

# refugee council of australia report



December 2015

## **BARRIERS TO EDUCATION**

**FOR PEOPLE SEEKING ASYLUM AND REFUGEES ON TEMPORARY VISAS**

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*Cover photo: Haseena, nine years old, left, and Nadia, twelve years old. The sisters are the second generation of Afghan refugee girls to attend the school in Pakistan run by 2015 Nansen Refugee Award winner Aqeela Asifi. Their mother, Salma, was among the first girl students two decades ago. © UNHCR/Sebastian Rich.*

## Executive Summary

People seeking asylum have constantly expressed to RCOA their keen desire to improve their English and to undertake further education in order to contribute to Australia. There are currently around 30,000 asylum seekers living in Australia who arrived by boat and are waiting to have their claims processed. If they are found to be refugees, they will not be eligible for permanent residency in Australia and will instead be granted either a Temporary Protection Visas (TPV) or a Safe Haven Enterprise Visas (SHEV).

As they are not permanent residents of Australia, people seeking asylum and refugees on TPVs and SHEVs do not have access to the same services and entitlements as permanent Protection Visa holders or refugee and humanitarian entrants who are resettled from overseas. Some of the most significant differences in entitlements are those relating to tertiary education. These people face significant barriers which effectively prevent most people on these visas from pursuing further study. This in turn diminishes their employment prospects and undermines positive settlement outcomes.

People living in the community who have either already been granted SHEVs or TPVs or who are awaiting a decision on protection claims also face barriers in their attempts to participate in high school education.

The impacts of these barriers were captured by one young asylum seeker during RCOA's annual consultations:

“ I lost my dad, I lost my brother and I couldn't stay anymore. I came to be safe here. I came here in 2012, I'm not allowed to work, there are no funds for me to study. It's not just me; it's all asylum seekers I am talking about. I am involved in many organisations to raise awareness about what is happening. When I arrived I was 17. Imagine if you are 17 and you are not allowed to go to school, there are no funds for you to go to school. Now I'm almost 20. The best years of my life are gone. When can I go to school? When can I go to college? When can I have my education? I don't know what will happen to me or when I will have funds at least to go to school. It could take another four to five years. How old will I be then? In the circumstances in which I'm living, do you think I will be safe? You can't be sustained, you just stay home all day and do nothing, just keep worrying. Your family is not safe at all. You are 25, your life is almost gone. I think the ages from 17 to 25 are the best years of your life. You can make your future, you can go to uni, you can get a degree. You are spending your life like it's a prison, stay home all day, do nothing. It's not only me. There are 30,000 in my circumstances, staying home all day and doing nothing. I escaped from my country because I couldn't go to school. The only thing I wished to have was a better life, a safe life, to be educated and I couldn't have that. I took all of the risks, I came here and now the policies make it much harder.

This research is informed by RCOA's annual consultations with service providers and refugee community members, as well as a national teleconference on education held in partnership with the Multicultural Youth Advocacy Network (MYAN). RCOA thanks all those who contributed and especially the young people who shared their personal experiences.

## Statistics

As of June 2015, there are 28,588 people seeking asylum on a Bridging Visa E (BVE).<sup>1</sup> Within this group 6,500 people seeking asylum are aged between 18 and 25.

State	Number of people on Bridging Visa Es
ACT	163
NSW	9,754
NT	148
QLD	3,296
SA	2,422
TAS	62
VIC	10,902
WA	1,841
<b>TOTAL</b>	<b>28,588</b>

In addition to people on BVEs, as at September 2015 there are 744 people who are living in the community under Community Detention arrangements.<sup>2</sup> This includes 409 young people under 18, many of whom are likely to turn 18 at the end of the year. Approximately 150 of these young people under 18 are unaccompanied. They are living in Community Detention without a parent or guardian.

Statistics on TPVs and SHEVs are not yet available but it is likely that many people will transition from a BVE to a TPV or SHEV over the next three years.

