

Education denied: people seeking asylum and refugees trapped in limbo



Asher Hirsch
Policy Officer
Refugee Council of Australia
& PhD student
Monash University

Dr Christopher Maylea
Lecturer
Global, Urban and Social Studies
RMIT University

Introduction

“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. 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?” – Young person seeking asylum (Refugee Council of Australia 2015)

People seeking asylum and refugees in Australia face many barriers to engage in education. These include literacy (Hirano 2014b), a lack of contextual and background knowledge (Hirano 2014a), conflicting cross-cultural challenges (Harris, Spark & Watts 2014) and a lack of trust and belonging that result from disruptive refugee experience (O’Rourke 2011). These barriers are all in addition to the normal challenges faced by every student. There are creative responses to these issues, such as those documented by the European Commission (2015), which include providing accommodation and support for other basic needs, partnership with support agencies, pre-admission courses, language support and advocacy. Despite the good work being done in this area, some barriers to accessing education are intentionally placed and are not easily addressed by supporting individual students. Before refugee students face the challenges of engaging with tertiary education, they must be able to access it.

Policy context

As at September 2015, there are 28,938 people seeking asylum awaiting the processing of their refugee claims who are residing in the Australian community on Bridging Visa Es (BVEs), 6,380 of whom are between 18-25 (Australian Border Force 2015). There are an additional 658 people residing in the community under the “Community Detention” regime, and 1,695 people who are held in closed detention facilities around Australia (Australian Border Force 2016). Since 2012, the processing of refugee claims for those who arrived by boat have been effectively frozen, leaving thousands of people in indefinite limbo. In late 2014, the Coalition Government passed the *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014* (Cth), in an attempt to address what the government saw as the ‘legacy caseload’ - the group of over 30,000 people who arrived in Australia by boat before the government introduced its hard-line turn-back and offshore processing regime. Asylum seekers who arrived in Australia by boat after August 2012 face a new limited refugee status determination process known (misleadingly) as ‘fast track’ processing. For those who are found to be refugees after passing these hurdles, there is now only the choice of a three-year Temporary Protection Visa (TPV) or a five-year Safe Haven Enterprise Visa (SHEV), introduced together in the *Asylum Legacy Caseload Act*. There is no prospect of family reunion, citizenship and restrictions on their ability to travel overseas and return.

Unlike refugees who hold permanent visas (such as those who were granted visas before the law was changed, or those who are resettled through Australia's refugee and humanitarian program), people seeking asylum and refugees on TPVs and SHEVs are not entitled to funding for higher education through either Commonwealth Supported Places (CSP) funded by the Higher Education Contributions Scheme (HECS), Higher Education Loan Program (HELP) or FEE-HELP, the federal government's student loan scheme. People on TPVs or SHEVs are grouped with other international students and temporary migrants, and must pay full course fees and access commercial loans to finance tuition. For people who have been denied work rights for many years, the prospect of obtaining access to commercial loans or raising the capital needed to cover all their course costs in addition to their basic costs of living is practically impossible.

This failure to respond to the specific needs of this group, as Sidhu and Taylor (2007:3) argue, is *'premised on an undifferentiated ethnoscape that ignores the significantly different learning needs and sociocultural adjustments faced by refugee students compared with migrants and international students.'* It can also be characterised as a deliberate attempt to make seeking asylum in Australia less palatable to prospective refugees, a policy explored previously on these pages (Westoby 2014) and elsewhere (Christie and Sidhu 2006). While some universities have attempted to bridge this gap by providing scholarships directly to refugees or asylum seekers, this patchwork of responses has left people on BVEs, TPVs or SHEVs largely without access to higher education (Refugee Council of Australia 2015).

There are many reasons why a distinction should be made between those seeking protection and other temporary migrants. Unlike other migrants, refugees and asylum seekers are not able to return to their country of origin, and are unlikely to be able to rely on family to fund their education. Denying access to financial and other supports in Australia effectively denies them any future of further education. Further, the notion that access to education is a basic human right (UNHCR 2016), the importance of education in obtaining employment (Borrell 2014), and the dignity which can be gained through education are additional arguments for granting access to education. There are very few good reasons why people seeking asylum should be denied access to tertiary education, given that the vast majority of asylum seekers will have their claims granted (Phillips 2015).

