

# **2004 FEDERAL CONFERENCE**

## **AEU ASYLUM SEEKERS AND REFUGEES PROJECT REPORT**

### **INTRODUCTION**

As many of you know from your own experiences, working in this area is intensely disturbing. During my work on this project I've seen and heard things that, trite as it might sound, are hard to believe possible in a country that considers itself to be fundamentally decent and civilised. I've been overwhelmed by seemingly little things like being thanked profusely for visiting detainees in Baxter and Woomera and the acute embarrassment, shame and despair felt from being treated as 'special' just for treating another person like a human being. Shameful things like Family Court hearings listening to Phillip Ruddock's counsel argue that releasing children from detention in Baxter and Woomera would involve removing the children from their parents which would be an abuse of their basic human rights and a cruel psychological trick.

However it has also been a great privilege to work on a project which has brought me into greater contact with many colleagues and members who work closely with refugee and asylum seeker students. Listening to our members articulate the massive amounts of time, emotional and physical energy, and often personal financial commitment, which their work and commitment involves, has been inspiring.

The AEU and its Branches and Associated Bodies can take pride in our ongoing work for social justice and human rights, and our many members whose daily work involves them being passionate advocates for justice and humanity. On behalf of the AEU, and also personally, I would like to thank all those who have generously provided information and support to this project.

The focus of this report is on issues around children and young people, and their families, held in detention by the Australian government, and on those living as Temporary Protection Visa [TPV] holders in the Australian community.

At the time of writing [November 2003] Australia holds at least 183 children in detention in Australia and in the Pacific, many of them in enforced separation from other members of their families. Many have lived most of their short lives fleeing persecution and/or detained under Australian policy, which has continued despite the well-documented physical, emotional and psychological damage detention inflicts on children. Some have been in detention for as long as 3 years; compare this to Sweden where the maximum time a child is kept in custody is six days.



The Baxter Detention Centre, a modern purpose-built facility which, as the DIMIA website puts it, “incorporates a multi-layered approach. The placement of the buildings within the accommodation compounds provides the first layer of physical security. Security components at the rear of the accommodation buildings include cameras, microwave movement detection systems, and chainmesh fencing. The external perimeter of the facility as a whole also uses cameras and microwave movement detection systems, located in the sterile zone between an inner chainmesh fence and an outer weldmesh fence. An Energised Detection and Deterrent System (EDDS) is supported by insulators fitted to mountings installed on the inner side of the weldmesh fence, from the ground up to a height of 600mm over the top of the fence. The system comprises a series of horizontal; smooth non-corrosive, high tensile alloy wires positioned 100 mm apart. The system is designed to provide a short pulse (1/1000th of a second) of current at low amperage, ensuring any contact will be instantaneous. The system has an output power rating of 6,000 to 9,000 volts at 6 to 8 amps. The multi-wire strands are energised with low amperage pulses that make penetration difficult. Anybody touching the wires would receive a short, sharp, harmless shock similar in sensation to the static discharge sometimes experienced when opening a car door, but more intense. The EDDS is an inherently safer alternative to razor wire, which presents hazards to operational staff, construction and maintenance contractors and in the event of protest action or an attempted escape.

## NUMBERS IN DETENTION

DIMIA makes it difficult to obtain reliable up-to-date numbers and movements from and between detention centres remain difficult to monitor. The following figures are the most accurate for the current time:

### Children in detention by location and nationality November 2003

Location	Male	Female	Nationality	Total
Woomera RHP	4	3	7 Iranian	7
Baxter IDF	14	8	3 Iraqis 5 Afghans 8 Iranians 4 Syrian 2 unknown	22
Port Hedland IRPC	10	5	4 Iraqis 9 Iranians 2 Palestinians	15
Port Hedland RHP	2	0	2 Iranians	2
Villawood IDC	15*	13	3 Fijian 8 Indonesian 6 Iranian 7 PR China* 2 Tongan 1 Vietnamese 1 Unknown	28*
Maribyrnong IDC	0	1	1 PR China	1
Christmas Island IRPC	10*	5	15 Vietnamese*	15*
Total formal detention	52	38	32 Iranian 16 Vietnamese 8 PRChinese 8 Indonesian 7 Iraqis 5 Afghans 4 Syrian 3 Fijians 2 Tongans 2 Palestinians 3 Unknown	90
Nauru	50	43	68 Afghan 25 Iraqis	93*
Other detention #	Undisclosed	Undisclosed	Unknown	Up to 99
Children detained by Australia				Over 183

