WITH EMPTY HANDS:

How the Australian Government is forcing people seeking asylum to destitution

Sahar Okhovat
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Executive summary

With empty hands we cannot do anything. It’s like you ask me to paint this wall without giving me any paint and brush and I ask ‘how can I do it?’ and you respond ‘I don’t know, just do it’.
— Ali,* seeking asylum in Perth

For years, Australia has been punishing people who need our protection. We have been turning back the boats which were carrying them to safety, and shipping and warehousing them in Nauru and Papua New Guinea. If they make it to mainland Australia, we have been detaining them indefinitely and, once they are released, leaving them to struggle in the community without support.

There have been many reports about our policies of offshore processing and detention. This report focuses on what happens to tens of thousands of people seeking asylum who are living in our community, and the policies that drive these highly vulnerable people to the margins of society. It follows our 2015 report which explored community views on asylum policy.1

This report explains how people seeking asylum have been, in various ways, denied access to work, study, income and much-needed health services. The kinds of services and supports available to people seeking asylum change depending on how and when they came to Australia, the stage of the process they are in, and the visas they have (or did have). Services and supports also vary between and within States and Territories. Even then, the conditions of their visas (if any) often seem arbitrary, and there is little to no transparency in decision-making. On top of this, there are frequent, often unannounced, changes to people’s eligibility for services and supports.

In 2018, more policy changes are likely to leave thousands more without any income or government-funded support. As well, policies that punished people seeking asylum increasingly apply to those who came by plane, as well as by boat. These changes add to existing policies that are already driving thousands of people to destitution. Every day, more and more people needing our protection are forced to rely on overstretched and overwhelmed communities and non-governmental organisations to survive.

This report reflects the voices of people seeking asylum and those who work with them, gathered through our annual consultations in recent years. People have told us about the impact of these policies on their health, their lives and their children. Service providers have also told us of the unprecedented strain on charities and non-governmental organisations, and on the ordinary Australians who volunteer, support and work for them.

People who need our protection should not be punished for seeking it. They should not be forced to choose between starving in the streets or returning home to persecution. They should not be treated as if they are not human, simply because they are not (yet) Australian.

**Rajan’s life in Australia**

Rajan (not his real name) came to Australia in 2013 by boat. He left behind his wife and two young children in an Indian refugee camp. He was well aware of the dangers of the journey ahead and did not want them to embark on such a journey.

Rajan arrived on Christmas Island and was detained. He spent almost 2 years being transferred from one detention facility to another. He tells us that he “lived” in almost all Australian states and territories, but never saw anything outside of detention.

While in a remote detention facility, Rajan developed a health issue that became increasingly difficult to manage. Eventually, he was released into ‘community detention’, meaning he was living in the community but did not have a visa. Rajan needed to live in a place specified by the Australian Government and could not lawfully work or study. As someone who worked and provided for his family all his life, Rajan found it very difficult not being able to work and send money to his family in India. He wanted to study English, but was told he was not eligible.

More than 2 years after he came to Australia, Rajan had not yet been able to apply for refugee status. His caseworker told him that he could not do so until he was invited to do so by the Minister, which he could not understand.

In mid-2016, Rajan was granted a bridging visa E with work rights. At first, that gave him a glimmer of hope. Rajan, however, struggled to find a job in Sydney. His English was not good, and his bridging visa was short term. He also lost access to his intensive casework support under the support program, and had very little contact with his service provider.

Determined to work, Rajan moved to a regional area in another state where there were jobs in an abattoir. He worked long hours almost every day. Due to his move, he was transferred to another service provider. Rajan did not have a caseworker and was told to contact the agency’s hotline if he had questions or experienced an issue. As he was no longer getting income support, he also didn’t need to provide financial reports to the new service provider.

In mid-2017, Rajan discovered that a letter he had received in English was asking him to apply for a protection visa by 1 October 2017. He had very little time left and no access to funded legal advice. He received some support from a community legal centre and from the Tamil community and managed to apply just before the deadline.

Rajan is still waiting to hear about his application. He has been told that he is no longer eligible to be on the support program. He is told if he loses his job, it is highly unlikely he can apply to receive income support on the program, because he has been sending money overseas. Rajan is frustrated. He has been away from his family for so many years. Sending them money to help them survive is the least he can do. Was he expected not to support his children? “What father does this?” Rajan asks.

