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TEMPORARY PROTECTION VISA HOLDERS: Current Issues and Future Concerns

August 2000

1. Introduction

As of 20 October 1999, successful refugee claimants who arrive without authorisation are no longer granted permanent protection visas. Instead they are granted temporary protection visas (TPVs) which significantly limit their entitlements to settlement services and other welfare support. The TPVs also preclude family reunion and do not give re-entry rights should a TPV holder leave the country.

Since mid-2000 significant numbers of TPV holders have been released from immigration detention and the Government has announced that a further 2,000 people will be released in coming weeks. The newly released TPV holders are being taken by bus from the detention facilities at Woomera, Derby and Port Hedland to various locations around the country. The largest numbers have gone to three cities: Perth, Adelaide and Brisbane. Smaller groups have been taken to Melbourne and a variety of rural centres such as Mildura and Ipswich.

In an effort to find out what was facing the refugees on their release from detention, RCOA's Executive Director visited Adelaide, Perth and Brisbane in late July – early August to speak with community groups and service providers who have taken on the responsibility for supporting TPV holders. This report has been written for workers in this sector following these consultations, with the object of:

- providing an overview of the services being offered in each of these cities;
- giving contact details of key workers in the various cities to assist workers whose clients chose to relocate;
- examining some of the short and long term issues arising from the policy of granting the temporary protection visas.

2. Current Services

Given the common recent experiences and needs of the client group, it is understandable that there are some key needs common to all. The most pressing of these have been identified as:

- i. Employment: the need to get a job to earn money to send to family members and to repay the travel debts.

ii. Accommodation: while some of the refugees arrive with sizeable sums of money, most do not. They face the challenge of saving the up-front costs that are necessary to enter the private rental market while at the same time having to pay hostel costs (\$16–20 per night), the \$30 visa application fee and feed themselves on the initial payment and then the special benefit payment they receive.

iii. English: until the TPV holders gain some proficiency in English, their chances of gaining employment are low. They are, however, excluded from federal government funded English language programs.

iv. Family reunion: the TPV does not allow the holder to apply to be reunited with their immediate family (spouse and children). While they are aware of this preclusion when they are released, many believe that they will be able to “get around it”. Then comes the slow and painful dawning that this is unlikely to be the case and the increasing distress this causes to the refugee.

Each of the three cities visited has responded in a very different way to the demands of providing support to large numbers of newly released refugees, though in all cases their success in doing this has been due to extraordinary efforts of individuals, a sizeable proportion of whom are volunteers, who have quite literally put their lives on hold to devote their energies to helping the refugees. Standing by their side are many government employees whose compassion and flexibility has made the path much smoother than it might have been had Departmental directives been followed to the letter.

That which follows is not a comprehensive overview of services in each of the cities. Rather it is an attempt to present the framework being used and to give those working in other cities points of contact with whom they can follow up on issues of mutual concern or make contacts in relation to individual clients.

2.1. Adelaide

Adelaide is arguably the most advanced in terms of coordinating support for the new TPV arrivals. The TPV Interagency Strategy Group has been formed and it meets fortnightly. The group is coordinated by a representative of the SA Department of Human Services and is made up of representatives from a broad cross section of government and non-government agencies including DIMA, the Office of Employment and Youth, the SA Department of Education, Centrelink, Migrant Health, the Australian Refugee Association, the English Language and Literacy Service and STARRS.

The group meets to be briefed on when the busloads of new arrivals are expected, to plan for these arrivals and to work collectively to solve the many problems that are arising. The type of issues discussed at recent meetings include:

- welfare payments
- accommodation
- access to Medicare
- English language instruction
- education for minors
- unaccompanied minors
- police liaison; and
- welfare concerns.

It would appear that South Australia is also ahead of the other states in terms of the commitment to this group from the State Government, though there are qualifications to this. The Premier has taken a personal interest in the TPV holders from the outset, publicly arguing the moral imperative and asking for ongoing briefings. State Cabinet, on the other hand, has been more cautious, knocking back a proposal to pick up the full range of services for TPV holders. Instead the SA Government provides a subsidy of \$800 per head which is

being used to fund (directly and indirectly) the work of NGOs and others working with the refugees. Contrary to widespread belief, the money does not go directly to the refugees.