\* There are 5 unaccompanied children on Nauru, 3 unaccompanied Vietnamese children on Christmas Island and 2 unaccompanied Chinese children in Villawood. These children are entitled to special protection

# # The Department reports a further 112 people are detained in 'other facilities' - either prison, lockups, hospitals or foster care. It is understood that many of these are children, but the Department recently stopped releasing statistics on these, and has refused to advise how many of these are children.

## Summary of persons in immigration detention by location October 2003

Location	Adult male	Adult female	Male children	Female children	Unaccompanied children	Total
Woomera RHP	0	5	1	4	0	10
Baxter IDF	202	26	18	10	0	256
Pt Hedland IRPC	78	6	10	5	0	99
Pt Hedland RHP	0	1	2	0	0	3
Villawood IDC	387	91	13	13	0	504
Maribyrnong IDC	51	8	0	1	0	60
Perth IDC	18	1	0	0	0	19
Christmas Island IRPC	22	13	8	5	3	51
Other facilities						112
Total	758	151	52	38	3	1114

RHP Residential Housing Project (a house in the community secured by guards contracted by the Department)

IDF Immigration Detention Facility

IRPC Immigration Reception Processing Facility

IDC Immigration Detention Centre

## OFF-SHORE DETENTION

The numbers of refugee and asylum seekers held in off-shore detention centres are decreasing. Manus Island has closed down and rumours continue that detention on Nauru is in the process of being substantially wound-down. It has been confirmed that numbers have decreased from 1500 to several hundred, but for several months it was unclear whether it would be, to all intents and purposes, effectively closed by the end of the year. Contact with the Border Protection Division of the CPSU was unable to provide useful information, and a planned September 11 meeting by Jenni Devereaux and Angelo Gavrielatos with Senator Andrew Bartlett to discuss the situation of refugees on Nauru following his trip there, was cancelled (literally) at the last minute due to his unavailability.

The most recent confirmed information concerning Nauru was presented in answers to questions during Senate Estimates on November 4. At that time there were 314 detainees on Nauru, 93 of whom are children, 5 of them unaccompanied, including 4 adults who have been determined to be refugees. Although this determination was made over a year ago, the 4 remain on Nauru while Australian officials continue trying to find a place to ship them to. The Government's attitude to their plight is revealed in a senior Government official's remark that "discussions are still taking place with a number of countries. I think each of these four has prospects of resettlement. I do not think we can ever put a precise time line on it."

It now seems clear that Nauru will continue to operate, as an answer to a Senate Estimates question indicated that plans to relocate a number of detainees to a different location on the island sometime in January or February are proceeding.

Consideration of a joint AEU/NZ/COPE delegation to Nauru which had been held off pending reliable information about the possible end of detention on Nauru, should now be actively pursued.

## **ACCESS TO EDUCATION AND TRAINING IN DETENTION**

All children in Australian detention centres now have access to public schooling, but there are serious problems with access to education and training for others in detention.

In South Australia, for example, there are a number of young detainees aged from 18 to their early 20s in the Baxter Detention Centre (males) and the Woomera Residential Housing Project (female) who are desperate for access to education and training programs and courses. All have been in detention for 2 to 3 years. From conversations with them it is clear that meaningful education is a key to their survival, and several of them are on the borderline of such severe psychological damage that their sanity, and potentially, their lives are in jeopardy.

The Open Access College and TAFE are willing to provide education and training services to these young people. However DIMIA remains implacably opposed to date. We are acutely mindful that young lives are at great risk, and that action is needed with as much haste as possible. They are bright, intelligent young people whose traumatic situations and uncertain futures have been compounded by being deprived of education for 2 to 3 years as a result of their ongoing detention. It is a further 'accident' of their fate that when the decision was finally made that school-age children in Baxter and Woomera be allowed to attend public schools in Port Augusta and Woomera, that these young people who have been detained since they were of secondary school age were deemed 'too old' to go to school.