In total, there are almost 30,000 people living in the community awaiting a decision on their refugee claim. We expect that a significant number of these people will be seeking to continue their secondary and further education, especially the approximately 7,000 young people between 16 and 25 years old.

## Ineligibility for higher education financing programs

Unlike holders of permanent humanitarian visas, people seeking asylum (such as those on bridging visas) and refugees on temporary visas (such as those on a TPV or SHEV) are not eligible for Federal Government programs designed to assist students with financing tertiary study, including higher education loans schemes such as FEE-HELP and HECS-HELP and Commonwealth Supported Places (CSP).

Further, most people seeking asylum and refugees on temporary visas are unable to access concession rates for TAFE from states and territories. Without Government support, people are forced to pay international student rates to attend TAFE and university. The costs of these fees can be in the thousands of dollars effectively preventing them from furthering their education.

A handful of universities have started to provide scholarships to asylum seekers on BVEs, including Monash University, Curtin University and the University of Western Australia, which will cover the entire cost of tuition. Canberra University, working with Companion House, has recently agreed to waive international fees for five recipient students who would instead pay 10 per cent less than domestic student course fees.<sup>3</sup> Companion House is fundraising to pay these fees, equivalent to around \$8,000 a year.

Further, the Asylum Seeker Resource Centre, through Victorian Government funding, provides 300 places for asylum seekers to complete Vocational Education Training for courses up to a diploma level. However, many more asylum seekers and refugees on temporary visas are likely to be interested in further education.

Many other universities provide smaller scholarships for which people seeking asylum are eligible, yet almost all of them do not cover the entire cost of tuition fees. We have outlined on our website the scholarships available to people seeking asylum and refugees on temporary visas.<sup>4</sup> We highly encourage other education providers to consider offering scholarships to this group of people.

1 <https://www.border.gov.au/ReportsandPublications/Documents/statistics/ima-bve-june-15.pdf>

2 <https://www.border.gov.au/ReportsandPublications/Documents/statistics/immigration-detention-statistics-30-Sept-2015.pdf>

3 Georgina Connery, 'University of Canberra offers discounted degrees to five asylum seekers', *The Sydney Morning Herald*, 5 December 2015, <http://www.smh.com.au/national/education/university-of-canberra-offers-discounted-degrees-to-five-asylum-seekers-20151203-glexvm.html#ixzz3tajP0Y89>

4 <http://www.refugeecouncil.org.au/ourwork/scholarships-people-seeking-asylum-refugees/>



### **Recommendation 1**

*RCOA recommends that the Federal Government grant people seeking asylum and refugees on temporary visas access to Commonwealth Supported Places and the higher education loan scheme.*

### **Recommendation 2**

*RCOA recommends that the State Governments grant people seeking asylum and refugees on temporary visas access concession rates for TAFE and other vocational courses.*

“ There are a number of people at [our university] who have been trying to look at ways of obtaining fee waivers for students who are currently classified as international students. We have got a sense that there are a number of universities who are interested in that but are concerned what knock-on effect that has for the students, in terms of accessing income support.

As such, even if a person receives a scholarship, the policy regarding Special Benefits will likely restrict them from accepting the scholarship.

### **Recommendation 3**

*RCOA recommends that the Federal Government allow TPV and SHEV holders to receive income support under standard programs, to ensure that they are not excluded from higher education.*

## **Limited access to income support**

Unlike permanent residents, refugees on TPVs and SHEVs who require income support only receive payments through Special Benefit, rather than through other income support programs such as the Newstart Allowance, Youth Allowance or Austudy. Recipients of Special Benefit who wish to pursue tertiary study can only continue to receive income support if they are undertaking a vocational course that is likely to enhance their employment prospects and which can be completed in 12 months or less. As such, refugees on TPVs or SHEVs undertaking courses which take more than 12 months to complete will not be able to receive income support during this time. While other Australians are entitled to receive Austudy or Youth Allowance while studying, this is not available for TPV and SHEV holders. This is likely to seriously limit tertiary education opportunities for these visa holders.