While the Department of Human Services proposal to Cabinet for full support did not succeed, there is considerable sympathy around the issue of accommodation and various options are being examined to make creative use of existing housing stock.

Community agencies have provided the backbone of the practical support to the refugees. They are providing information and orientation assistance and through generous public support, have been able to put together bedding and linen packages for the entrants. Workers feel that since the Woomera breakout there has been a swing in public sympathy towards the refugees and this has not only been reflected in the number of donations coming in but also a marked softening of the debate on talk-back radio.

Amongst the many issues confronting the refugees, the following were identified as being of current concern:

- the lack of information that the refugees get from DIMA and ACM about where they are coming to and what will happen to them when they get there;
- the lack of notice the agencies get that a new group is about to arrive and the paucity of information about the composition of the group;
- finding suitable accommodation for the refugees (and the need to resolve the current confusion about the impact on Centrelink payments of grants from the Housing Trust);
- delays in issuing Medicare cards which mean that refugees with immediate health needs cannot be treated;
- income support for younger unaccompanied minors given that Centrelink cannot make payments to under-16 year olds
- the release of some refugees from Woomera with inadequate footwear (thongs or scuffs only, no shoes) and only light clothing; given the fact that Woomera can be very cold in winter – as can Adelaide – it begs the question of whether they were warm enough in the detention centre.

The contact person for the TPV Interagency Strategy Group is:

Monica Leahy – Department of Human Services – (08) 8226 6131.

2.2. Perth

While Perth does not have the same sort of broad cross-sectoral coordination as in Adelaide, a real effort has been made to ensure community coordination through the establishment of the Coalition Assisting Refugees After Detention (CARAD). CARAD was formed by people who encountered the first TPV holders when they came to Perth in early 2000 and who recognised a need for both practical assistance and advocacy. Those at the centre of CARAD include Eira Clapton from the WA Ecumenical Council, Judyth Watson, a retired state politician and John Broadbent a retired school principal on leave from volunteer work in Pakistan. They are supported by a very active group of volunteers who:

- run the Welcome House in central Perth as a drop-in centre and support service for the refugees;
- copy applications for permanent protection visas so that the TPV holders will be able to get access to Medicare;

- run English language classes (as does the Catholic Migrant Centre);
- liaise with church groups and parishes to find crisis accommodation;
- assist the refugees to find affordable long term accommodation;
- provide practical assistance and collect goods to help to meet material needs;
- take the refugees on excursions and organise other activities to make them feel welcomed by the Australian community.

Most of the refugees who come to the Welcome House are Afghans. The Iraqis are typically far less visible to support agencies and to a large extent are assisted by their own communities.

In addition to CARAD, a number of other agencies are providing support to the TPV holders, sometimes officially and sometimes unofficially due to DIMA restrictions. As in other states, cooperative working arrangements have been established on the ground between hands-on workers in the government and non-government sectors, with the focus being on finding creative ways to meet immediate need.

Despite the extreme negativity of comments from the WA State Premier and some very unsupportive press, there has been progress at a state government level to provide assistance to the TPV holders. The Office of Citizenship and Multicultural Interests (OCMI) has prepared a submission to Cabinet, with the support of their Minister, Rob Johnson, arguing that the state government should pick up the responsibility for providing accommodation and ESL assistance to the TPV holders. The results of this submission were not known at the time of the visit but it was reported that many things “were already happening on the quiet”.

The various workers consulted raised the following as key issues of concern:

