



Companion House



Framework for Safe and Ethical Work with Asylum Seekers in the ACT

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1. Background

A. Who is an asylum seeker?

An asylum seeker is someone who has left their country of origin and formally applied to be recognised as a refugee in another country. The person is called an 'asylum seeker' while their application to be recognised as a refugee is being processed.

B. How do asylum seekers come to Australia and how does that affect their experience here?

Asylum seekers may come to Australia by plane or boat, often through transit countries. The Australian Government has established a system where asylum seekers are provided with different visas depending on how they arrived here. These visas come with different conditions and entitlements and offer very different pathways, determining whether someone may be able to settle permanently in Australia or not.

A brief overview is provided below to show these differences and how it impacts on asylum seekers' experience. However, this does not provide complete information and may change - check the Home Affairs website (<https://immi.homeaffairs.gov.au/>) for specific details of different visas and please note that only registered Migration Agents or legal practitioners should provide advice.

People who arrived by boat after 12 August 2012 without a valid visa and who claim asylum could not get a permanent protection visa. A Temporary Protection Visa (TPV - subclass 785) provides protection for 3 years and a Safe Haven Enterprise Visa (SHEV - subclass 790) is for 5 years. From 2023 most holders of TPVs and SHEVs will transition to a permanent refugee visa. This process is not expected to be finalised for all until late 2024.

People who arrive by plane with a valid visa (such as a student or tourist visa) can apply for a permanent protection visa (subclass 866). This visa allows them to stay in Australia permanently and to apply for citizenship, to work, study and access Medicare and income support, and to reunite with eligible family. This is also available to those who arrived by boat without a visa before 12 August 2012.

Asylum seekers are usually given bridging visas while their application is processed. Bridging visas are provided for a range of other reasons as well, so not everyone with a bridging visa is an asylum seeker. The conditions of the bridging visa vary and asylum seekers may or may not have work rights, or be able to access income support or qualify for Medicare. Appeals processes for rejected applications also vary. Conditions for those who have arrived by boat tend to be much more difficult, which aims to act as a deterrent for arrival by these means.

Only registered Migration Agents or legal practitioners can provide advice on this system and process. However, services working with asylum seekers should be aware that asylum seekers live with the challenges of this complex and changing system, highly restrictive rules, very limited support and extended periods of uncertainty.

1. Background

C. Asylum seekers in the ACT -numbers and demographic profile

Asylum seekers are a diverse group from many different backgrounds as reflected in the data below.

Importantly for planning purposes, about a third of asylum seekers are children under 16 years old.

Also important to note though not captured in data below- is that there is a group of asylum seekers with diverse gender and sexual identities in the ACT community with specific needs and challenges.

“ I was so ashamed to ask for food. My friend asked for me. I did not know how to ask for it.”

Canberra asylum seeker

Asylum seeker snapshot

There are
331 asylum seekers
in the ACT in contact with Companion House as of August 2023.

71
of the 331 people
are under 18
years of age.

People from
Sri Lanka, Iran, Iraq, China and Pakistan
are the largest groups of asylum seekers.

D. Contributions to our community from asylum seekers

Different visas have varied conditions relating to whether that person (and their dependents) can work, study and access a range of government support including Medicare. However, many asylum seekers are employed.

Asylum seekers with work rights are employed in essential work roles as disability and aged care workers, cleaners, construction workers, nurses and a range of other roles.

The need to work because of limited access to social entitlements, combined with often limited English, understanding of local labour laws and support, can make asylum seekers vulnerable to exploitation by employers. However, by virtue of their background and experience, asylum seekers tend to be resourceful, resilient and used to taking initiative. These are all skills and attributes that can assist in navigating and dealing with work insecurity as well as in making an important contribution to the Canberra community.

2. Support and Services for asylum seekers in the ACT

A. ACT Asylum Seeker Access Card

The Commonwealth Government is responsible for processing of visas and visa conditions.

However, the ACT Government has chosen to support and provide a range of services to asylum seekers. This includes:

Access to ACT funded health and community services

Concession rates on public transport

Access to the ACT Taxi Subsidy Scheme

Enrolment at public primary and secondary school for children

Free English language classes at CIT and access to all CIT courses for the same cost as permanent residents and citizens

Use of public library services, including language classes

Public Trustee services

Free vehicle registration

To make it easier for asylum seekers to access these services and reduce the need to explain their situation to service providers, the ACT has developed the ACT Asylum Seeker Access Card. Similar to a concession or student card with basic personal details and a photo, the Access Card can be shown to services and makes it easier for asylum seekers to access the services they are entitled to. The Access Card is important not just to facilitate access to these important services, but also as it provides a form of identification and something concrete - an expression of legitimacy in society.