The nature of his work has taken a toll on Rajan’s fragile health. Until now, Rajan could visit his specialist without needing to pay the gap payment and could access subsidised medication through his support program. He now has to purchase the medication at full price and has to pay the specialist gap payments, which he cannot afford.

Rajan told us about his sleepless nights thinking about his family, their destitution and whether he will ever see them again. With no saving, Rajan cannot even afford to buy a ticket to go back to larger cities, where there might be some community support.
The stories of those in the shadows

Sadly, Rajan’s story is not unique. His story echoes the daily reality of many people seeking asylum who are living in our communities. It is a story that reflects the twists and turns of a very complex, and punitive, asylum policy that seeks to punish those we should protect.

This report reflects what the Refugee Council of Australia has heard in recent years, during consultations we have held with refugees and people seeking asylum, and those who support them, across Australia. It follows our December 2015 report exploring Australia’s asylum policy, *Eroding our Identity as a Generous Nation: community views on Australia’s treatment of people seeking asylum*, which was based on consultations we held in 2014 and 2015.

Unfortunately, since then things have only become worse for people seeking asylum. This report reflects the 127 face-to-face consultations we have held across all States and Territories since 2016, across all Australian states and territories and, in 2017, with 28 consultations in regional areas. In each of 2016 and 2017 we held seven consultations specifically with people seeking asylum, and in 2017, three of those consultations were held in regional areas. As well, we convene and participate in many regular national and State networks and interagency meetings, and regularly gather information and feedback from our members and friends. The information we have gathered is unique in its scope, richness and frequency.

This report focuses on only one part of these extremely rich discussions: the policies that have marginalised people seeking asylum and forced them into destitution. We aim to release more reports on other aspects of our asylum policies over the next year, including on temporary protection.

People seeking asylum in Australia

People seeking asylum in Australia come either by plane or by boat. Australia treats these two groups of people quite differently, with extremely harsh policies for people coming by boat. For example, only people who come by boat are generally subject to our policies of transferring people to Nauru or Papua New Guinea (‘offshore processing’), detaining them indefinitely in Australia (‘mandatory detention’), and granting them only temporary visas even if they are found to be refugees (‘temporary protection’).

People who come by plane on a valid visa (for example, as a student) can claim asylum after they arrive. Typically, people in this group are given visas with the same conditions as the visa they came to Australia on. The numbers of people claiming asylum have been increasing significantly, with 18,290 applications in the 2016–17 financial year. People are now waiting years for decisions under this process.

When the Coalition Government came to power in 2013, there were around 30,000 people seeking asylum who had come by boat. As we explain below, many of them have been subject to extremely punitive policies, including transfers to Nauru or PNG, detention in Australia, and temporary protection. Most of these people have now been in Australia for more than five years and are living in our community with minimal support.

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3 While we tried to present the views of people seeking asylum living in different parts of Australia, a disproportionate number of quotes and comments are from service providers and community members living in Sydney and Melbourne. This is because over three quarters of people seeking asylum live in these two cities.

4 While technically mandatory detention applies to anyone who does not have a valid visa, in practice those who come by plane and others whose visas have expired are granted bridging visas which give them lawful permission to stay.


What people seeking asylum have been through

“I think if someone has gone to sleep and wants to wake up it is very easy to wake them up. But if they are pretending to sleep you cannot wake them up. Because they don’t want to wake up. The Government is pretending to sleep.”
—Kamran, person seeking asylum living in Sydney

Indefinite mandatory detention

For many years, people seeking asylum by boat have been detained indefinitely simply because they do not have a valid visa. By law, anyone (including a child) who does not have a valid visa must be detained. There is no maximum time limit, and there is no independent review of the decision.

Many of those seeking asylum by boat who came during 2010–2013 have been held in detention, often for years. From 2009 onward, there was a very significant number of people held in detention (nearly 10,000 in 2009–2010, reaching a peak of 38,147 in 2012–2013).

Although the requirement to detain is ‘mandatory’ (because the law does not give anyone discretion), the law also enables the government to grant a person temporary lawful permission (a ‘bridging visa’). This allows the government to release people from detention, but the decision to do so is entirely at the discretion of the government. The conditions and length of the visa are also at the discretion of the government.

