



**Australian Parliament  
Joint Standing Committee on Migration  
Submission no. 428**

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Committee Secretary  
Joint Standing Committee on Migration  
PO Box 6021  
Parliament House  
Canberra ACT 2600  
Australia

R.I.S.E (Refugees, Survivors and Ex-Detainees) is a not-for-profit incorporated organisation founded and overseen by refugees, asylum seekers and ex-detainees that has members in over 20 migrant communities. R.I.S.E aims to enable our membership to build new lives by providing legal advice, engaging in community development, enhancing housing and employment opportunities as well as campaigning for the rights of asylum seekers and refugees.

R.I.S.E advocates on its members' behalf to improve government refugee policies and to generate positive social change with respect to attitudes impacting refugees. Furthermore R.I.S.E settlement services coupled with our music and arts projects seek to address the various barriers to successful settlement and empower refugee communities to be active participants in wider society.

R.I.S.E acknowledges the impact of Australian multiculturalism policy directly on migration in this country and wishes to raise issues that its membership have faced in relation to multiculturalism and migration through this submission. We also acknowledge that no discussion of multiculturalism can occur without a critique of the Australian government's policy towards this country's Indigenous peoples as well as a discussion of other streams of Australia's migration regime (ex. temporary migration involving international students and bridging visas), unfortunately due to time constraints, this submission will focus on issues of multiculturalism facing the asylum seeker and refugee communities that R.I.S.E primarily works with.

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CURRENT AUSTRALIAN IMMIGRATION POLICY: THE MANDATORY DETENTION REGIME

(i) IMPACTS ON MENTAL AND PHYSICAL HEALTH

Our first-hand experiences of immigration detention have informed R.I.S.E's position calling for an end to Australia's mandatory detention regime. The conditions found in Australian immigration detention centers have led them to be described as "factories for producing mental illness and mental disorder."<sup>1</sup> This is evidenced in the sheer number of cases of self-harm and suicide by detainees in Australia over the past two years alone.<sup>2</sup> Coupled with the fact that many refugees and asylum seekers have often fled their countries of origin due to war and other traumatic circumstances, the effects of detention only compound existing mental and physical health issues among detainees. Further cause for alarm lies in the fact that there are over 900 children currently being held in Australia's detention centers.<sup>3</sup> These detainees are arguably the most vulnerable of all those in detention and yet we continue to see that they also face inadequate care leading to worsening states of mental and physical health.<sup>4</sup> A complaint frequently made to R.I.S.E by detainees that we work with is the lack of transparency in the handling of detainee medical records. There have been cases of detainees being transferred between detention centers but their medical records not following suit. Detainees held in offshore facilities face even more roadblocks to accountable healthcare as their location away from the public eye as well as from adequate medical facilities makes accessing proper health services difficult.

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<sup>1</sup> 'Close detention centres: Australian of the Year', *ABC News* (online), 26 January 2010 <<http://www.abc.net.au/news/stories/2010/01/25/2801073.htm>>.

<sup>2</sup> See, eg, AAP, 'More detention centre self-harm attempts', *Sydney Morning Herald* (online), 18 April 2011 <<http://news.smh.com.au/breaking-news-national/more-detention-centre-selfharm-attempts-20110418-1dlew.html>>; AFP, 'Afghan asylum seeker found dead in Australia', *Google News*, 28 March 2011

<<http://www.google.com/hostednews/afp/article/ALeqM5hN--q43D-Ny5ahIIfIR7FBo8PCyg?docId=CNG.557e9af82e9fc9a586e4110239fbaac0.2a1>>.

<sup>3</sup> Sev Ozdowski, 'Child detention a festering sore', *The Australian* (online), 16 April 2011 <<http://www.theaustralian.com.au/national-affairs/commentary/child-detention-a-festering-sore/story-e6frgd0x-1226039936224>>.

<sup>4</sup> 'Detention kids failed, on health care, court told', *ABC News* (online), 22 March 2011 <<http://www.abc.net.au/news/stories/2011/03/22/3170566.htm>>.

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We fail to see how such a regime can be part of the basis upon which Australia's population is meant to diversify in a healthy and sustainable way. We urge the Committee to address the detrimental impact of mandatory detention on the mental and physical health of asylum seekers and refugees and reflect on the ramifications such policy has when working towards meaningful multiculturalism in Australia.

## (ii) LEGAL EQUALITY

The current demarcation between Australia's present on- and offshore detention programs must be scrapped. It is the position of R.I.S.E that the excision of islands in Australian territory from the migration zone, leading to all boat arrivals being processed outside mainland Australian jurisdiction discriminates against asylum seekers arriving by boat to Australia. This position was supported by a ruling of the High Court late last year, however the policy appears effectively unchanged.<sup>5</sup> Again, it is the position of R.I.S.E that if Australia aspires towards multiculturalism, then those very people who will be used by the country to illustrate its diversity and inclusivity must be entitled to fair and equal treatment under Australian law upon their arrival here.