The ACT Government has authorised Companion House to administer the card in partnership with Access Canberra. Asylum seekers are issued with a 12-month card, which can then be renewed.

While the Access Card is an important innovation and provides access to useful services, there are still considerable gaps particularly related to housing, accessing employment and financial support.

*“Nobody asks us.
Nobody listens
to our struggles.”*

Canberra asylum seeker

B. Education

Asylum seekers with Access Cards can enrol in public preschool, primary and secondary schools, access free English classes at CIT and enrol in all CIT courses at the same fee rates as domestic students.

University education is very difficult for asylum seekers to access as they cannot access Commonwealth subsidised places, meaning they need to pay international student fees in most cases. The ANU has some scholarship opportunities, that waive tuition fees while also providing a stipend to support the student's living arrangements (contact the ANU) and the University of Canberra offers a limited number of places in partnership with Companion House (contact Companion House). Other universities around Australia also offer scholarships. Details of these can be found at: <http://refugee-education.org/scholarships>

C. Employment

Employment is particularly important for the majority of asylum seekers who are not eligible for income support. Asylum seekers often find employment through personal contacts. The Multicultural Employment Service is also an important support service for asylum seekers and will prioritise job seekers who are asylum seekers without income.

<https://www.mhub.org.au/job-seekers>

D. Housing

The lack of affordable housing in the ACT hits asylum seekers very hard. Asylum seekers are not eligible for public housing without a discretionary waiver from a Housing ACT delegate -which is usually rejected. Asylum seekers often end up in very insecure and informal housing arrangements.

ACT Government has invested in two community housing programs for asylum seekers. One program is dedicated to families and single women and a second shared housing model provides shared accommodation for men. These programs go to tender and will change shape in 2023. Other community housing programs also offer housing places to asylum seekers on occasions.

<https://www.marss.org.au/>

2. Support and Services for asylum seekers in the ACT

E. Income Support

Most asylum seekers are ineligible for any income support from Centrelink. This leaves asylum seekers without income in a highly vulnerable position.

The Commonwealth runs a program called the Status Resolution Support Service (SRSS) which can provide income support (administered through Centrelink) to a small minority of asylum seekers. Rules around eligibility have been tightened considerably over the last five years. Less than 5% of asylum seekers in the ACT receive any income support through this pathway. The program is administered through Life Without Barriers in the ACT. <https://www.lwb.org.au/services/refugees-and-asylum-seekers/>

ACT Government has invested in a small emergency income relief program through the Office of Multicultural Affairs. Application for emergency financial payments can be made through community services listed below – Canberra Refugee Support, Companion House, MARSS or The St Vincent de Paul Society.

The St Vincent De Paul Society, Canberra Refugee Support and Companion House also meet monthly to discuss financial needs of asylum seeker families facing destitution and search for donors and solutions to avoid this outcome. This cooperation occurs under the banner of the Asylum Seeker Rental Support Coordination Committee (ARSCC). Referrals can be made for ACT residents to any of the three organisations involved.

F. Health Services

Asylum seekers have access to ACT Government funded health, mental health and community services regardless if they have Medicare status or not. An ACT Asylum Seekers Access Card ensures access regardless of Medicare status to ACT Government funded health and community services.

This includes free medications from the Canberra Hospital Pharmacy for people without Medicare rights. Further details about pharmaceuticals for asylum seekers can be found at:

<http://refugeehealthnetwork.org.au/pharmaceuticals-for-asylums-seekers-in-the-australian-community/>

Companion House provides free primary health care and counselling services to asylum seekers regardless of Medicare status.

Companion House also raises funds to provide medication for asylum seekers without income or with a very low income, who cannot access them from the Canberra Hospital Pharmacy but cannot afford to pay for them.

G. Key services in ACT for asylum seekers

Canberra Refugee Support - volunteers provide practical support as 'good neighbours' in Canberra, helping asylum seekers navigate systems and link with local services, helping with access to schooling, English language training, jobs and sometimes providing financial support. <https://canberrarefugee.org.au/>

Companion House - services include counselling and community development work to help asylum seekers rebuild their lives, deal with difficult situations and process the effects of trauma. A free GP clinic is available to those with or without access to Medicare. Migration advice and financial support are also available when Companion House has donor funds available. <http://www.companionhouse.org.au/>

Legal Aid - Migration Clinic providing free legal advice from a registered Migration Agent and in some cases ongoing representation. Cultural Liaison Officers are also available to help people understand the legal system and their legal rights as well as connect to other services. <https://www.legalaidact.org.au/migration>