This policy also impacts on people being able to accept a scholarship from a university. A number of universities have expressed a desire to provide scholarships to refugees on TPVs and SHEVs. However, those who are on Special Benefits payments will likely lose their income support if they enrol in a university course greater than 12 months. This issue was highlighted by a university in NSW:

## **Specific implications for refugees on SHEVs**

These barriers to further education have particularly significant implications for refugees on SHEVs. In order to become eligible to apply for permanent residency, SHEV holders must either work without receiving income support or be enrolled in full-time study for 42 months. However, the second option is not practically available to most people on SHEVs without concession rates, CSP and higher education loans. Further, if SHEV holders cannot undertake study for more than 12 months without losing income support, it will be far more challenging for them to meet the study requirement. Thus, while study offers a potential pathway to permanent residency to people on SHEVs, in reality this requirement is virtually impossible for the vast majority of SHEV holders to meet. Furthermore, limited access to tertiary education may reduce the employment opportunities available to SHEV holders, further compounding the difficulties they will face in meeting the eligibility requirements to apply for permanent residency.

## Access to English language classes

A further challenge that many people seeking asylum face is the lack of English language classes. People seeking asylum are eligible for only 20 hours of free English classes, after which they are required to pay for classes themselves or attend community run classes (which are often difficult to find and are over capacity). People seeking asylum have also expressed a keen desire to learn more professional and academic levels of English in preparation for employment or further education. However, there are currently no free courses available to this group of people.

In contrast, refugees on both temporary and permanent visas receive 510 hours of free English language tuition through the Adult English Migrant Program (AMEP) to develop a basic level of English. In addition, they are eligible for the Skills for Education and Employment (SEE) program to support further English, computer and other skills for employment. However, many service providers have noted that jobactive employment providers are not adequately referring refugees to the SEE program and do not understand the importance of the AMEP.

### **Recommendation 4**

*RCOA recommends that the Federal Government provide people seeking asylum access to 510 AMEP English language hours and the SEE program.*

## Enrolment into secondary school for older young people

While policies vary between states and territories, many states allow young people to remain in schools until they turn 21, if they are enrolled in an accredited senior secondary course. RCOA understands this policy also applies to young people seeking asylum. However, RCOA has heard from refugee community members and service providers that many young people who are 18 years old are being told they are no longer eligible to attend secondary school and that they need to complete their secondary education through a TAFE provider. Further, once young people seeking asylum turn 18, they are no longer eligible for financial assistance from the Commonwealth Government (see below).

In a recent teleconference, many service providers spoke of the difficulties young people over 18 face when enrolling into secondary school. It seems that despite policies from state education departments allowing young people to continue secondary education after the age of 18, service providers and young people seeking asylum still experience significant barriers in enrolment. One service provider commented that the policy in Tasmania is a case-by-case situation: "When the students finish grade 12 and reach 18, here it is a case-by-case that they write and apply to do grade 13". Another service provider from Victoria reported the same practice:

“We have had more success around individual scholarships for high school education, and again that has been primarily through independent schools and that has been a case-by-case experience. And again we have seen people excluded from education once they have turned 18.

In the Australian Capital Territory, asylum seekers are allowed to finish year 12, regardless of their age, as one service provider reported:



“When they finish their year 12, they can stay here as long as they need to until they finish their year 12. We have some at 19. It is when they graduate from here it is that their problems start.

The NSW and Queensland governments allow students to continue to be enrolled past 18 but service providers reported differences in practice. In particular, while most schools allow students to complete year 12 past the age of 18, there are difficulties when students wish to change schools after turning 18.

Service providers also reported significant barriers for young people who have recently been released from detention:

“[There are a number of people who have recently been released from detention] straight on to bridging visas, having turned 18 two weeks earlier. It has been incredibly difficult for them to find education spots, as opposed to people in community detention [who had] already that education opportunity before turning 18.