For those who come by plane, a bridging visa is usually given with the same conditions as the visa on which they arrived (for example, a tourist or student visa). They may also remain on their substantive visa while their protection visa application is being assessed. While these visa conditions are often more generous than for a bridging visa E, they usually do not include a right to access Medicare and may have restricted work rights. Those who come by plane and are granted a bridging visa before their original visa expires are not detained.

Another way for people to be released is through the use of ‘community detention’, by which the government makes a ‘residence determination’ that specifies where a person can live in the community. There was a significant shift towards the use of community detention under Labor between 2010–2012, but since then there has been a rapid decline in the use of community detention and instead the bridging visa has become the much more normal way of releasing people from detention.

7 Migration Act 1958 (Cth), s 189.
Offshore processing

While this report focuses on people seeking asylum in our community, this includes people who have been, and may be returned to Nauru or PNG under our ‘offshore processing’ arrangements.

The policy of transferring people who came by boat seeking our protection to Nauru or PNG was reinstated by the Gillard Labor Government, with the first people transferred to Nauru on 14 September 2012, and to PNG on 21 November 2012. However, on 19 July 2013, the then Prime Minister Kevin Rudd announced that, unlike in the previous version of the Pacific Solution, those transferred to Nauru or PNG would no longer be able to resettle in Australia, and that all people coming by boat would be transferred offshore.

This led to a dramatic increase in the numbers of people being sent offshore. Meanwhile, many of those already on Nauru and Manus were transferred back to Australia. As well, in the past few years, several hundred people have been transferred to Australia for health or protection reasons, and as of 26 February 2018, there were still 445 of them in Australia. Most of them (357 people) were in community detention, and 62 are on bridging visas living in the community.

Temporary protection

In December 2014, the law was changed to grant only temporary protection to people who came by boat to Australia. In contrast, people seeking asylum by plane receive permanent protection.

This policy was retrospective. It applied to those who came by boat on or after 13 August 2012 and had not been able to apply for protection (as discussed next), as well as to those who came before 13 August 2012 but whose application for protection had not been finalised by 18 September 2013.

Those with a temporary protection visa can never become an Australian citizen. They cannot apply to be reunited with their families, or even travel overseas to visit them without permission. They do not have access to many of the benefits available to people on permanent protection visas, such as a range of social security payments, subsidised education and the National Disability Insurance Scheme. They have to prove they still need Australia’s protection every 3 to 5 years, depending on their visas.

Why people are still waiting for protection

Most of the people seeking asylum in our community have been living here now for years. As people seeking asylum by boat were sent to Nauru or PNG after 19 July 2013, those in Australia are mostly those who came before then. Those who came by plane are also now waiting years for their claims to be determined. These long delays mean that people are losing years of their lives in limbo, and are living ever longer in the shadows of our society.

For people seeking asylum by boat, these delays have been caused by constantly changing policies limiting their capacity to apply for protection.

Barring them from protection

Most people seeking asylum who came to Australia by boat after 13 August 2012 waited for well over three years for the opportunity to lodge a protection application. This is because from August 2012 until the year 2015, the Australian Government made it impossible for them to get protection.

The Australian Government first refused to grant them visas until they would have received them had they applied to resettle, on the basis that they should get ‘no advantage’ from having applied in Australia. Then a law was passed which prevented anyone who came by boat from making a valid application for protection, unless the Minister invited them to do so (referred to as ‘lifting the bar’). This extended a previous law that prevented people from making a valid application if they arrived on an ‘excised offshore place’, such as Christmas Island.

Not fast, nor fair

The Coalition Government came to power in September 2013 promising to introduce a so-called ‘fast track’ process to decide whether people who came to Australia by boat were refugees. However, the necessary legislation was not passed until the end of 2014, and the process only began to be implemented in 2015 by the Department of Immigration and Border Protection, now the Department of Home Affairs (‘the Department’).

This process applies to those who came by boat between 13 August 2012 and 1 January 2014, and were not taken to Nauru or Papua New Guinea for offshore processing. Those who came to Australia by boat before 13 August 2012 and were still waiting for their claims to be finalised in September 2013 are still having their claims considered under the previous process, although this group are also only granted temporary protection.

The process put in place tight timelines for providing claims and evidence and changed the definition of refugee. Most importantly, it radically reduced the independence and quality of the review process by turning it into a paper review of the decision by the Department of Immigration, creating a real risk of returning people to persecution.

People who are not recognised as refugees only have the right to ask a court to review the lawfulness of the Department’s decision, which is very difficult to do, especially if you cannot afford a lawyer and do not speak good English. Court hearings can be months and even years away, with some people now receiving court dates in 2021.