- the quality of the initial accommodation selected by DIMA. In most instances it is backpacker accommodation which is dirty (which is a big issue for Muslims);
- some new arrivals are coming with health needs for which no provision has been made (especially given the delays in issuing Medicare cards). One person told of a refugee arriving with pus-sodden surgical dressings and a man with stitches in his eye that had not been removed. Many workers spoke of refugees being released with skin complaints and gastric problems;
- guardianship of unaccompanied minors: the legal responsibility for guardianship of unaccompanied refugees under 18 year of age is the responsibility of the WA Department of Family and Children’s Services (FACS) who are funded by DIMA to undertake this role. Many interlocutors spoke of grave concerns about the way in which FACS has been discharging this responsibility. RCOA was told of delays of over one month in the appointment of a guardian and frequent changes of guardians. As a result of NGO advocacy, FACS had recently announced that it would appoint a single guardian for all the unaccompanied minors but much to everyone’s alarm, the person selected to fill this role is a 4th year Social Work student. The only thing that has rescued the situation and prevented serious problems from developing is the unfunded involvement of one community worker. He has taken on a defacto guardianship role in addition to his other duties and has been working very hard and creatively to ensure that both the protection and practical needs of this highly vulnerable group are met;

- this worker had been able to arrange foster care for some of the unaccompanied minors with Afghan families in Perth. In other cases, the minors are placed in group homes – though with this the problems of legal guardianship have caused difficulties when it has come to signing rental agreements;
- access to education: while the state government has said that children on TPVs can get access to state education, they do not have the necessary proficiency in English to enter mainstream schools. They thus need to go to the Intensive Language Centres. The Centres however, have said that they will not admit the TPV holders unless they get top-up funding from DEETYA, arguing that they are unable to meet the pre-existing need without having to deal with a new client group. DEETYA have thus far refused to provide the funding and therefore the Centres are not officially allowing TPV holders to use the service (though some individual centres have made exceptions). This bureaucratic “Catch 22” is highly significant given obligations under the Refugee Convention and the Convention on the Rights of the Child to provide education to school age children;
- following on from the above, the aforementioned person working with unaccompanied minors has used personal contacts to get many of the minors into private schools (as non-fee paying students). The schools have, however, been made very nervous because of letters sent to them by the Department of Education saying that as the refugees have only 3 month Medicare entitlement, the school can only take them for 3 months;
- access to housing: as in all states, it is proving very difficult for many of the refugees to save the establishment costs (rent in advance, bond etc) to enable them to enter the private rental market ;
- the ability of the volunteer sector to keep up with the demand. It was explained that thus far they have been able to “pull enough rabbits out of hats” but they are “running out of hats”. They are worried about the prospect of having to support approximately 60 new arrivals each week indefinitely and recognise that with the current level of resources, something will have to give.

Useful contacts in Perth:
 CARAD – Eira Clapton: (08) 9221 1732
 ASeTTS: (08) 9325 6272

2.3. Brisbane

In Brisbane the Romero Centre in the suburb of Buranda has become the focal point of TPV holder activities. The Centre is in a house owned by the Sisters of Mercy and run by the Centre for Multicultural Pastoral Care. It was initially a drop-in centre for refugees and asylum seekers but is now largely devoted to meeting the needs of the new clientele. For each new busload of refugees, their first stop is the Romero Centre . There they receive information from DIMA, Centrelink and other agencies and appointments are set up to have health checks, lodge protection visa applications etc. It is only after this orientation that they are taken to their initial accommodation (usually a back-packers’ hostel).

In the following days the refugees return regularly to the Centre for further advice and support as well as the English classes being run by volunteers. The various agencies involved in assisting the TPV holders are not formally coordinated but the Centre appears to have evolved a defacto, and invaluable, coordination role because so many activities are either centred there or referrals are made from there. The issue of lack of official coordination has, however, been identified by some as an issue of concern.

In addition to the Romero Centre, other agencies who are actively involved with the TPV holders include the Queensland Program of Assistance to Survivors of Torture and Trauma (QPAST), the South Brisbane Immigration and Community Legal Centre and the Society of St

Vincent de Paul. Recently too there have been discussions with Red Cross about involving their volunteers. DIMA funded agencies have shied away from any involvement.

The Catholic community in Brisbane has been very supportive of the TPV holders and has made generous contributions in kind (blankets, clothes, household goods) and of their time. It was noted with interest that in addition to the "usual donors", many of the Catholics becoming involved with the TPV holders are from ethnic Catholic groups such as the Vietnamese, Italians and Latin Americans.

The Islamic community, on the whole, has been less engaged. It is felt that in large part this has been because of warnings from the federal government that they should not become involved and also because the official line that they are "taking places from your families" has clouded their views. The issue of distrust of the community was also raised. There have, however, been some exceptions, notably the Kurdish community.