We urge the Committee to address the systemic imbalances that new arrivals face upon entry into Australia and to understand that a comprehensive analysis of Australian multiculturalism cannot be made without looking at these initial interactions between some of Australia's most vulnerable arrivals and current government policy.

## (iii) SOCIETAL VIEWS OF REFUGEES AND ASYLUM SEEKERS – 'BOAT PEOPLE'

As part of R.I.S.E's mandate to promote community development, we conduct regular workshops to educate wider Australian society about issues facing refugees and asylum seekers. It is quite evident to us from our grassroots work that myths propagated by the media as well as by those elected to government office are quite widely accepted in the general community. These include

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<sup>5</sup> Joe Kelly and Lauren Wilson, 'Offshore processing to continue, despite High Court ruling, says Gillard government', *The Australian* (online), 11 November 2010  
<<http://www.theaustralian.com.au/national-affairs/shake-up-looms-for-offshore-detention-after-high-court-ruling/story-fn59niix-1225951755999>>.

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the popular misconceptions that asylum seekers and refugees are “queue jumpers,” that those arriving to Australia by boat are threatening Australia’s sovereignty and the conflation of those fleeing war with the perpetuation of terrorism.<sup>6</sup> These misconceptions are more than just ideas - they escalate existing xenophobia which directly impacts on the lives of those in the refugee and asylum seeker communities as well as in other established migrant communities. The most salient example of this was the Children Overboard Affair under the Howard government where blatant lies alleging asylum seekers were throwing their own children overboard from the vessels they were travelling on were used as election campaign material by then Prime Minister Howard to bolster his hardline immigration policy.<sup>7</sup> Last year, during the 2010 federal election, both leaders of the Liberal and Labor parties continued in this vein by politicising asylum seekers and refugees in a bid to translate fear-mongering into votes.<sup>8</sup>

We must not forget that:

- It is the right of every person to seek asylum under international law.<sup>9</sup>
- Asylum seekers and refugees make up less than ten percent of Australia’s combined immigration program.<sup>10</sup>

<sup>6</sup> See, eg, Emma Rodgers, ‘Send asylum seekers to the back of the queue: Fielding’, *ABC News* (online), 11 March 2010 <<http://www.abc.net.au/news/stories/2010/03/11/2842736.htm>>; Greg Sheridan, ‘ALP goes to water as boats threaten sovereignty’, *The Australian* (online), 24 March 2011 <<http://www.theaustralian.com.au/national-affairs/commentary/alp-goes-to-water-as-boats-threaten-sovereignty/story-e6frgd0x-1226026996052>>; Malcolm Farr, ‘Terrorists “hiding” with boat people’, *The Telegraph* (online), 23 October 2009 <<http://www.theage.com.au/national/border-fears-not-racist-pm-20100704-zvte.html>>.

<sup>7</sup> Kim Arlington, ‘Children overboard the most despicable of lies: Hawke’, *The Age* (online), 24 August 2004

<<http://www.theage.com.au/articles/2004/08/24/1093246520431.html?from=storylhs>>.

<sup>8</sup> See, eg, Paul Maley, ‘Tony Abbott pledges to turn asylum boats back’, *The Australian* (online), 31 December 2009 <<http://www.theaustralian.com.au/news/nation/tony-abbott-pledges-to-turn-asylum-boats-back/story-e6frg6nf-1225814849388>>; Michelle Gratan, ‘Border fears not racist: PM’, *The Age* (online), 5 July 2010 <<http://www.theage.com.au/national/border-fears-not-racist-pm-20100704-zvte.html>>.

<sup>9</sup> See, eg, *Universal Declaration of Human Rights* art 14; *UN Convention and Protocol relating to the Status of Refugees* art 1.

<sup>10</sup> Refugee Council of Australia, Submission to the Minister for Immigration and Citizenship, February 2008 [12] <[http://www.refugeecouncil.org.au/docs/resources/submissions/2008-09\\_intakesub.pdf](http://www.refugeecouncil.org.au/docs/resources/submissions/2008-09_intakesub.pdf)>.

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The Committee should address the origins of negative stereotypes attributed to asylum seekers and refugees as well as their propagation by actors such as the Australian government and media in order to understand how these perceptions create roadblocks to achieving an equitable multicultural model in Australia.<sup>11</sup>

## SETTLEMENT

### (i) EDUCATION

R.I.S.E works with youth from various refugee and asylum seeker communities and we have found that many who enter school, despite access to 510 hours of free English language instruction allocated by the government, continue to have trouble keeping up with their studies. This is due to a number of reasons including the restrictions placed on enrolment into English language instruction (those entitled to the 510 hours of instruction must register for the service within 3 months of arrival into the community and must commence classes within one year or they cannot access the service at all) as well as being streamed into school according to age and not actual educational accomplishment (often youth from refugee and asylum seeker backgrounds experience extended periods of time out of school – including during their time in Australian immigration detention – and so are not at the same educational level as their Australian peers). It is also the case that prolonged detention of asylum seekers and refugees in Australia creates even greater financial burden on people who have had to abandon all their hard earned assets in their own country and in many cases pay large sums of money to escape to safety. The additional financial burden placed on this group of immigrants means that the focus shifts from learning English and up-skilling themselves for a more sustainable future to an immediate and critical need to gain employment and in many cases reduce large amounts of debt incurred.