One of these young detainees, who has been in detention in Australia for three years, has written the following about her brother and herself:

*My brother is .... and he is 18 years old. My name is .... and I am 19 years old. My brother and I were high school students and loved studying and had a good and comfortable life in Iran [but] due to an unexpected problem which my father faced, we were forced to leave our country. ....*

*On our arrival DIMIA and ACM staff were waiting for us and we were put into a detention centre. We have now been living in Australian detention for 3 years. These places I have only imagined in my nightmares. We have been imprisoned in a frightening desert camp, in South Australia, called Baxter. My family is separated from each other. My mother and I are in Woomera Housing and my father and brother are in Baxter detention, they are surrounded by razor wire, fences and electric gates. When they put me into detention I was 16 and my brother was 15. I pleaded with them a lot. I cried a lot and asked them to let me go to school, to study but those DIMIA hard-hearted people took that dream and desire away from me and made our life harder.*

The SA Branch is lobbying strongly to put pressure on DIMIA to allow this to occur, and if successful we hope this will create a precedent for greater access to education and training for all detainees in Australian detention centres. At the time of writing it appears that we are making progress.

## **TEMPORARY PROTECTION VISA HOLDERS**

Until October 1999, all refugees accepted for settlement in Australia through both onshore and offshore programs were granted permanent protection and residence in Australia.<sup>1</sup> Once accepted they could begin rebuilding their lives with some specialised government and community assistance programs available to them. As all successful applicants were given visas carrying the right of permanent residence, there was no discrimination towards refugees based on their mode of arrival. The new visa regime implemented as a result of legislative changes in October 1999 and September 2001, designed to 'deter' asylum seekers from coming to Australia, introduced a range of TPVs issued according to the date and place of application.

TPVs allow asylum seekers who have been recognised as refugees under UN Conventions to stay in Australia for a limited period of time, usually 3 years. They have limited access to government funded services but no right to family reunion or to return to Australia if they leave. This is despite the fact that they have been recognised by the Australian Government as refugees according to the same standards which existed prior to the changes. After 3 years of living in this psychologically damaging state, the onus is on the TPV holder to prove that it would not be safe for them to return to their country of origin.

Since the introduction of the TPV, over 8,500 TPVs have been issued to refugees in Australia, the majority to Iraqis and Afghans. Over half have settled in New South Wales and most live in marginalised and under-resourced communities with low level or no access to basic services and have urgent needs. All have experienced physical, psychological and emotional trauma and/or torture to some degree.

A number of studies show that most have lost several generations of their families over the last two decades. In Australia, they face a range of resettlement issues, including racism, as well as the consequences of the trauma, loss and dislocation suffered through many years of political turmoil, famine, poverty, war and years spent in deplorable conditions in refugee camps.

Refugees living on TPVs:

- have no family reunion rights, even for spouses and children.
- have no right to re-enter Australia, as the TPV is void if they leave.
- have access to the Centrelink Special Benefit for which eligibility criteria apply and a work test is imposed.
- are ineligible for Newstart, Sickness Allowance, Parenting Payment, Youth Allowance and Austudy.
- have access to primary and secondary education subject to State Government policy.

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<sup>1</sup> The exceptions to this were the Kosovos who were granted temporary protection on Temporary Safe Haven visas and flown to Australia in predetermined numbers.

- are effectively excluded from university study as they are subject to full international student fees.
- have no right to DIMIA funded settlement support services (except health screening and referral)
- have permission to work but find securing sustainable employment very difficult because of language barriers and the temporary nature of their protection which discourages employers.
- have very limited access to job placement support and services.
- have no access to federally funded English language classes or interpreting and translating services.
- are eligible for Medicare and Health Care cards.
- have no access to on-arrival accommodation assistance and limited access to state-provided public housing assistance.

