPV holders already face considerable challenges in starting a new life in a society that is linguistically and culturally alien to them. An adequate 'house' will be essential in recreating a sense of 'home' where a sense of security and stability can be harboured. In fact, along with health care and language programs, housing is of critical importance to the long-term process of adjusting and settling in the new society.

3.2.3. Education and language

All participants identified education as one of their greatest needs. Language is the most difficult barrier to finding work and establishing a new life for themselves. Lack of English language tuition only increased feelings of social isolation, and is a key factor that keeps TPV holders dependent on others for basic needs. None of the 15 participants received language classes.

A number of reports have highlighted the importance of English language skills and, in particular, the relationship between securing such skills and entrance into the labour market (Jones & McAllister 1991; Stromback & Preston 1991; Plimer & Chandlin 1996). It has been known for many years that refugees are the most disadvantaged of immigrant groups and that much of this disadvantage is the result of poor English language skills and the relative recentness of their arrival (Wooden, 1990: 236). It is clear that the restriction placed on TPV holders in accessing English language tuition is, and will be, a significant contributing factor to their continued struggle to establish themselves in Australia.

3.2.4. Employment and income security

Employment was identified as essential for providing TPV holders with income to meet their immediate needs, to support the spouses and children they had left behind, and to increase their self respect, self confidence and self worth - all of which they had reported as diminished.

Eleven participants had received no assistance in finding a job. Three participants attended a one-week course called Introduction to the Employment Market, which was offered by Adult Migrant Education Services (AMES), and one participant found work through his own initiative. It is clear that if TPV holders continue to be locked out of the labour market the cost to them individually will be very high given the long-term financial and emotional implications of unemployment. And even from a purely economic perspective, it is likely that impoverished and ill-treated refugees will struggle to succeed in a highly competitive labour market and as a result will rely on charities and governments for their basic needs.
4. DISCUSSION

Two major findings emerge from this project. First, the research found that the introduction of the TPV policy has created a situation of open discrimination against TPV holders who are specifically excluded from settlement services. Secondly, it indicates that the exclusion of TPV holders from essential services has made their settlement experiences more difficult. This is consistent with the findings of earlier research carried out by Multicultural Affairs Queensland.[14] The TPV policy has created two classes of refugees - those who were assessed off-shore and granted full settlement services and permanent protection visas; and those who were assessed on-shore and granted temporary protection and limited access to settlement services. The TPV policy has created uncertainty, insecurity, isolation, confusion, and powerlessness and health problems among the holders of these visas as well as an increased burden on community organisations, state governments and volunteers.

As far as TPV holders are concerned, the restrictions attached to the temporary protection arrangement are resulting in more chaotic and less successful settlement experiences. This is highlighted by the inability of most TPV holders to survive without community associations and volunteer assistance. Another important finding was that while TPV holders were entitled to medical services, most had been left in a limbo for up to 5 months while their applications for a Medicare card were processed. This is despite the Government's claim that 'all released TPV holders are given post-release information sheet in their own language...including information on how to obtain a Medicare card and how to find help and treatment for medical problems'. Given the pressing needs for mental and physical health services, such a confusing situation is a flagrant breach of the human rights of refugees in general, and of those individuals among them who endured persecution, oppression and sometimes torture.

In line with the difficulties highlighted by the TPV holders themselves, the two service providers surveyed for this study indicated that: (a) the two-tier system of refugee settlement services with one group (TPV holders) receiving a substantially lower level of assistance than the other (PPV holders) is confusing, and (b) the sudden increase in the demand on their services was not matched by increased funding and resource allocation. Although the State and various local governments show a willingness and a commitment to carry the fiscal burden for such services, the reality is that their efforts are not sufficient to meet the needs of TPV holders especially in the critical areas of housing and education.