As such, the options for pursuing post-secondary education or employment opportunities become that much more limited for asylum seekers and refugees. Doing poorly in school due to these systemic imbalances may also have ramifications on students' self-esteem and can lead to

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<sup>11</sup> RISE: Refugees, Survivors & Ex-Detainees, 'RISE Exclusive Media Release' (Media Release, 27 April 2011) <<http://riserefugee.org/rise-exclusive-media-release/>>.

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mental health issues as well as substance abuse. These are just some examples of the institutional barriers faced by members of the asylum seeker and refugee communities in accessing education. R.I.S.E believes that a truly multicultural society should ensure race/refugee status is not a barrier to accessing education.

#### (ii) HOUSING

In our campaign to provide housing assistance to our membership, R.I.S.E has seen firsthand, the obstacles faced by refugees and asylum seekers in trying to access safe and affordable housing for themselves and their families. Recently, we have received a number of complaints from ex-detainees who have been given 866 subclass permanent visas which entitle them to community housing. Despite this entitlement, over 150 ex-detainees from the western suburbs of Melbourne who approached R.I.S.E for help with housing are without long term community housing (with some being told that they were not entitled to this scheme at all). Some of our members were forced to move to a different municipal area in order to access housing. Public housing waiting lists are often long and those applicants from refugee and asylum seeker backgrounds often face rejection due to under-trained staff who administer the community housing system. These obstacles coupled with a lack of financial resources, possible debt involved in making their way to Australia, and the financial strain of supporting dependents overseas mean that finding affordable and safe housing is a struggle for many of R.I.S.E's members. Consequently, problems such as overcrowding (due to a lack of housing available to recent arrivals) and the risk of homelessness are frequently at the forefront of many of our members' minds.

R.I.S.E asks the Committee to address the fact that without access to adequate housing as well as proper support services to ensure housing is available, adjustment to Australian society is likely to come at great cost and difficulty to members of the asylum seeker and refugee communities.

#### (iv) EMPLOYMENT

R.I.S.E members frequently face difficulty in gaining employment despite their credentials or past work experience in their countries of origin. There are also numerous instances of our members being employed in jobs significantly below their skill level. R.I.S.E has found that a

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combination of inherent racism in hiring practices coupled with a lack of recognition given to foreign credentials results in poor employment opportunities for people of asylum seeker and refugee backgrounds. There has also been an active push for low-skill jobs to be filled by those entering Australia as refugees and asylum seekers as evidenced by our experiences with certain employers. This is due to a perception that is held by both policy makers and the general public that asylum seekers and refugees should be happy with the opportunities afforded to them and that they should repay Australia for its generosity in allowing them entry, unquestioningly. These are quite damaging assumptions to make and only work to undermine attempts by asylum seekers and refugees at building healthy and sustainable lives in Australia by devaluing their potential contribution to our society.

## CONCLUSION

R.I.S.E holds the position that in order to investigate the state of multiculturalism in Australia today, it is vital that the Committee analyse the systemic barriers to equality that exist in the country. These are manifest in numerous places but none more starkly so than in Australian government policy itself. We also urge the Committee to not only look at the issues raised in this submission around the treatment of asylum seekers and refugees but to address systemic barriers faced by Australia's indigenous peoples as well as by temporary migrants.<sup>12</sup>

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<sup>12</sup> See, eg, Tiara Shafiq, 'The letter I sent out to various politicians and media about Australian migration' on Tiara Shafiq, *tiarashafiq.com* (10 August 2010) <<http://www.tiarashafiq.com/2010/08/09/the-letter-i-sent-out-to-various-politicians-and-media-about-australian-migration>>; Academy of the Social Sciences, Australian Human Rights Commission and Universities Australia, *Racism, exclusion and poverty: key factors reducing international student safety*, <<http://www.monash.edu.au/community-summit/assets/pdfs/aoss.pdf>>; Trish Luker et al, 'The New Racism in Employment Discrimination: Tales from the Global Economy' (2010) 32 *Sydney Law Review* 1; Nicholas Perpitch, 'Intervention is 'devastating' for Aboriginal people' *The Australian* (online), 16 November 2010 <<http://www.theaustralian.com.au/news/nation/intervention-is-devastating-for-aboriginal-people/story-e6frg6nf-1225954051484>>; Australians for Native Title and Reconciliation, 'CERD report requires serious Government response' (Media Release, 28 August 2010) <<http://www.antarvictoria.org.au/documents/CERDreportrequiresseriousGovernmentresponse.pdf>>.

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