The Refugee Council of Australia writes that:

*Many refugees with a TPV have poor psychological health. They are in a continual state of insecurity and feel discriminated against not only by the Government but also by the education system, employers and other welfare agencies. These ongoing stresses interact with and exacerbate symptoms of anxiety, depression and Post-Traumatic Stress Disorder. Their experiences of persecution in their country of origin, the trauma of flight, and the impact of detention are compounded by their restricted access to most settlement services, the uncertainty of their status and their extended (and in some cases permanent) separation from their immediate family.*

Almost all TPV holders experience some or all of the following:

- Mental health problems
- Depression and homesickness
- Leaving family behind and depression
- Anxiety/Post-Traumatic Stress Disorder
- Inadequate dental health care
- Headaches
- Eyesight problems
- Poverty
- Lack of transport
- Unemployment
- Expensive rent
- Language barriers

Racial tensions created by the government and the media have compounded their problems. Because of their dress, Muslim women and girls have become particularly vulnerable in public spaces, thus becoming the target of attacks and abuse. In this unstable political climate, women have been forced into their homes, increasing isolation and further exacerbating their access to mainstream services and support.

## **EDUCATION AND TRAINING ISSUES**

The implications of the myriad issues facing TPV holders for the education and training systems and those who work in them are enormous.

### **Early Childhood and Schools**

Among the specific immediate and potential impacts of their traumatic experiences identified by research are:

- physical injuries and illnesses as well as emotional and psychological symptoms associated with their trauma which can manifest in many ways and significantly influence settling and learning at preschool and school.
- ongoing problems associated with lack of food, starvation and malnutrition, and little or no medical attention before reaching Australia.
- extended deprivation of peace and security in their home country including unrest which lead to closure of schools and severe disruption to educational services.
- wariness of adults and authority figures.

Further problems associated with these issues include:

- lack of financial resources for uniforms, books and other school requirements such as excursions, which can be too much for families on top of rent, food and basic clothing and household items.
- children and young people, and their parents, with various levels of education and school experience, some with none.
- children, and their parents, with various levels of English, again some who may have none.
- many children having grown up in refugee camps where some had some education and others very little or none.
- many not understanding Australian culture and customs and expectations within the Australian education system.
- many exhibiting their stress through behaviours such as sitting in corners and incessant crying by younger children because of their fear and terror of separation from their families.
- reactions to their trauma and extremely difficult backgrounds varying enormously with some not speaking while others talk incessantly and loudly.
- some children displaying aggressive traits that derive from fear, disorientation and grief, while others withdraw as a response to fear, disorientation and grief.
- scarcity or non-existence of interpreters for some groups.
- many afraid of all authorities, including schools, because of their experiences of betrayal in their home countries.

Meeting the educational, and many of the emotional and welfare needs of these students, requires significant amounts of additional work and effort by education personnel and the schools, centres and colleges they attend.

A recently developed NSW Department of Education and Training document, *Assisting Refugee Students at School*, offers information and strategies for school communities.

Schools are advised that they can support the learning of refugee students by, among other things, maintaining a safe and predictable environment within the school community, creating a welcoming and accepting environment, coordinating responses across the school, monitoring school activities to avoid discrimination and racism, and considering offering parents a 'Families in Cultural Transition' course. Teachers are asked to make individual assessments of student needs, monitor learning progress, allowing time for refugee students to adjust to life in Australia, take note of student behaviour and monitor for symptoms of distress as a result of trauma, adjust learning programs, consider language proficiency as an influence on student learning, examine the information recorded in refugee and migrant student information sheets to gather insights into the background of students, and regularly refresh their awareness of ways of assisting refugee students.

It highlights additional problems associated with the period prior to the extension or expiration of a TPV, which large numbers of students and families are currently facing. Students frequently become increasingly anxious and their participation and performance deteriorates or becomes erratic. Principals and other staff, can be, and are, contacted by outside personnel such as migration agents and other outside agencies who are working with students to pursue their legal options with respect to their residency in Australia.

While such documents are welcome initiatives by Departments, they highlight the urgent need for recognition of the additional load placed on already overloaded teachers and schools, and for the provision of ongoing resources, training, development and support

## **TAFE**

Most of the issues addressed in the preceding section apply also to young TPV holders in the 15-24 age group. They too are an extremely diverse group, ranging from those who were well-educated in their countries of origin, highly articulate and qualified, to the opposite, and there are a multitude of issues that affect their ability and capacity to access post-secondary education and training.