The community organisations involved in this study indicated that they had experienced the impacts of the TPV policy at different levels. In line with the concerns identified by mainstream service providers, the community organisations principally indicated that the increased demand on their services had not been matched with any increase in resources. These organisations are simply unable to raise any further funds since they rely on the one ethnic community for all donations. This ethnic community, like many others, is simply unable to increase or even sustain its support. Moreover, the people who normally collect donations and organise fund raising are now spending this time helping TPV holders as volunteers.

4.1. Policy recommendations

The study found that the TPV policy perpetuates suffering, marginalisation and social exclusion of genuine refugees while at the same time placing an enormous strain on community organizations and state agencies. These recommendations seek to provide alternative policy options that do not compromise Australia's interests, and offer practical solutions on the implementation and management of current practices. The recommendations are grouped into two sections relating to (4.1.1) impact of the TPV policy on asylum seekers; and (4.1.2) impact of the TPV on service providers, community organisations and volunteers.
4.1.1. Impact of the TPV policy on asylum seekers

- The restrictions in services provided to TPV holders should be lifted immediately. TPV holders should have all the rights of their Permanent Protection Visa (PPV) counterparts so that they begin to heal and move forward. Australia can also begin to benefit from the knowledge and resources that these people are keen to offer.
- A referral system needs to be set up which clearly explains available services to both service providers and TPV holders.
- The range of available services, and information on how to access them needs wider promotion to TPV holders through community radios and newspapers, SBS Radio and community organisations in the visa holders' own languages.
- Once released from detention centres, refugees should be encouraged and given the appropriate means to settle into the community as quickly as possible.

4.1.2. Level of support and settlement services;

- One of the core problems faced by service providers and DIMIA-funded non-government organizations is that funding provisions prohibit them from assisting TPV holders. Such restrictions should be lifted immediately to alleviate the TPV holders' unnecessary suffering and feelings of social exclusion.
- There is a clear need for improved co-ordination among service providers. A suitable reference point or coordinating network would prevent the duplication of services, and create a platform for workers in the field to share information and resources for more effective service delivery. It would also provide a support base for service providers and an appropriate environment for debriefing. This network could also establish sub-committees to organise activities such as information sessions about services, in the TPV holders' own languages.
- Health services (both mental and physical) must become a priority and should not be denied while the TPV holder's application for Medicare card is being processed.
- Up-to-date culturally appropriate training should be put in place for the service providers, so that they are better prepared to deliver culturally sensitive services.
- More community activities should be organised to welcome the TPV holders into their new communities. Mainstream service providers, in partnership with community organisations and local government, could initiate these.
- Advocacy and lobby groups, including community associations, legal representatives and volunteers, need to establish a coordinating body so that the TPV holders can be represented by a strong voice.
- The TPV policy should be re-examined in detail. The Federal Government should, as a matter of urgency, establish a review committee which includes government representatives, refugees, lawyers who specialise in immigration issues, community leaders and representatives of TPV service providers.
- More funding and resources should be made available to local communities, local governments, and key welfare agencies in identified areas with high refugee populations, in order to assist them in the settlement and integration of TPV holders within the larger community. More importantly, outreach and other services should be provided close to where TPV holders are living.
- There is a clear need for increased support, recognition and reward of the skills and services contributed by volunteers and community organisations. Networks need to be established to deliver appropriate and 'recognised' training to these service-providers.
- Further research is required on the long term impact of detention and the TPV policy on the capacity of individuals asylum seekers to rebuild their lives successfully; on the wider impact on members of the relevant ethnic communities affected by such crises in the way they relate to their countries of origin; and on the way these and individuals communities view their place in contemporary Australian society.
5. CONCLUSION

The way in which TPV holders are referred to and treated as they leave their detention centres is inherently paradoxical. This is because asylum seekers issued with TPV meet the Convention definition of 'refugees' as implemented by the Australian Government's own determination procedures. The problem with this temporary visa is that: (1) it contravenes the 1951 Refugee Convention; and (2) it excludes TPV holders from accessing crucial settlement services. As such, the TPV is tantamount to 'granting asylum with de facto status rather than recognising refugee status in full application of the Convention' (Vedsted-Hansen, 2002:02).