MARSS Australia - MARSS is funded by ACT Government to run two housing programs for asylum seekers. The Asylum Seeker Transitional Accommodation program (ASTA) provides share accommodation for vulnerable unaccompanied men. The Family Program for People with Uncertain Migration Status is aimed at vulnerable families and single women. These programs are heavily subscribed and often full. <https://www.legalaidact.org.au/migration>

Multicultural Hub - a range of services for youth and women, particularly an employment service that supports asylum seekers with work rights to find employment. <https://www.mhub.org.au/>

Red Cross - provides emergency financial support <https://www.redcross.org.au/get-help/help-for-migrants-in-transition/asylum-seekers>

Vinnies (The St Vincent de Paul Society) - provides support including food and financial support. https://www.vinnies.org.au/page/Our_Impact/Asylum_Seekers_Migrants_Refugees/ Support can be accessed at this link: <https://www.vinnies.org.au/findhelp#!act>

Forcibly Displaced Peoples Network This ACT based network promotes human rights and inclusion of LGBTIQ+ persons in forced displacement through peer support and strengthening services and policy responses. There is some great practical and peer support for LGBTIQ asylum seekers through this network. <https://fdpn.org.au/>

3. Ethical issues to consider in service provision

Understanding the common kinds of experiences and background of asylum seekers can help services to work in an ethical, safe and effective way.

A. Demonisation and prejudice against asylum seekers in Australia

There has been a pattern of demonisation of asylum seekers in public discourse in Australia. Language such as 'illegal' and 'queue jumping' is not only incorrect and inflammatory but is also used to justify 'tough' policies that are seen as politically popular. Differences in treatment depending on whether an asylum seeker arrived by plane or by boat exacerbates this, sending an (incorrect) message that those who have come by boat have acted illegally. Policies that deliberately make asylum seekers lives extremely difficult - such as detention, long delays in processing applications, temporary rather than permanent protection - are punitive and have been used as a deterrent to discourage future asylum seekers.

https://humanrights.gov.au/sites/default/files/2019-07/AHRC_Lives_on_hold_2019_summary.pdf

Prejudice and demonisation impacts on asylum seekers at a structural and individual level. As well as being the reason for the difficult practical conditions in which asylum seekers live, such public attitudes particularly from leaders, undermine asylum seekers' credibility and the welcome and respect they otherwise may have received replacing it with uncertainty, vilification, doubt and exclusion.

B. Torture and trauma experiences

It is violence and persecution that usually push asylum seekers to leave their home country. In some cases, this will include torture, which may be physical or psychological and could include physical violence, electric shock, sexual abuse, sensory deprivations, being forced to witness others being tortured or killed, and detention in harsh and inhumane conditions including solitary confinement.

The impact of this and other trauma is well documented as having very deep immediate and long-term effects on physical and psychological health. Many survivors suffer from severe depression and anxiety, with sleep disorders, recurring and intrusive memories, poor self-esteem, and difficulty in concentrating, memory loss, sadness, fear, anger, psychosomatic complaints, and breakdown in relationships.

Experiences on the journey to protection - including here in Australia - can exacerbate responses to this torture and trauma. Being required to tell and retell these experiences and to share intimate details that may prompt feelings of shame and humiliation, detention and punitive conditions, feeling powerless and having little control over the direction of your life, and ongoing uncertainty all affect wellbeing and compound the effects of trauma further exacerbated by conditions of detention referred to below.

C. Journey to seek safety

Each journey is different and an asylum seeker's experience will vary markedly depending on whether they come to Australia by plane or by boat. However, for those who came by boat, some common experiences include: raising considerable amounts of money to pay for the journey and the indebtedness that creates, including for those left behind; often long and arduous physical journeys to get to a point of departure; vulnerabilities related to insecure status in transit countries; terrifying and dangerous boat journeys under the power of people smugglers; and often then disappointment and despondency related to the reception by Australia.

These trauma experiences are further exacerbated by conditions of detention referred to below.

*"I am lost.
I am broken.
I am not the
person I was"*

Canberra asylum seeker

3. Ethical issues to consider in service provision

D. Detention experiences

Asylum seekers may have been detained in their home country, possibly while in transit and then again in their attempts to reach Australia or in Australia. While the offshore detention system (where boats are stopped on their way to Australia and asylum seekers were sent to detention centres in Nauru and Manus Islands) has been wound back, immigration detention in Australia continues to be used.