The exclusion of asylum seekers and refugees from higher education is not unique to Australia, with similar issues apparent in Austria (Pásztor 2014), New Zealand (O'Rourke 2011), the U.S.A. (McWilliams and

Bonet 2016) and the U.K. (Morrice 2013). What is relatively unique to Australia is the exclusion of asylum seekers and refugees from education as a mechanism for making Australia less-attractive to prospective refugees. From this perspective, this policy of punishment and deterrence can be viewed together with turning back boats and offshore processing and detention.

Methodology

This article seeks to contribute to what Pinson and Arnot (2007:399) called the *'wasteland of refugee education research'*. In the time since that paper was published, the body of literature has grown significantly and we presents a contemporary reflection of the experience of being a refugee and the exclusion from higher education in contemporary Australia. Other authors have tackled this issue in various ways, including Foucauldian analysis (Edgeworth 2014), Bourdieusian analysis (Morrice 2013) and identity-lens analysis (Brooker and Lawrence 2012). We take a straightforward qualitative approach, presenting the voices of people excluded from tertiary education to convey their experience of exclusion from higher education. The data were collected originally by the Refugee Council of Australia (RCOA) (2015) for their *Barriers to Education For People Seeking Asylum And Refugees On Temporary Visas* report. Participants were sampled using existing agency and cultural networks to access people who were seeking asylum and excluded from education.

Interviews were conducted with six people with experiences of seeking asylum, three men and three women, three from Afghanistan and three from Iran. The interviews were conducted in English or the preferred language of the participant and transcribed into vignettes which were approved by the participants. Three had completed tertiary study in their country of origin. Some of the vignettes have been published on the RCOA's website. For this paper, vignettes were coded using open, axial and selective coding.

Consent to participate in the original study was obtained and the names of the participants have been changed.

Findings and discussion

The keys themes which emerged are exclusion from education and the problems it caused, the participants' determination to get an education and their desire to improve themselves so they could give back to the community. These are explored below.

Exclusion from education

All participants had been partially or completely excluded from education as they were unable to access financial support. Some shared their experience of being denied access to education on Christmas Island, where they first arrived and were detained, or because they were 18 and not able to attend high school. Others noted the difficulties overcoming the

language barrier. The focus of this study, however, was the exclusion on financial grounds. Fatima, a 23-year-old woman from Iran, articulated this shared experience:

Unfortunately, I have been told that if I want to study in Australia, I will have to pay international student fees. This is because I do not have permanent residency as I arrived by boat. This means that university will be too expensive for me, particularly as my work opportunities and my ability to access government support are limited.

As Fatima recounts, it is her mode of arrival in Australia which is preventing her from accessing education. Abdul, an 18-year-old man from Afghanistan, recounted a similar experience, noting that the limited support offered by universities is insufficient:

I would like to go to University. Victoria University has offered me a place in one of their courses, however, because I am not a permanent resident (as I arrived by boat), I have to pay international student fees. I spoke to some universities who offered me a scholarship for \$1,000 per semester but for students paying international fees, each semester costs \$12,000. As I am over 18 and not a permanent resident, I am also not allowed to work which means paying this sum is virtually impossible.

Hussein, a 20-year-old man also from Afghanistan, had been denied an education in Pakistan, only to find a similar experience in Australia. He also came by boat and was on that basis also excluded from education:

I was interviewed for permanent residency before I was eighteen but then there was a change in policy and I was told that any asylum seeker who had come to Australia by boat wouldn't be able to get residency. I was very unlucky; I was one of the last from my boat to be interviewed for residency. Everyone from the boat except for me and one other person has been given residency.

