

# Proposal 8

## Social Justice Board

### Asylum Seekers and Refugees

That the Synod:

1. Write to the Western Australian Premier and Opposition Leader expressing our dismay that some children who are in Western Australia whilst their family is making an asylum application, are not automatically entitled to enrol in state schools.
2. Write to the Western Australian Premier and Opposition Leader to request that asylum seekers on Bridging Visas or refugees on Temporary Protection Visas or Safe Haven Enterprise Visas without sufficient income be granted concession status for use on Western Australian public transport.
3. Write to the Minister for Immigration and Border Protection expressing our concerns with the Fast Track Approval process and commending the Uniting Church in Australia Assembly's resolution 'Shelter from the Storm'.

#### Rationale

The Uniting Church in Australia Assembly and the Synod of Western Australia have long expressed their concern at policies which do not protect the human rights or asylum seekers.<sup>1</sup> The political discourse concerning the treatment of asylum seekers and refugees has continued to deteriorate requiring urgent and drastic policy change. For a full account of the federal policy requests from the Uniting Church in Australia, Assembly we refer to the Shelter from the Storm document.<sup>2</sup>

#### Access to Education

Under the present agreement between the Federal Government and the State of WA some children are being funded to attend private schools by the Federal Government or by the generosity of the school community, but these schools may be at a great distance from the child's home, and may not be equipped to cope with teaching English as a second language. If the child's family is given another visa they may have to change schools, further disrupting their attempts to settle and adjust in a new cultural and language environment.

The United Nations Convention on the Rights of the Child (the Convention), ratified by the Australian government in 1990, requires Australia to recognise the right to education of everyone under the age of 18 years. In recognising this right, Australia is committed under the Convention to making primary education 'compulsory and available free to all' (Article 28:1a).

Other groups have already engaged in advocacy on this issue, highlighting that Western Australia is the only state not to provide asylum seeker children access to public schools.<sup>3</sup> This was largely due to funding disagreements between the state and federal governments during a time when Gonski educational funding was being negotiated. Given the changes to federal politics since that time, it is the view of the SJB that again worth advocating for a

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<sup>1</sup> <http://www.unitingjustice.org.au/refugees-and-asylum-seekers/>

<http://unitingchurchwa.org.au/services/taking-a-stand/social-justice/refugee-and-asylum-seekers/>

<sup>2</sup> <http://www.unitingjustice.org.au/refugees-and-asylum-seekers/uca-statements/item/1105-shelter-from-the-storm>

<sup>3</sup> <http://www.humanitarianresearchpartners.org/newsroom/asylum-seeker-school-wa>

renegotiation of this arrangement, even though the state government does not appear interested in engaging such a process.<sup>4</sup>

### **Public transport:**

Newly arrived refugees and asylum seekers have many challenges when adjusting to life in Australia including very limited financial resources. Initially, those assessed as refugees and granted Temporary Protection or Safe Haven Enterprise Visas are reliant on Centrelink payments such as Newstart as they establish their lives in Australia and begin searching for jobs. Usually, eligibility for Centrelink will also qualify people for concessions on other expenses like public transport. This is not the case for newly arrived refugees and asylum seekers in Western Australia. Other jurisdictions including Queensland,<sup>5</sup> NSW,<sup>6</sup> ACT<sup>7</sup> and Victoria<sup>8</sup> have changed their concession eligibility criteria to include asylum seekers, having recognised their inherent vulnerability to financial strain. For some in this cohort they may need to remain on Centrelink for an extended period since they may be recovering from trauma, are unwell or are full time carers. There are others on Bridging Visas who may be willing to work and even have jobs available but are not permitted to work and are reliant on a living allowance provided to them which is equivalent to between 60% and 89% of Newstart. This means they have very limited resources with which to access expensive public transport. It is becoming ever-more apparent that even people on full Centrelink payments are struggling to meet all their financial needs with only \$38 a day.<sup>9</sup> Public transport concessions offer an important financial relief for people on Centrelink to be able to meet their basic daily needs as well as being able to access education, training or employment. For newly-arrived refugees and asylum seekers their expected travel requirements are significantly greater as, according to the Queensland Council of Social Services, they are likely required to attend:

- Case worker appointments
- Local area orientation
- Australia orientation course
- Appointment to open a bank account
- Arranging housing Registration with Centrelink
- Registration with Medicare
- Medical assessments and follow-up appointments
- Adult Migrant English Program (AMEP) assessment interview
- Centrelink 6 week follow up interview
- Centrelink job capacity assessment
- School enrolment visit for children
- Specialist appointments such as optometrist, dentist, audiologist, psychologist, psychiatrist
- Immigration legal appointments<sup>10</sup>

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[http://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/36CBFACB168CA46B48257FAA00186719/\\$file/C39%20S1%2020160216%20All.pdf](http://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/36CBFACB168CA46B48257FAA00186719/$file/C39%20S1%2020160216%20All.pdf) See Question 17, Tuesday 16 February 2016.