At first, the Government began by ‘lifting the bar’ for certain priority groups and by the date of arrival. It did not get properly started on the process until mid-2015, and did not finish ‘lifting the bar’ for all groups until late 2016.

The Government initially promised that all claims under the ‘fast track’ process would be decided by the end of 2017. In practice, only about half of the claims had been decided by March 2018.

Denying them help

The ‘fast track’ process was never going to be fast. The Government had changed the process once again for people who were already facing many barriers to making their claims. Refugee law in Australia is extremely complex, and even just filling out the

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18 Under the Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Act 2013 (Cth), people who came to Australia seeking asylum by boat were not able to apply for protection unless invited to do so. This extended the previous regime which prevented a person arriving at an ‘excised offshore place’ from applying for protection unless invited to do so.
19 Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014 (Cth).
long forms (in English) takes many hours with help. As people
had been waiting years to apply, they found it difficult to remem-
ber details and to find evidence, even when they could get help.

However, the Government made this all much harder not only
by changing the process and the definition of refugee, but by
removing people’s access to government-funded legal advice.
Most people seeking asylum could not afford a lawyer, but need-
ed help to navigate the system. This resulted in long waiting lists
(of up to one year) at the handful of small, underfunded legal
centres who were offering to help them for free. Meanwhile,
those same lawyers spent many hours learning the intricacies of
the new process, seeking urgent clarification on policies, forming
partnerships with large law firms for pro bono support, and com-
ing up with novel ways to fundraise to keep the centres open.

The snap deadline

After a very slow start to the so-called ‘fast track’ process, the
Department of Immigration suddenly, and without warning,
began to threaten people who were still waiting for legal help.

At the end of 2016, it sent warning letters to people who were
yet to apply for protection. If they did not apply within 60 days
(with a possible extension of 30 days), they would lose all income
support, their right to live lawfully in the community, and the
right to apply for protection. Legal centres scrambled to re-prior-
itise their lists to meet these extremely tight deadlines.

On 21 May 2017, the Minister for Immigration went further.
Again without warning, the Minister announced that if people
did not apply for protection visas by 1 October 2017, they would
never be able to get any visa in Australia and would be forced to
return to their countries of origin. This was so even though there
were thousands of valid applications still waiting for decisions by
the Department.

Heroically, and under enormous pressure, the legal centres, pro
bono lawyers and volunteers across Australia largely succeeded
in meeting this arbitrary and extremely tight deadline. All but
71 of the thousands still waiting did manage to apply by the
deadline, although surely at severe cost to the quality of their
applications.

How we have supported people seeking asylum

The latest threat to these people is a drastic reduction to their
access to a government-funded program that provides them
with income and casework support while they are waiting for the
Government’s decision on their refugee claims. This section ex-
plains this program and how it supports people seeking asylum.

Why people need support

People seeking asylum have often fled decades of war, perse-
cution and displacement. They have endured extraordinary
hardship to reach Australia. As discussed above, many have been
detained by Australia (including on Nauru and Manus Island) and
have waited in limbo for years for their claims to be processed.
Many live in daily fear of being returned and of never being able
to see their loved ones again. The effects of these events on peo-
ple’s mental health make it difficult for many to work, navigate
the complex process of seeking asylum, or cope with the daily
struggle of living on the margins.

A short history of asylum support

A program to support people seeking asylum, called the Asylum
Seeker Assistance Scheme (ASAS), was first established in July
1992. People could only access the scheme if they were waiting
for their application for protection to be decided, and could not

meet their most basic healthcare and living needs. The program was established as this very vulnerable group could not access any other form of Government-funded support, including social security and Medicare.

Another program, the Community Care Pilot (later changed to the ‘Community Assistance Support’ or CAS program), was established in 2005. This was for people who became vulnerable during their migration journey (including forced migration), and could not meet their basic needs while waiting for their visa application to be finalised.

These support programs provide a cheaper and more humane alternative to immigration detention with a higher compliance rate. They are cited internationally as good practice for other countries to follow.22

In the same year, community detention was introduced. As discussed earlier, the Minister for Immigration was given the power to make a ‘residence determination’ for a person in immigration detention. This meant the person could live in a specified residence in the community.

While the name and eligibility criteria of these programs have changed over the years, they exist only in departmental policy. There is no legislation that governs these programs.