Those who are no longer able to attend high school are required to complete their senior secondary course at a TAFE. However, as discussed above, asylum seekers and refugees on temporary visas do not have access to concession rates and loan schemes to pay for their senior education at a TAFE. This leaves many young people unable to complete their secondary education — further impacting their future employment and education prospects.

Many young people are keen to continue attending high school past 18 years of age, as this provides them with an opportunity to gain similar experiences and fit in with other young people. This can only happen if they are given the chance to access formal education, socialise with other people their age and experience what other Australians experience. By forcing young people out of school and suggesting they attend TAFE or an alternative school, there is a risk that people will be further isolated and disengage from education.

### **Recommendation 5**

*RCOA recommends that the Federal and State Governments ensure consistency in enrolment policies to so that young people seeking asylum and refugees on TPVs and SHEVs are able to complete secondary school, up to the age of 21.*

## **Financial, social and other support**

Service providers and community members also highlighted the lack of financial support for young people seeking asylum in secondary and higher education as a significant barrier. People seeking asylum who are living in the community receive only a basic living allowance under the Status Resolution Support Service (SRSS). This limited financial support, well below the poverty line, creates significant difficulties for those trying to cover the basic costs associated with attending school. These difficulties are particularly substantial for young unaccompanied asylum seekers living without the support of their families.

Policy regarding SRSS payments also significantly impacts young people who turn 18, as they move from more intensive support while they are in Community Detention to very limited support on a BVE. This drop-off in financial and case worker support is so acute that young people often cannot sustain their attendance in high school and simultaneously lose access to supports to re-negotiate access when or if they move schools or to TAFE.

Limited support is provided by the Federal Government for students under the age of 18 who are seeking asylum and who are living in the community awaiting processing of their claims. The Federal Government provides funding for primary and secondary school students through the SRSS. This allowance provides \$450 to the school for uniforms (shirts, shorts, pants, skirts, dress and shoes), schoolbooks, stationery and school bags. However, the funds cannot be used for excursions and other school equipment such as laptops, iPads and other required materials. RCOA has heard of many young people missing school claiming they are sick, as they cannot afford to attend excursions and other compulsory activities. The funding also does not cover travel to school and a number of states do not provide concession travel rates for asylum seekers, leaving many young people to spend a significant portion of their income support on travelling to school.

Other states may provide additional assistance for young people to participate in secondary education but this support varies across states and may also cut off once a person turns 18.

Two young people seeking asylum highlighted this issue to RCOA at a recent community conference. They shared their experience of being denied funding for secondary education because they were over 18 years old and the resultant financial difficulties in affording basic necessities for school:

“Schools provide a uniform but they don't provide a raincoat or school shoes, forcing young people to buy these for themselves from the limited amount of money they receive. This money also needs to pay for their accommodation, bills and food. The money does not last until the end of the fortnight, forcing people to go without food. Some students spend \$40 to \$50 on public transport in order to attend a school that will accept them. Many young people walk 40-50 minutes almost every day to the local library to do their homework as they don't have a computer or laptop at home ... They don't have enough government funding for asylum seekers. Some don't have work rights and those who have work rights leave school in order to earn enough money to support themselves.

“These issues have directly or indirectly affected the life of all asylum seekers in high school. Very few of those asylum seekers are left in high schools. I faced all these issues but still I am happy to continue with my education because it took me one and half years to be enrolled in school.

A further issue highlighted by teachers and service providers is the lack of appropriate careers counselling and pathway planning provided in high schools for young people seeking asylum. Throughout high school, and increasingly into the senior years, there is a significant focus on planning for further education and employment. However, the advice and curriculum in schools does not take into account the limited options available to young people seeking asylum, as they cannot pursue further education. Service providers commented on the need for schools to be aware of this issue and appropriately provide transition support to these young people. As one service provider highlighted during RCOA's annual consultations:

“Schools are doing pathway planning but, if you have a kid that you can't talk to about university because they are not eligible to go to uni or can't put them into programs which involve part-time work, it goes against everything that we are trying to do.