Moreover, the policy's stated aim of deterring potential asylum seekers from 'choosing' Australia is both misguided and unrealistic. In fact, since the introduction of the TPV in late 1999 and despite the so-called 'deterrence measures', the number of asylum seekers arriving by boat has not decreased noticeably. DIMIA's own figures (DIMIA Fact Sheets 64, 2001) reveal that the number of TPVs granted jumped from 871 in the 1999-2000 year to 4456 in the 2000-2001 year. This is hardly a positive reflection on the effectiveness and success of the Federal Government's harsh approach.

Besides failing to achieve the Federal Government's own objective of deterrence, the TPV policy has placed a heavy burden of settlement services provision on ill-prepared community organizations struggling to meet the special needs of an increasing number of refugees left outside the mainstream humanitarian settlement services. State governments across Australia are left with no option but to assume the fiscal responsibility associated with service provision including housing, English language programs, psychological and physical health services. These post-release and post-arrival settlement services provided when the individual asylum seeker is most vulnerable should not be compromised, as they are vital for the long-term welfare of the refugees in question, and the wider community in general.

Immigration legislation, regulations, policies and administrative procedures in relation to protection visa applications have been subject to frequent and often significant change. During the 2001 election year, the Federal Government exploited the opposition's poll-driven bipartisanship by hastily adopting a number of measures aimed at sending a 'warning to potential asylum seekers' that Australia is 'no longer a soft touch'. The changes mean that 'unauthorised arrivals in Australia, who, since leaving their home country, have resided for at least seven days in a country where they could have sought and obtained effective protection, will not be able to access a permanent protection visa' (DIMIA, 2001: Fact Sheet 64). The changes also resulted in a more complex visa regime that provides for two offshore Humanitarian and Refugee visa subclasses:

- Secondary movement offshore entry (temporary) subclass XB447; and
- Secondary movement relocation (temporary) subclass XB451.

This policy effectively extends the concept of temporary protection to offshore asylum seekers with similar restrictions to settlement services as those imposed on TPV holders. The Minister for Immigration argues that this new regime aims to 'protect settlement places for those who need resettlement as distinct from those who want resettlement and are able to travel to Australia' (DIMIA, 2001). The Government's persistence with punitive policies has been pushed within a volatile national climate of media misrepresentation (talk-back radio in particular), a 'harsh' bipartisan approach towards asylum-seekers and a jittery international political climate following the attacks on New York and Washington and the subsequent 'war against terrorism'. In the midst of emotional and oversimplified debates about 'terrorism', national security, and war in Afghanistan, a number of politicians and commentators took the unfortunate step of suggesting that the 'boat people' may include dangerous 'terrorists' capable of committing atrocities like the tragic events of September 11. It is no wonder, then, that
public opinion is sceptical of asylum seekers who are being dehumanised, punished and systematically misrepresented by officialdom.

Notes

[1] The author would like to thank Mike Leach for editorial assistance and Caroline Anderson for comments on various sections of the paper. Needless to say, any shortcomings are the author's sole responsibility.

[2] The paper is based on a large research project being conducted by the author in partnership with Victorian Arabic Social Services


[10] Ibid.


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International Studies, Deakin University). He is an executive member of the Centre for Citizenship and Human Rights, Deakin University. In 2002, he received a large Research Grant from the Australian Research Council (2002-2004) to investigate the impact of the TPV policy on asylum seekers. The study will include national (interstate) and international comparisons in terms of practice and policy. He is also a co-author of a report on TPV to be launched on 30th of April 2002 entitled: "Politics of social Exclusion: Refugees on TPV in Victoria". This report studies the impact of the TPV policy on individual asylum seekers, community associations and service providers. Fethi Mansouri has published a number of articles in Middle Eastern Language & Culture studies focusing on community language maintenance, civil society and refugees:


Paper presented at the International Conference "The Refugee Convention, Where to from Here?" convened by the Centre for Refugee Research (Sydney, December 2001).

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