**SRSS**

In 2014, both the ASAS and CAS programs were replaced by the current support program, called Status Resolution Support Services (SRSS). It has six different levels of support (‘Bands’), depending on the circumstances of the person on the program.

People on most Bands receive a basic living allowance (typically 89% of Newstart allowance, currently $243 per week for a single person with no children), casework support, access to torture and trauma counselling and subsidised medication. For people who are not eligible for Medicare, the cost of healthcare in line with Medicare may be covered.

The Department determines the criteria for accessing support, and the level of support people get in each Band. It also approves or refers a person to receive support through these programs and determines their support Band. There is no external process of review or appeal for these decisions.

Those Bands and the number of people on them at 28 February 201823 are:

<table>
<thead>
<tr>
<th>Band</th>
<th>Description</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Support for unaccompanied minors in places of detention</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Support for unaccompanied minors in Residence Determination arrangements (‘community detention’)</td>
<td>16</td>
</tr>
<tr>
<td>3</td>
<td>Support for adults and families in Residence Determination arrangements (‘community detention’)</td>
<td>424</td>
</tr>
<tr>
<td>4</td>
<td>Transitional support for people leaving immigration detention facilities following the grant of a visa</td>
<td>27</td>
</tr>
<tr>
<td>5</td>
<td>Support for any vulnerable migrant with an unresolved immigration status (including people seeking asylum) who are living in the Australian community on a valid visa (formerly known as ‘Community Assistance Support’). Recipients of Band 5 usually have more complex needs and require intensive casework support</td>
<td>397</td>
</tr>
<tr>
<td>6</td>
<td>Support for people seeking asylum living in the Australian community on a valid visa (formerly known as ‘Asylum Seeker Assistance Scheme’)</td>
<td>12,434</td>
</tr>
</tbody>
</table>


People can also seek support under Band 6 through an SRSS service provider. If the person is considered eligible, the provider will help them to complete and submit an application for the Department to decide whether the person can access support. However, people who are waiting for a court decision on their visa application cannot access support through Band 6.

SRSS is not merely about income support. The casework support it offers (even though it has become limited in the past few years) helps people navigate complex systems such as the rental market and services such as health and education. On many occasions, caseworkers have identified and supported clients in situations of workplace exploitation, domestic violence and child abuse.

Those in Band 5 usually have more complex needs and receive more intensive casework support. Those in community detention (now either ‘Band 2’ or ‘Band 3’ depending on the age and family status of the recipient) receive more limited financial support because they are provided with housing. They receive healthcare support from International Health and Medical Services (IHMS).

### Service providers

For many years, Australian Red Cross was the only provider of these support programs. However, in recent years (mainly from 2012), the Department has contracted more service providers across the country.

Australian Red Cross was the only national provider with offices in all states and territories. As of 1 July 2018, Australian Red Cross and Marist 180 (who used to operate in NSW) will not have their contracts renewed. The other service providers will continue delivering the program, and clients of Australian Red Cross and Marist 180 will be transferred to them.

<table>
<thead>
<tr>
<th>State</th>
<th>Provider</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Capital Territory</td>
<td>Life Without Barriers</td>
</tr>
<tr>
<td>New South Wales</td>
<td>Settlement Services International (SSI), Life Without Barriers</td>
</tr>
<tr>
<td>Victoria</td>
<td>AMES Australia, Life Without Barriers</td>
</tr>
<tr>
<td>Queensland</td>
<td>Access Community Services, Multicultural Development Association (MDA)</td>
</tr>
<tr>
<td>South Australia</td>
<td>Life Without Barriers, Australian Migrant Resource Centre</td>
</tr>
<tr>
<td>Western Australia</td>
<td>Mercycare</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>Life Without Barriers</td>
</tr>
<tr>
<td>Tasmania</td>
<td>CatholicCare Tasmania</td>
</tr>
</tbody>
</table>

Service providers delivering the program after 1 July 2018 are:

The drastic reduction of income support to people seeking asylum comes after years of policies that have marginalised people seeking asylum and forced them into destitution.

### Struggling to work

From 2012 to 2015, almost everyone seeking asylum who came by boat could not lawfully work, as a condition of their bridging visas. Many thousands of people lost years of their lives, because they could not work or use the time to study to get work. The policy caused enormous suffering.