Hussain has managed, against all odds, to enrol in high school to complete year twelve. He recounts this challenge and how he values the support given by community groups:

There will be some challenges still, I need to pay for everything myself and not being allowed to work makes this really hard. I need to try and make my benefits last for everything, food, school fees, excursions, uniform and books... Last year a community group was able to help me with my school fees and text books but this year they haven't gotten as much funding from the government so they can't help me as much. They are still able to give me enough to cover some of my textbooks which I'm really grateful for.

Despite Hussain's determination, unlike other year twelve graduates, good marks won't be sufficient to get him into university. If he wants to access higher education, he will have to do what Rana, a woman from Afghanistan, currently does and earn enough herself to pay her own course costs:

For example, I was studying a Bachelor of Business and had to pay international student fees, which are very expensive. I had to defer my studies so that I could work full-time to pay for my tuition. I would work one semester and then study one semester so that I could afford the fees.

Most people seeking asylum in the community on a BVE were denied work rights, forcing them to rely on limited income support (Hartley and Fleay 2014). In order to pass the *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014* (Cth), the Coalition made a deal with Senate cross-benchers to grant people in the community work rights. However, the granting of work rights has been very staggered, with people still without work rights at the beginning in of 2016. For those with work rights, finding and maintaining work is not a simple process. People are often forced into jobs which nobody else wants to do, which leaves little time for the rigorous demands of further study. Rana shared her experience:

It is very difficult to get a good job, or any work as an asylum seeker. My life was very hard – I worked in a takeaway shop and in a butcher shop. This was particularly exhausting as I had to work very long hours in the freezing cold, far away from where I lived – I travelled two hours on public transport to go to work. It was really tiring and very hard work.

Even when they were able to get work, the policy framework means that this has a disproportionate impact on the meagre financial support they receive, as Hussain found:

If I do any part-time work, my benefits are cut, I worked for one month last year and made \$1000 and the government said I needed to give them back \$800.

The participants demonstrated a real commitment to getting educated, often so they could give back to the community, as explored below. In the face of this determination, they experienced significant detrimental impacts when this drive was frustrated.

The detrimental impact of being denied education

For some of the participants, being denied access to education was just another symptom of being stuck in limbo, an experience they were only too familiar with throughout their process of seeking asylum. For Amir, a young man from Iran, the years he waited for a humanitarian visa are wasted:

During my three years in Australia, I feel like I have lost knowledge and haven't made any progress. I feel like these three years have been lost and all of the years I spent studying in Iran have been spoiled.

Fatima echoed these sentiments:

If I don't have access to education, I will remain in the same situation that I am currently in. I already feel as though the three years I have been here have been wasted. I hope that I will be able to study, work and contribute to my community, otherwise I fear that I will continue to feel worse.

For Omid, a 21-year-old Iranian man, the treatment he is experiencing is a complete denial of the hope held by asylum seekers coming to Australia – a chance at a new life, free from oppression and persecution:

Coming to Australia, I had high expectations that I would be able to study and work to support myself, however these dreams are spoiled now.

These experiences have long-term impacts, as Omid points out how denying him education as a young man will have consequences for his long-term prosperity:

If the education opportunities available to me continue to be restricted I will have to work in a job with minimum income just to survive. I would still work hard to save money so that I could eventually attend TAFE; however this path would be much more difficult and take much longer than if I was afforded the opportunity to study now.

The consequence is clear – by denying people access to education we may be condemning them to a lifetime of poverty and disadvantage and all the subsequent corollaries of increased welfare burdens and reduced tax revenue. Despite these barriers and in the face of great adversity, the participants showed a great resolve to become educated and to make their way in Australian society.

Determination to get an education

Three participants had completed tertiary studies in their countries of origin, only to find themselves barred from converting or continuing their education on arrival in Australia. All participants demonstrated a real

determination to persist with education, a sobering thought when considering their personal experiences, combined with the challenges all students face. Despite this, Abdul sums up his experience of finishing year twelve:

In 2015, I began year 12. My friends and I worked very hard and did very well. After school, we would go to the library and study until 8pm. Unfortunately, however, my ATAR score was lower than I had hoped which was disappointing for me. Despite this, I was proud of myself for completing year 12.