Experiences of immigration detention are likely to include: confinement, including solitary confinement, and deprivation in prison-like facilities; punitive and humiliating treatment that leads to a sense of injustice and inhumanity; isolation with often very limited communication with family; and mounting hopelessness and demoralisation. Unlike inmates of the prison system, asylum seeker detainees do not know when they may be released.

Prolonged immigration detention causes and exacerbates negative long-term health outcomes and so, even after release from detention, many asylum seekers will experience severe difficulties related to a sense of insecurity and injustice, relationship difficulties and mental health symptoms such as severe depression, anxiety and complex PTSD.

E. Family separation

Asylum seekers are often separated from their immediate and wider family who may be in their country of origin or another country. Many asylum seekers describe this separation from family as their biggest challenge. Common experiences include: the loneliness of that separation and lack of mutual support, often for an extended and indeterminate period; worry about their family's circumstances, perhaps including loss of their income and harassment as a result of the asylum seeker's departure; shame and guilt at having not secured protection, especially as extended family may have paid considerable amounts for the asylum seeker's journey; and the realisation that reuniting in Australia may be unlikely or impossible due to current visa policies or other factors.

“What do you think will happen to us?”

Canberra asylum seeker

F. Living in limbo

Building a sense of safety and security can be an integral part of someone's recovery from past torture and trauma. For asylum seekers, this isn't possible as they are living in ongoing uncertainty while their application for protection is being processed. Many people wait years for an initial interview and there may be additional steps before a decision, and then possibly an appeal process if the application is rejected. This protracted and indeterminate period of living in limbo is damaging and is seen by some policy commentators as extended out in another attempt at deterrence.

Living in limbo includes not being able to undergo normal developmental life experiences. For example, many people have to defer partnering indefinitely, miss the experience of having a family and are unable to further their education at university.

G. Marginalisation

Long years of living at the edge of the community and feeling unwelcome erode opportunities to feel a sense of belonging. Many asylum seekers express distress after years of marginalisation. People explain that they feel unwelcome, uncared for and as if they have no value. For some asylum seekers this causes distress and can erode self-confidence and sense of self.

Importantly to note, research has found that LGBTBIQ asylum seekers face particularly strong marginalisation and struggle to find supportive services and networks.

H. Diverse gender identities and sexualities

Asylum-seekers with a diverse sexual orientation and gender identity face distinct vulnerabilities. LGBTBIQ asylum seekers face persecution and violence in their countries of origin, including sexual abuse, lack of police protection, and exclusion from access to services, arbitrary detention, and social exclusion. People then often faced similar abuses whilst in forced displacement. In Australia LGBTBIQ asylum seekers face intense social isolation, racism and strong barriers to service access in service systems that do not take the needs of diverse gender identities and sexualities into account. People can also experience targeted homophobic and transphobic violence and discrimination.

For more information see <https://fdpn.org.au/>

I. Forced Returns

Many asylum seekers are found to be refugees. Some protection visas applications, however, are rejected. Some asylum seekers will appeal this, which can lead to a long and expensive process through which they may lose work rights and access to Medicare. When they have run out of all options, many are pressured to return 'voluntarily'. People may experience deeply founded fear at what they will experience on return, as well as guilt at having 'failed' in their quest for protection and the implication this brings for themselves and their family. Those who do not agree to return may be forcibly returned, although in some cases this is not possible (Iran for instance does not accept those who are forcibly returned) and they can be kept in detention for long periods or left in the community with no visa or social entitlements.

4. Building safety and respect into service provision

Take into consideration this context (and asylum seekers' past experiences, current situation and fear for the future) when designing and providing services. Some particular areas include:

A. Strengths

Asylum seekers tend to have considerable resilience, creativity and resourcefulness – often these inner resources and skills have got them through their difficult journeys. While they will also face a number of challenges and vulnerabilities, partly due to Australian policy, this strength and independence is an incredible resource, even if it may become frayed over time. It is worth remembering that asylum seekers may bring a wealth of skills and professional experience that may not be formally recognised in Australia – and this in itself may be a source of frustration and loss.

B. Trauma informed approaches

If the asylum seeker has a traumatic history, then trauma informed practice needs to be the cornerstone of service provision.

Trauma informed practice is based on:

1. Safety and trust through transparent, respectful and predictable service delivery.
2. Human connections and belonging through respectful relationships-based services.
3. Dignity through services focused on human value and potential.

C. Power and choice

When so many of the decisions about how they live are made by others, asylum seekers may feel powerless. Providing full information and choices, even relating to something that may appear minor, and respecting their decision can be important in supporting agency.