The impact of TPVs on education was also highlighted by the Australian Human Rights Commission when TPVs were previously introduced.<sup>5</sup> The report described how the uncertainty of TPV impacted young people in school, and how the lack of future study options provided difficulties for student's motivations and plans for the future. As one young person on a TPV told the inquiry:

“When I think about my future, I think it's very uncertain. The only thing that I love and I desire is to study. I really want to be educated but then again, when I think about my future then I think of going back, not being able to get a decent job or study, I feel completely heartbroken. And I cannot even concentrate on my studies. I believe you can never study when you are full of fear or when your stomach is empty. So sometimes I feel like that and when I go to bed to sleep I think about these things.

## **Recommendation 6**

*RCOA recommends that the Federal Government allow students in secondary school access to additional financial support for school until they complete their final year.*

## **Recommendation 7**

*RCOA recommends that the Federal Government review the level of support people receive on SRSS to ensure it adequately covers all costs associated with living costs, travel and attending education*

<sup>5</sup> Human Rights and Equal Opportunity Commission, *A Last Resort? National Inquiry into Children in Immigration Detention*, 2004, [https://www.humanrights.gov.au/sites/default/files/document/publication/alr\\_complete.pdf](https://www.humanrights.gov.au/sites/default/files/document/publication/alr_complete.pdf)

## Access to apprenticeships

Access to apprenticeships has also been highlighted as another barrier for people seeking asylum. Those who are denied work rights are not able to enrol in an apprenticeship course. Those who have work rights face further barriers, including enrolment restrictions and the costs of training. A number of service providers also highlighted that people seeking asylum are unable to participate in apprenticeships as their current bridging visa only lasts for one year, while most apprenticeships take over three years to complete. Enrolment restrictions prevent people enrolling into an apprenticeship when the course duration is greater than the visa period. In addition, those undertaking an apprenticeship are still required to pay for the course fees and are not eligible for loan schemes.

In addition, refugees on TPVs and SHEVs typically will not be eligible for the Commonwealth incentives for apprenticeships. However they can be signed up into Traineeship/Apprenticeship programs as long as the Nominal Duration of the qualification ends prior to the expiry date listed on their Visa Document.<sup>6</sup>

### **Recommendation 8**

*RCOA recommends that the Federal and State Governments ensure complete access to traineeships and apprenticeships for people seeking asylum and refugees on temporary visas, including access to incentive programs and loan schemes.*

## Benefits of addressing barriers to education

The key benefit of addressing barriers to education is improved employment outcomes. Being able to obtain or upgrade qualifications which are recognised in Australia will broaden career options for people seeking asylum and refugees on TPVs and SHEVs. For young people who are exiting secondary school and have not yet had the opportunity to undertake further education or skills training, access to tertiary study will be particularly important.

Access to education will also contribute to more positive settlement outcomes for TPV and SHEV holders. While they remain temporary residents, they will nonetheless be residing in Australia on a long-term basis (at least three to five years). Moreover, as international crises continue to escalate, it is very likely that those on TPVs and SHEVs will remain in Australia for extended periods of time. The last time TPVs were introduced, more than 9,500 of the 11,000 people granted TPVs received a Permanent Protection Visa when their TPVs expired. As well as the unnecessary trauma caused by uncertain visa status, denying refugees on temporary visas access to education support prevents people from increasing their skills and contributing to Australia's economy, effectively forcing people into lower-skilled and lower-paid work.

Providing opportunities for asylum seekers and TPV and SHEV holders to develop their skills, secure sustainable employment and establish a meaningful career pathway will help to ensure that they are able to settle successfully in Australia.

<sup>6</sup> <http://www.border.gov.au/Trav/Visa-1/785->

## Summary of recommendations

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