While Abdul sounds like an ideal candidate for further study, under the current policy, he is effectively barred from continuing to higher education. Fatima, who had already achieved an undergraduate qualification in Iran, sought whatever education she could get:



'Our lady Calais' by Cbloxx

In an attempt to undertake some form of education, I began a free course offered by Melbourne University... I then attended a school where I could study year 12 and get a VCAL certificate but this felt like a step backwards because I had already studied a year 12 equivalent in Iran.

Hussain shared his happiness at being able to access any education at all, even a very basic course:

I was so happy, I started a special year level at a high school in Melbourne near the end of 2014. The level is called Foundation, and it's before VCE and

year ten. Everyone in the class is over the age of eighteen and either has limited English or can't go onto further study. I was lucky to get a place in the program; it's the only school to run the program in the area of Melbourne I was living in.

And with the level of determination he is displaying, he seems a strong candidate for success in higher education:

I know that it is going to be hard this year at school, but I'm hoping it will be worth it. I started high school with nothing but English language education, I used to study for four hours every day after school and for eight hours on Saturday and Sunday. I am hoping that all of that hard work will mean that this year isn't as hard.

This determination to succeed in education is paired with a desire to succeed in society, both as a fully engaged participant and as a contributor, to repay the goodwill and generosity of the Australian community.

The desire to give back to the community

This desire to contribute to the community was neatly encapsulated by Abdul, who said that:

It would change my life if I were able to attend university. It would allow me to gain knowledge and also to integrate into Australian society. I hope that in the future I will have access to affordable education.

Amir pointed to his success in Iran, another country which had breached its obligation to uphold his right to education, as evidence for his ability to contribute:

When I was in Iran, I proved that when I am given the opportunity to study, I can be successful and can contribute to society.

Fatima has plans to do her PHD, and work with the UN, or the Red Cross, while Hussain is thinking about becoming a social worker and Abdul would like to study law. Amir would like to become a plumber and Rana, who worked two jobs to put herself through university, graduated in October last year and has obtained a position in a bank. This group of people have great potential, which is stifled by the current policy. Perhaps Omid put this most simply:

With education and work opportunities, refugees and asylum seekers would be able to make a more significant contribution to society.

While those opposed to welcome refugees point to the burden they place on society, government policies

such as this one actively work to deny them the ability to support themselves, others and society more broadly. This policy could be changed to provide access to education for this disadvantaged group and unlock this great potential.

Conclusion

To respond to this policy of deterrence and de-education, a number of universities have begun providing scholarships to people seeking asylum and refugees on temporary visas. For example, the introduction of the *Adelaide Refugee & Humanitarian Scholarship* provides an opportunity to holders of Bridging Visas E, Temporary Protection Visas and Safe Haven Enterprise Visas to seek higher education. The recipients will be awarded with a 100% tuition fee scholarship as well as \$2500 per annum for the duration of study, up to a maximum of 4 years. Monash University, Curtin University, the University of Western Australia and many others have adopted similar scholarships.

While scholarships are welcome, they do not present a complete solution for the 30,000 people who are on these visas. What is needed is a policy change to give these people the same access to financing schemes as other humanitarian visa holders. It is important to note that providing access to FEE-HELP funding isn't a payment, it is a loan. By denying access to the loans, the Australian government is disadvantaging a group of people who will most likely be able to access HECS-HELP later on in any case, but by that point may be more likely to require welfare services and who may pay less tax over their lifetime. The economics of allowing access to higher education is fairly persuasive.

In 2011, O'Rourke (2011) suggested that 'no-one intended to create the barriers that refugee-background students now face'; yet it now seems that these barriers are intentionally implemented in order to punish those who are here and deter others from arriving. Changing the current policy has the potential to make a positive impact on the lives of those people denied education and to allow them to contribute to the broader community. In the spirit of giving voice to these people, Hussain has this message for the Immigration Minister:

If I could say something to the Immigration Minister about this issue I would just say that he is spoiling a lot of people's lives. I know so many people who can't do anything. No school, no work, no hope. This is what he's doing to people.

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