Queensland is at much the same stage as Western Australia in terms of securing state government support for TPV holders. Workers believe that the state government will announce soon that it will assume responsibility for providing a range of services including housing (through some form of On Arrival Accommodation). Multicultural Affairs Queensland (MAQ) has been the main agency involved at the state level. They are currently funding research into the needs of the TPV holders.

Unlike the other cities, local government is also involved in Brisbane. The Brisbane City Council has been constructively involved from the outset at both a practical and advocacy level. Commendation was also given to front-line workers within other government agencies who have willingly cut through red tape when necessary.

Understandably, many of the issues identified by workers as being of immediate concern in Brisbane paralleled those from the other states. These included:

- delays in lodgement of applications for permanent protection visas due to the enormous pressures on the small number of registered agents who are allowed to provide this assistance ;
- these delays in lodgement of visa applications then flow on to delays in getting Medicare cards: the usual wait is 3-4 weeks but one woman has been waiting over 7 weeks. This is seen as particularly significant because it is estimated that about 1/3 of the refugees have immediate health needs;
- TPV holders coming to Brisbane are not being given their health records on release . This has proved very frustrating to medical personnel and has significantly delayed follow through on those who have health undertakings ;
- as in other states, concern was expressed about the health status of the refugees after their time in detention. Reference was made to the high occurrence of "skin disease" and back problems . The incidence of psychological problems is also high;
- one case was raised where two brothers, one a minor, were released at different times from the detention centre and sent to different states despite representation to DIMA;
- accommodation: many of the Afghan refugees have been able to be housed at Yungaba which is rent assisted accommodation close to the centre of Brisbane. Provision has also been made to allow the payment of bond money in instalments rather than an up-front payment. Accommodating the smaller number of Iraqi refugees who have been released has proved to be more problematic as the Iraqis and Afghans cannot be successfully co-located;

- unaccompanied minors: the Department of Family Services has tendered out the role of providing support to the unaccompanied minors to the Peace Centre which is run by the Sisters of Mercy. The Centre is quite some distance away from the areas in which the adults settle and concern is expressed about the isolation of these young people both from their former support group and their community as a whole. In many instances the minors have elected to move out of the Centre and have moved in with the adult men. It would appear that there is uncertainty about Family Services' role if this happens and whether they maintain their guardianship responsibilities. QPAST also expressed concern about the general well-being of the unaccompanied minors since their release, saying that they have noticed a marked deterioration in the appearance and demeanour of some of the minors with whom they are in contact;
- the need to get money to support family members overseas and repay travel loans is obsessing many TPV holders. As a result they have become highly mobile – going anywhere where they think there might be a job (irrespective of how well founded this belief is) – and sometimes they borrow from other refugees to pay for their travel. The issue of internal debt worries service providers as they see this as a potential cause of friction within the community;
- TPV holders vs asylum seekers: as little as the TPV holders get, it is still far more than asylum seekers are entitled to. The huge demands of assisting about 30 new refugees each week have meant that those previously able to provide assistance to asylum seekers have had to focus their efforts elsewhere and the small but needy group of asylum seekers in Brisbane have been largely left out in the cold.

Important contacts in Brisbane:

Centre for Multicultural Pastoral Care: (07) 3876 3294

QPAST: (07) 3391 6677

South Brisbane Immigration and Community Legal Centre: (07) 3846 3189

2.4. Other States

The secondary migration to south eastern states, and the recent bussing of entrants to Melbourne, has meant that services in Sydney and Melbourne are having to address the issue of TPVs as never before. Important contacts in each of these cities are:

Sydney: the Asylum Seekers Centre (02) 9361 5606

Melbourne: the Ecumenical Migration Centre (03) 9416 0044.