D. Trust

To an outsider, it may be hard to see the distinction between a government agency and an independent community-based service and there could naturally be suspicion about motives and practices. It may take a long period of consistently providing respectful and transparent support before trust is built – if it is at all.

E. Privacy and information security

Ensuring that information is requested discreetly and kept confidential is important when working with any client. When working with asylum seekers this is particularly crucial due to the considerable safety issues at stake. Strong data security is essential to prevent information about asylum seekers potentially being accessed by their home government.

F. Embassies and High Commissions

Services in Canberra need to be particularly aware of our proximity to embassies and high commissions in our small community and the need to ensure physical and social distance from these. Not taking into consideration these issues could put the asylum seeker themselves or their family at risk if they are returned to country of origin. Close contact with embassies and high commissions can cause an asylum seeker fear and insecurity that undermine their sense of safety.

G. Interpreters

Allowing asylum seekers their own choice of interpreter will enable them to fully express their own perspective. Whilst a professional interpreter is better practice in most cases, it is crucial to consult with the asylum seeker about who is a safe interpreter for them. The wrong interpreter can be dangerous or uncomfortable for the asylum seeker. Of course, avoid using children as interpreters.

“I encourage people working with asylum seekers to be very careful of privacy. Be careful not to reveal visa or personal issues by asking personal questions in front of others..”

Former Canberra asylum seeker 2023

4. Building safety and respect into service provision

H. Cultural style

Cross-cultural skills are important in any multicultural environment, to understand differences and adapt styles accordingly. Interrogative questioning, for instance, is common in Australia including in services that may ask directly for background information. This style may seem confronting or rude to someone from a different cultural background, particularly if they have been required to share detailed personal information as part of an application for protection.

I. Community connections

Isolations and loneliness are often very much part of the asylum seeker experience. Importantly, for some people there are cultural communities to join. This can of course be sensitive depending on the community and it is the asylum seeker themselves who can advise on what connections are safe and nurturing for them. Some groups support each other intensely. For example, many of the people who arrived by boat have a strong sense of fellowship and mutual help within their cultural community. For some asylum seekers their own vulnerability and social exclusion as asylum seekers can be humiliating and are a source of shame within cultural community as a whole.

For some people, particularly asylum-seekers with diverse sexual orientation and gender identity, a whole new set of community connections and community safety needs to be built and life can very lonely.

J. Perceptions and things to think about

Service providers do not need to know every detail of an asylum seeker's story for the services they control and conversely asylum seekers do not need to tell their 'full story' to any service provider. Hence a service provider is unlikely to have any 'full story' and should not allow themselves to judge whether an asylum seeker's claims for protection are valid or what level of empathy and service they should therefore receive.

"Don't underestimate what the warmth of your welcome means to people who have been treated with scorn and contempt..."

Professor William Maley

What your perception might be...

Some things to think about...

Asylum seekers are 'difficult'

With so much uncertainty in their life, perhaps this is one area where asylum seekers seek to control. Perhaps this is an opportunity to support agency and independence.

Asylum seekers are 'entitled'

Asylum seekers come from all sorts of backgrounds - someone may come from a privileged background and may be adjusting to very different circumstances and loss of status and identity. This has no relevance to their claim for asylum or to their need for and right to your service.

Asylum seekers are 'ungrateful'

Expecting someone to be, and to publicly express their gratitude, exacerbates their powerlessness in the face of charity. Rather, this is a service they are entitled to and it should be provided without expectation in return.

Asylum seeker's situation is 'chaotic' or 'inconsistent'

Most asylum seekers do live at least somewhat chaotic lives - trying to keep it all together, engage in a foreign language and culture while living in poverty with ongoing uncertainty and often changing circumstances. This doesn't change their need for supportive non-judgemental services tailored to their needs.

I'm not getting the whole story / there's more to this

There may well be more to the story than you have heard so far - someone may have deliberately held back information because of their pride and desire for privacy, or it may be inadvertent as it wasn't seen as relevant. Perhaps it will take a long time to build trust.

Just as importantly, remember that survivors of torture and trauma often suffer from memory disruption and in particular have an inability to provide a coherent and sequential story. They may forget parts of traumatic event(s), which is an involuntary survival mechanism that enables the person to keep functioning and blocks memories of the traumatic event. This makes life somewhat more bearable for the survivor of trauma

Do you really need that information or can you take things on face value and support that person on their terms?

Asylum seeker is 'demanding' or 'brash' or very compliant

Asylum seekers have had to be very resourceful to save themselves and their families. They may have learned to be 'demanding' and 'brash' to get what they need to survive, they may have learned to be compliant. Behaviours shouldn't necessarily be taken as a personal response to you, but as survival strategies.