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This policy was largely reversed in 2015, in one of the few welcome policy changes in recent years. Now, the general policy is to grant work rights to those who came by boat with a Bridging Visa E, while they are waiting for the Department’s decision on their refugee claim or the review of that decision.

If a person is found to be a refugee, he or she will be granted a temporary protection visa with work rights. Otherwise, their bridging visa will expire 28 days after the review decision. If they want to seek judicial review of that decision at a court, they will need to apply for another bridging visa. The general policy for people waiting for a court decision is that, if work rights were granted previously, they will be granted again.

However, there are still a significant number of people living in our community without the right to work. On 31 January 2018, 6,790 people with a bridging visa E did not have the right to work lawfully in the community.

Service providers and people seeking asylum frequently tell us about cases where people faced difficulties in renewing their bridging visas, or keeping their work rights after their visas are renewed, often for no apparent reason.

People seeking asylum who came by plane routinely report that they have lost their work rights when they applied for a bridging visa and have no way of supporting themselves. Some have been forced to leave their jobs as a result, and become homeless and destitute. Many spoke of this as a punitive measure to force them to leave Australia before their application is finalised, especially as it is now taking several years for the Department to decide claims for protection for people who have come by plane.

For example, at a consultation in Sydney Abel told us he came to Australia on a valid visa, but when he claimed asylum:

“They took off my work rights. The Department took it off. I had all of these expenses. I had a job. The people who I was working for were okay with my situation. They said, ‘as long as you have work rights, you can continue to work no problem’. But immigration did not want me to have work rights. They put me in a financial situation where I defaulted on a lot of payments. I defaulted on all credit cards and I was in arrears in the place I was staying in.”

—Abel, seeking asylum and living in Sydney

**Short-term bridging visas**

Bridging visas are granted to people so they can lawfully live in the community while waiting for the resolution of their immigration status. People who arrived in Australia by boat are usually given a bridging visa E (BVE) to release them from detention.

Bridging visas expire after a set time and must be renewed. In late 2013, the Department of Immigration stopped renewing the expired bridging visas. As a result, a significant number of people continued to live in the community with no visas and in fear of being re-detained. They were also unable to look for jobs. It was not until mid-2015 that people started to have their expired bridging visas renewed again.

Since then, people have been routinely granted short-term bridging visas, usually for 3 to 6 months. We have heard, however, of many instances of visas as short as a week.

They just want you to sit and wait, so you will sit and wait for years. Or maybe they want you to work illegally so that you break the rules. I don’t understand why they take off work rights. I was also studying a course, at a college. They took off my study rights. And so after paying all the fees, I just basically lost that as well. No one can explain it. If someone is willing to work and able to work and the employers are willing to accept them, then they should be allowed to work. I have qualifications. I have a computer science degree, but I have not been working for 3 years. I feel like I have been outside the industry for too long, I do not know if I will be able to go back in even if I get my work rights back.

—Abel, seeking asylum and living in Sydney

When I apply for jobs, they ask for visa status and I say I have the right to work in Australia. But then they check and find I only have a three month visa. So, I lost one job. I did online registration and completed a form and when they asked me about visa status, they said ‘oh, maybe I’ll call you later’ and I never heard from them.

—Maniam, seeking asylum and living in Perth

It appears that people who have been unsuccessful in claiming refugee status are more likely to get an extremely short bridging visa, while being expected to support themselves without any government-funded support.

“...What are they to do? We have a client who has been on a week to week visa for months, and then immigration turned around and said, ‘Yeah, you can apply for work rights, but you’re on week to week visas’ —Kate, staff member at a charity, Sydney

Unsurprisingly, people find it very hard to get a job with short-term visas. We have heard countless stories of people who were repeatedly turned down for jobs after they told the employers about the length of their bridging visas. One person told us he was successful in two interviews for a job in information technology but did not hear back from the employer when he told them about his visa. Others resorted to low skilled jobs because they never got a chance to work in jobs they were qualified for because of their visas. We heard about people with engineering degrees working in abattoirs.

As explained next, short-term bridging visas also make it hard for people to get healthcare. This is mainly because of the issues associated with renewing Medicare cards every time a person gets a new bridging visa.