Canberra has also been the destination of some TPV holders. A useful first point of contact in Canberra is:

ACT Office of International and Multicultural Affairs: (02) 6205 0324

3. Broader Concerns

Listed above are the immediate concerns confronting those trying to assist the TPV holders in the first days and weeks after their release from detention. Underlying these, however, are some much bigger concerns that have far greater ramifications for the refugees, the support providers and the community as a whole:

i. Mobility

As has already been suggested, the imperative of finding employment, the lack of choice about where they were taken, separation from friends and family and limited understanding

about Australia have meant that the TPV entrants have become a highly mobile population. Frequent relocation is common. This has many implications:

- they move away from the agencies who provided initial support and are not necessarily linking up with groups who can provide support in their new location (if such groups exist);
- they are less likely to be able to get English language instruction;
- they are vulnerable to exploitation in the labour market (RCOA was told of a group of Afghan men who have secured jobs in rural WA for which they were being paid \$5 an hour);
- as will be discussed below, it is very difficult to follow up on health undertakings;
- ongoing pro bono support from doctors, dentists and other providers is compromised when refugees fail to turn up to appointments because they have relocated;
- many of the TPV holders do not understand the importance of advising DIMA or the initial support agency about their new address. This has all sorts of implications in terms of forwarding mail, maintaining contact with Centrelink, Medicare and DIMA etc;
- the refugees incur debts to relocate to places where they have been told jobs exist or where they have a "friend", only to find that there is nothing for them there and no one to whom to turn.

It therefore seems probable that a number of the TPV holders will end up as a hidden underclass.

ii. Public Health

Many of RCOA's interlocutors raised concerns about public health. Providers suggest that approximately 10% of the TPV holders are being released with health undertakings related, in most part, to tuberculosis and hepatitis B and C. The delays in getting access to their health records, the delays in the health authorities calling them for appointments and the high mobility of the group mean that many of the refugees are not linking in to the services that would help them manage their condition and provide protection for the public at large. The implications of this are obvious.

Also of concern is the fact that the majority of the TPV holders are single men (either unmarried or with wives still overseas) whose traditional sexual practices are likely to expose them – and later their families – to sexually transmitted diseases such as HIV and hepatitis. In the interim, those who already have hepatitis and are not properly counselled about its management might be exposing their sexual partners to it.

iii. Health

In addition to the public health issues raised, common amongst the concerns raised about the TPV holders was their poor areas too where the TPVs can be exploited. Their need to get money to help their families leaves them open to "loan sharks" and other money lenders whose terms are unreasonable.

With issues such as those mentioned, the TPV holders are not able to sponsor their wives and children until they have been granted a permanent visa. This means at least 4 years separation and probably much longer. There are many implications of this:

- the men could enter into relationships with other women in Australia. In Islam it is acceptable to have more than one wife. If such contracts were entered into out of loneliness or the need for sexual gratification, it would prevent them from sponsoring the first wife;

- in Islam it is also permissible to enter into short term “marriages” which can be easily dissolved. If the man and the woman entering into this agreement had different interpretations of the meaning of the agreement, there could be significant legal and social problems;

- the long period of separation from wives and children will have effect the relationships within the families, possibly to the point where family breaks down after eventual reunion;

- some of the Afghan men have borrowed money to enable them to travel to Australia, leaving their wives and children behind as “collateral”. They believed that soon after their arrival they would be able to earn enough to pay off the debt and reunite with their families. The period of detention, plus the restrictions of the TPVs, have made these men frantic with worry. They believe that their families will be indentured into slavery or exploited in other ways because of their inability to repay the debt.

Added to this are the aforementioned health implications for the family if (or rather “when”) the men engage in unprotected sexual activities while in Australia.

v. Long Term Welfare Dependency

While the vast majority of the TPV holders are desperate to get work, the odds are very much stacked against them. Their exclusion from funded English language classes and labour market programs, together with issues like skills recognition, make it very hard for them to get jobs. This is particularly the case for the Iraqis who tend to be better educated, have higher expectations and are less willing to accept unskilled work.

While it is still early days, it is considered probable that many of the refugees will either unemployed for long periods or in unsustainable employment. They will then have to rely on welfare payments which in turn generate dependency.

vi. Vulnerability to Exploitation

As previously mentioned, some TPV holders are already working for a salary well below the minimum award. The imperative to find work, coupled with their lack of understanding about labour market conditions and safeguards, make the TPV holders vulnerable to exploitation by unscrupulous employers who want cheap labour or people prepared to work in unsafe conditions.