Access to TAFE by TPV holders varies from state to state, and the authority to grant fee exemptions has been extended in some states. However, research has identified a number of particular barriers this age group faces in addition to the general barriers arising from disrupted or limited education, unmet language and literacy needs and high personal support needs due to a range of physical, psychological and emotional traumas.

These barriers include:

- the fact that the process for applying to study at TAFE for TPV holders is not widely understood in the community.
- the widespread lack of simplicity and clarity concerning access to TAFE for TPV holders across the system which means, for example, that despite changes a number of service providers are still not aware that TPV holders can apply to study at TAFE and that there are a multitude of understandings of how 'the system' works.
- the onerous nature of the process for applying for fees and charges to be waived for young TPV holders which exacerbates existing levels of uncertainty and anxiety.
- access to TAFE for young TPV holders being further complicated by their financial situation and problems with Centrelink.

- unemployment, restricted access to Centrelink payments and the desire to send money to family overseas which create pressures on young people to leave full time study and find work.
- the lack of appropriate curriculum, education and training options for many refugee students at TAFE.
- the lack of after-school and post-school literacy programs for young people from language backgrounds other than English which can provide pathways to TAFE.
- limited understandings of VET and the opportunities TAFE study can provide which often lead to negative perceptions of TAFE.
- the lack of appropriate channels, networks and contacts for effective communication and liaison with these communities.
- the absence of coordinated strategies to address identified VET/TAFE needs.

Our members who work with these young people in schools and language centres report problems with getting their students access to TAFE, and say that “you need to really know your way around the system” and that it takes a lot of time and skill and individual judgement, with all the responsibility that carries, to recognise which program is the ‘best fit’ for the diversity of students with whom they work. Similarly members in TAFE report that they face major difficulties in ensuring the best outcomes for their students.

It is clear that in the maze of dealings between schools, TAFE and Centrelink re TPVs there are a multiplicity of versions of what ‘The Policy’ is and much appears to depend on the attitudes of particular individuals. Apparently arbitrary changes in policy by Centrelink cause panic among already vulnerable students and require significant amounts of extra counselling and administrative work on the part of education workers. Similarly ongoing issues between state agencies and DIMIA place additional burdens on those working with young TPV students.

TAFE members working with these students report that, in addition to the problems outlined above, they work in the face of a system which provides no additional budget allocation to support the particular needs of their students, no core funds and no additional staffing, and the feeling that it’s up to each individual college as to what they will provide. They report that some Institutes offer little or nothing while colleges and workers who are known to ‘go out of their way’ for their TPV students attract additional students who haven’t survived in other places because of the lack of programs and support.

Like their counterparts in senior secondary schools and centres, they find that their TPV students bring a high ‘welfare need’ which requires increased counselling, both ‘educationally’ and ‘personally’. Again, this intensifies for the many students who are on the third year of their TPV and who face the frightening and uncertain process of applying for renewal. Additionally, those students with good English skills become advocates for their families and friends with lesser skills, which is time-and energy-consuming, and many of our members who work with these students become involved in the extended circles of the students they teach and care for and about.

There is a shared feeling of frustration that those working at the grass-roots level don’t have a chance to give any input into how the system is managed. We, however, can at least give their voices a chance to be heard through the following statements, reflections and observations:

*There doesn't seem to be any systemic or systematic underpinning of what we do. We do things because we think we should and because it's the right thing to do, not because it's the bloody system – it's a personal choice.*

*Most of the changes in TAFE and things that have been achieved have been done by us constantly chipping away rather than major system changes. Finding chinks and cracks... doing things ... then getting them 'retrospectively' approved and used as precedents...*

*I feel like everything's up to me and I'm having to make close calls all the time. Every day I feel like I'm putting my job on the line and that I'm breaking rules all the time.*

*I don't know how long I can last and I see lots of burn-out and chronic fatigue. But I worry what will happen to my students if I'm not here.*