Some people also face challenges when it comes to renewing their bridging visas. This is because, for some people, they need permission from the Minister for Immigration himself before their visas can be renewed. This often means there is a gap between their bridging visas, meaning they cannot get healthcare or look for jobs during this time. On 31 December 2017, there were 1,815 people in the community waiting for the grant of further Bridging Visa E, meaning they did not have permission to live lawfully in the community and therefore were unable to work, study or access Medicare.26

In recent months, a large group of people seeking asylum have been granted longer bridging visas. This group mainly includes those who have recently lodged their protection visa applications. Their bridging visas are often valid until 28 days after the review decision. However, many others continue to face delays and difficulties in renewing their bridging visas, or are granted short-term visas.


Renewing Medicare and cost of healthcare

“...Access to health care is a big issue at both Medicare and IHMS levels, for example Medicare refusing to renew Medicare cards, refusing to complete VEVO [Visa Entitlement Verification Online] checks when they have the capacity to do so and even sometimes hanging up the phone on us and refusing to talk to caseworkers. —Damien, SRSS service provider, Sydney

While the current policy is that most people with a bridging visa E have access to Medicare, in practice many find it difficult to have access to uninterrupted healthcare.

The most significant challenge is for people on short bridging visas, as they must apply for a new Medicare card every time they get a new visa. People need to go to a Medicare office to renew their Medicare cards as they have to be seen before a new card is issued. At times, they are not given an interim Medicare number and have to wait days, or often weeks, until they receive the card in the mail.

A woman seeking asylum who participated in one of our consultations told us about her struggles in renewing her Medicare card while holding bridging visas valid for only 28 days. Many times, she would receive her Medicare card just days before her visa expired, and then have to go back and get yet another card.
People also have been refused a new Medicare card because Medicare staff wrongly think their identification card (Immicard) has expired, not knowing that they need to check the person’s visa status online. People’s experiences have differed greatly depending on the Medicare office they use, as some Medicare workers are unfamiliar with dealing with people seeking asylum.

Gaps in Medicare access can have profound impacts on people with serious health issues. People who are on a treatment plan suddenly cannot visit their doctor and continue with the treatment unless they pay hundreds of dollars.

People seeking asylum are also not eligible for a Low Income Healthcare Card. This means that they have to pay the full cost of medications if they are not on the SRSS program. For those with chronic physical health issues, this can add up to thousands of dollars a month.

People who come by plane on another visa (for example, students) and then seek asylum are often on bridging visas without access to Medicare. These people need to pay the full cost of healthcare and medications, unless they can get access to SRSS.

Jayantika’s case illustrates the impact of this policy:

Jayantika is a single mother who has a 10-year old son. They arrived in Australia by plane a few years ago. They are not eligible for Medicare and their applications for SRSS support have been refused because they are waiting for a court decision.

Jayantika tries to support her son by working a few days a week. However her ability to work has significantly decreased in recent months because of her health issues. She has been diagnosed with a heart condition and has been told she needs surgery which will cost about $9,000.

Jayantika is constantly worried and cannot sleep at nights. She is not able to afford the cost of surgery and is worried about the future of her son if her heart fails. Even if she manages to borrow money to undergo surgery, she does not have anyone to look after her son when she is in hospital. She does not know how they can survive when she is recovering from surgery and how she can repay her debt.

She says:

I keep telling my son ‘we will fix everything one day’ but immigration keeps refusing our visa, keep denying us support. I feel dead inside, I feel nothing.

Struggling to study

People seeking asylum have been given no or very little support by the government to learn English. Unlike resettled refugees who can get at least 510 hours of government-funded English language classes, people seeking asylum do not get any government support to learn English. For a short period, they could access 45 hours of government-funded English classes over six weeks, but that ended several years ago.

If people seeking asylum want to study a degree or a vocational course to improve their knowledge, skills, and employability, they need to pay international student fees. Currently, on average, international undergraduate students pay about $15,000 per semester. The cheapest course offered in TAFE is the English language course which costs between $250 and $270 per week in most states. People on bridging visas who receive income support from the Government only receive $243 per week.

After advocacy by community organisations, academics and peak bodies (including the Refugee Council of Australia), some universities have started to provide scholarships to people seeking asylum. Victoria, New South Wales and the Australian Capital Territory also offered support to this group to do training free of charge or at reduced rates.


In September 2016, the Victorian Government increased the number of places in the Asylum Seeker VET program from 300 to 3000 places. Through this program people have access to subsidised professional training.

In November 2016, the NSW Government announced that from 1 January 2017 it would give people seeking asylum access to its Smart and Skilled program. This gave this group access to fee-free training up to Certificate IV.