<sup>5</sup> <http://statements.qld.gov.au/Statement/2016/6/14/a-fair-go-for-job-seekers-and-asylum-seekers>

<sup>6</sup> <http://www.transportnsw.info/en/tickets/eligibility-concessions/asylum-seekers.page>

<sup>7</sup> [http://www.communityservices.act.gov.au/multicultural/services/access\\_card](http://www.communityservices.act.gov.au/multicultural/services/access_card)

<sup>8</sup> <http://ptv.vic.gov.au/tickets/concessions/asylum-seeker-concession-cards/>

<sup>9</sup> [http://www.acoss.org.au/media\\_release/unemployed-and-pensioners-collateral-damage-in-budget-fight/](http://www.acoss.org.au/media_release/unemployed-and-pensioners-collateral-damage-in-budget-fight/)

<sup>10</sup> <https://www.qcoss.org.au/sites/default/files/Fare%20Review%20-%20final.pdf>

The Queensland Council of Social Services goes on to explain that:

For many newly arrived refugees and asylum seekers, public transport plays a critical role as a gateway to their participation in society, as they do not have the economic means to access private vehicles.

Often, refugees live in outer suburbs where housing is more affordable, meaning they must travel many zones, sometimes using multiple buses and trains.<sup>6</sup>

The situation in Western Australia has proved very similar with support agencies anecdotally reporting that newly arrived refugees and asylum seekers find the travel cost burden an extra barrier to the already difficult process of navigating the complexities of various government bureaucracies and social services. This can lead to appointments being missed and people remaining at home with increased isolation which can create further risks to mental health and an extra strain on public health facilities.

### **Fast-Track Approval Process**

The so-called 'Fast-Track Approval' (FTA) process has been the subject of ongoing criticism from various refugee and human rights organisations. Due to the unreasonable expectations for asylum seekers to be able to: adequately explain their stories without legal support; obtain their correct documentation; complete lengthy and complex application forms in English and; have no recourse for appeal or review, the FTA process is patently unfair. In Western Australia asylum seeker services supported by the Uniting Church including the Humanitarian Group and the Centre for Asylum Seekers, Detainees and Refugees (CARAD) continue to report of the immense challenges and stress faced by asylum seekers undertaking the FTA process. In CARAD's submission to the Migration and Maritime Powers Legislation Amendment (Resolving the Legacy Caseload) Bill 2014 they stated that:

Fast tracked visa application review processes increases the risk of refoulement. We question the adequacy of the so called 'fast track' processes to actually hear the stories of those seeking protection. It is common for asylum seekers stories to take some time to emerge even with people they trust. We believe it is unlikely that any traumatised people would be capable of revealing their stories in interviews held under this so called 'fast track'. Instead we believe that this is a smokescreen for Australia trying to deny asylum seekers the right to a safe and orderly hearing of their claims for protection. It has put Australia at risk of sending asylum seekers back to harm, in flagrant breach of our international obligations under the Refugee Convention.<sup>11</sup>

The Uniting Church in Australia, Assembly also made a submission to the Migration and Maritime Powers Legislation Amendment (Resolving the Legacy Caseload) Bill 2014 stating that:

This legislation absolves Australia of our obligations under international law to protect refugees and is a serious threat to Australia's commitments to uphold human rights under international law.<sup>12</sup>

The Uniting Church in Australia, Assembly has adopted the Shelter from the Storm policy which outlines a comprehensive critique of the Australian Government's current asylum

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<sup>11</sup> <http://www.carad.org.au/Documents/CARAD%20submission%2028%20October%202014.pdf>

<sup>12</sup> <http://www.unitingjustice.org.au/refugees-and-asylum-seekers/information-and-action-resources/item/1001-the-amendments-to-migration-and-maritime-powers-legislation>

seeker and refugee policies as well promoting best practice alternatives. In reference to the FTA process it includes a call on the Australian Government to:

Expedite a fair and transparent refugee determination process for all asylum seekers living in the community, ensuring people have work rights, education, healthcare and government assistance to support basic living needs while they wait, access to funded legal advice throughout, and access to independent and judicial review processes.<sup>13</sup>

The FTA process is one component of the many unjust policies relating to asylum seekers and refugees in Australia's care that require urgent reform, but due to its direct detrimental effect on people in Western Australia, repeal of the FTA process is a point of urgent extra advocacy.

It is important to note that the strain of dealing with the FTA process does not just lie on those people attempting to navigate it but is also an immense burden on the few community organisations who continue to provide support for people going through the process without any government funding. There is great gratitude to the many donors and volunteers who continue to provide such vital supports to an extremely vulnerable group of people.

**Mover: Ashley MacMillan**

**Secunder: David Gray**

**For enquiries contact Geoff Bice, Justice & Mission Officer 9260 9800**

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<sup>13</sup> <http://www.unitingjustice.org.au/refugees-and-asylum-seekers/uca-statements/item/1105-shelter-from-the-storm>