*It's ad hoc ad lib all the day.*

*It's really important that you document that education is about working with individuals in the system and that their survival needs impact on their education.*

*It's heartbreaking being so close to the uncertainty and the absolute unknowing and fear faced by my students.*

*I have to know who the decent people in the system are and make sure my students go to them. I can never just send them to the office to do it themselves in case they get the 'wrong' person. I have to shepherd them all the time.*

*There's so much I have to know about all the networks, support systems and aid agencies to get the best help for my students.*

*Management is either hostile or supportive, but generally it's the 'I won't stand in your way if you do it' kind of support. They should make everything legal – underpinned by policy and practice – so that it's part of everyday business.*

*There isn't a holistic approach. You should write to all Institute Directors to find out what processes they've got in place because different directors interpret Minister's letters differently. And it gets worse because then different staff get told different things because the whole college aren't informed as a matter of course. It's all pretty ad hoc really.*

*A good policy change would be for automatic qualification to access for bus/train pass for all TPVs enrolled in TAFE – regardless of age and/or number of hours. It's currently only free travel eligible for those under 18 in TAFE and we should lobby for extension to it for over 18 and even if only 4 to 5 hours a week to have same entitlements as full-time student..*

*Others felt concerned that they had to make personal decisions about the competing and sometimes conflicting needs of TPV students and other disadvantaged students and groups:*

*We just can't do it all.*

*I know if I'm successful in getting this for my students there are others who are missing out.*

*We need proper programs and infrastructure for all our disadvantaged students. We're under-resourced already without additional burdens imposed by the vindictive bloody-minded Commonwealth.*

### **Access to University Education**

Many young TPV holders are frustrated by the fact that despite how well they do in their studies they are effectively denied access to university because of the iniquitous requirement that they pay full overseas student fees. Reliable information suggests that this is a matter of major concern to a number of Vice-Chancellors, who are anxious to explore ways they can provide places for refugee students seeking university access. This is a matter which the AEU could well pursue further with the NTEU and the AVCC.

### **CONCLUSION**

The AEU, and its members in Branches and Associated Bodies, have achieved some significant successes in areas highlighted in the 2003 Federal Conference decision on Refugee Children in Detention Centres, notably its call for children detained in Baxter, Woomera and other centres to be allowed to attend public schools, and in increased access to TAFE courses and programs for many TPV holders. The AEU has also been a significant voice in ongoing efforts to release children from detention, some of them successful. The individual and collective actions of members, often at significant personal risk and cost, in support of these campaigns is to be applauded.

We will continue to campaign vigorously for an end to mandatory detention and the release of all children from detention, and for improved access to education and TAFE courses and programs for all refugees, whether in detention or TPV holders living in the community. Initiatives such as that of the NSWTF in negotiating a joint Union/Department fund to provide resources to support the education of all refugee and asylum seeker students in NSW public schools provide valuable models which could be pursued in other systems.

A particular concern for us to address is the large number of refugee TPV holders enrolled in preschool centres, schools and TAFE campuses in Australia who are living under the constant threat of deportation.

The AEU has rightly condemned the forced deportations which have already occurred at the instigation of the Federal Government and the increasing numbers of deportations which appear inevitable under the current Government's inhumane policies.

Federal Executive has endorsed a proposal for a national plan for strong AEU involvement and leadership in a nation-wide school and community-based education and action campaign aimed at protecting and defending refugee and asylum seeker students in schools and TAFE campuses across Australia, and their families, from deportation. A 'Not-From-Our-Centre/School/College/Community' campaign would give public recognition to the unique role of educators in raising awareness about fundamental human rights issues with students, parents and communities, and highlight the importance of working collectively through our education communities to protect and defend vulnerable individuals and their families.

The campaign would draw on the work already begun by the NSWTF Temporary Protection Visa campaign and the successful Victorian school and community-based campaign against the deportation of East Timorese families. In order to be successful as a national initiative, a national network for the collection and dissemination of relevant information from all centres, schools and colleges attended by students who are refugees on TPVs would be required. This would involve each Branch and Associated Body designating a contact person and the designation of an officer to coordinate the national network.