There are other areas too where the TPVs can be exploited. Their need to get money to help their families leaves them open to “loan sharks” and other money lenders whose terms are unreasonable. Further, while it remains to be seen whether this group will be similarly effected, we know that other groups of refugees from the same area have been drawn to casinos and other forms of gambling, believing that this is a way to get lots of money quickly.

Opinions are divided on whether the TPV holders will be vulnerable to exploitation by criminal elements and/or inclined to resort to crime to get money for their families. The awareness amongst the group that the granting of a permanent visa depends, in part, on an unblemished record over the next three years is seen as a powerful deterrent from engaging in any criminal activity.

vii. Unaccompanied Minors

In each state the guardianship responsibilities for unaccompanied minors have been passed from DIMA to a relevant state government department and, in some cases, further devolved to a community agency. As has been reported, how this operates in practice varies from

state to state and as indicated above, there are serious concerns about what is currently happening in Western Australia and apparent problems in Queensland.

Australia surely has learnt from its experience with Indochinese unaccompanied minors in the 1980s about the importance of providing timely and culturally appropriate support to these refugees. They have a complex array of developmental, cultural, educational and social needs that if left unmet, can lead to delinquency and dependency.

viii. Psychological Health

Given the high incidence of trauma reported amongst those who have been released from detention, and all that has been said above about the obstacles that confront the TPV holders, it is not difficult to predict that we will see a high number of these refugees in a very poor psychological state, requiring the services of specialist torture and trauma counsellors.

ix. Impact on Workers

The large numbers of TPV holders being released from immigration detention, combined with the limitations on services for which they are eligible, have placed enormous demands on support workers. In some cases agencies are having to redirect workers from other work or ask staff to provide services over and above their workload. As professionals they are deeply distressed that they cannot give to their clients the kind of support they know they need.

Because of the contractual obligations of DIMA funding, most settlement service agencies are not allowed to assist the TPV holders. This has a significant impact on the staff of these agencies too in that they see refugees no less needy than their clients but they have to turn them away (or break the rules if they help them).

The third – and extremely important – group of people providing support to the TPV holders are volunteers. They are providing most of the practical assistance to the refugees in the initial period after release. Some have been involved in CRSS groups in the past, others have come to this area afresh. RCOA found these people incredulous at the inhumanity of a policy that leaves highly traumatised individuals bereft of assistance. Many are feeling overwhelmed by the enormity of the task that confronts them and anxious about their ability to keep going for the duration.

While on the one hand there is the positive outcome that many workers and volunteers have learnt a great deal from their involvement and have developed important, strategic alliances, it cannot be forgotten that all of this is underpinned with considerable anger about the TPV policy and resentment that a whole range of parallel structures have had to be developed because the TPV holders are not able to use the services set up for other refugees.

x. “Culture Clash”

When the TPV holders come out of detention, they meet many workers and volunteers, most of whom are women, who are naturally trying to be as friendly and open to the entrants as possible. The unfamiliarity of the TPV entrants with Australian culture, however, means that the behaviour of the women they encounter can so easily be misconstrued. They confuse what we would regard as friendly behaviour with a sexual advances and can so easily respond in an inappropriate manner. Herein is the imperative for all of those working with the TPV holders, in particular women, to be appropriately briefed about cultural interaction to avoid such misconceptions and any problems that might flow from these.

xi. Community Disharmony

While on the one hand we have the Government sponsoring the “Living in Harmony” Campaign, on the other we see politicians and government officials actively encouraging division within and between communities through their efforts to portray the boat arrivals as “illegals”, “queue jumpers” and “criminals” and by the telling funded ethnic workers that they are not allowed to assist their compatriots. This is dangerously divisive and could seriously undermine efforts to promote multiculturalism in this country.

4. Conclusion

The Refugee Council reiterates its objection to the current temporary protection visa regime. As outlined above, the inability of the TPV holders to use the established settlement services is creating a major challenge for those trying to assist them. Further, the short term expedient of deterring further arrivals could well result in long term social problems and cause great suffering to people who came here believing that in Australia they would find the safety and dignity they had been denied.