This was followed by the Australian Capital Territory government announcing that it would open up its Skilled Capital program and Australian Apprenticeships to include people on bridging visas and temporary protection visas. The two ACT Government funded programs offer training from Certificate II to Diploma level in many areas.

Unfortunately, in August 2017, the Federal Government changed the SRSS eligibility criteria to make clear that people who are full-time students cannot access the SRSS program, and are expected to support themselves financially in their studies. This has undermined the efforts and the leadership shown by some states and universities. It means that bright and promising young men and women will be forced to stay in low skilled jobs.

The inability to study also affects relationships within families. In several of our consultations, parents told us about how not being able to study English had affected their relationships with their children:

“Most of the people who are here are mainly families and they mostly have children. In terms of learning English, the children move much more quickly than adults. They integrate much more easily into the society. The first problem we have is not being able to connect with our children, it affects the parents mentally. And the fact that there are no real and structured opportunities for adults to learn English adds to this issue.
—Hassan, seeking asylum and living in Adelaide

Transitioning out of community detention

In recent years, the number of people in community detention has decreased as people were granted bridging visas instead. While this has been welcomed by some because of the restrictions of community detention, it also means people are given either more limited support on the SRSS program or no support at all.

All unaccompanied minors are transferred to other programs with much less support when they turn 18 years old, a sudden transition that many of them find confronting and stressful.

In September 2017, over 60 people who had been transferred to Australia from Nauru and Manus Island for health or protection reasons and had been living in community detention in Australia were granted ‘final departure’ bridging visas with no SRSS support. This forced them into destitution, as they could not support themselves because of their significant health challenges and because until the grant of the bridging visa they never had work or study rights so were unable to gain work experience or improve their skills and knowledge. They continue to be barred from studying.

This experience was repeated with a second group in May 2018, meaning hundreds of people face a similar risk of being forced to live in the community without any income, after having suffered through the horrors of offshore processing.

30 Those restrictions include a lack of work and study rights, having to live at an address specified by the Department, having a curfew and needing to apply to the Department to spend even one night in another property.
Starving them out

Over the past 25 years, people have been supported while seeking asylum through a basic living allowance and limited casework. These support programs were designed so that people can more effectively resolve their claims for protection.

In the past few years, and especially since August 2017, the Australian Government has been making it harder for people to access these support programs. This is forcing vulnerable men, women and children into destitution.

Changes implemented prior to August 2017

In 2014, when the SRSS program replaced previous programs, there was a significant increase in the number of clients a caseworker had to support. The program also shifted towards ensuring compliance, rather than offering holistic casework support.

Many clients, especially those on Band 6, lost their dedicated caseworker and mainly spoke to the SRSS service providers through occasional phone calls. To get help, they often needed to call the agency’s hotline or attend the agency’s drop-in centre. This made it much more difficult for caseworkers (usually qualified and experienced social workers) to work effectively with clients and to identify concerns relating to mental health, family issues or worker exploitation.

There has also been a drastic decrease in the number of clients on Bands 3 and 5, which both allow for more intensive casework.

Some service providers have told us of their many unsuccessful attempts to keep their clients on some form of support (usually Band 5), especially those vulnerable clients who could not get any support after an unfavourable decision at the review stage. Sometimes service providers could only succeed in getting their clients on ‘Band 5 medical’, a type of Band 5 support that only covers the cost of healthcare without providing any income support.

The issue is not just the cost of medication, it’s about people with brain tumors who are sleeping in parks. They are trying to get to hospital specialists and are on Band 5 medicals. So they have access to discounted medicine but nowhere to live and no way to actually get to the hospital for the care they need.

—James, SRSS provider

Recent changes to SRSS program

I think it’s a really huge thing that we’re going through at the moment, that we are having people come in who are on partner visas, student visas [and are not eligible for SRSS support]. I had a woman come in yesterday and her husband had a student visa that she had come to Australia on as well. The visa doesn’t expire until August next year, so she isn’t eligible to come on the program and they have children, so we’re seeing child protection issues and domestic violence issues, there’s a plethora of problems that are going to come from this policy change, but the problem is people didn’t know. There’s been no warning to people prior to coming here, also there’s been no warning about sending money as well.

—Samantha, SRSS service provider

Since August 2017, there have been further changes to the SRSS program which have dramatically reduced the number of people eligible for support. This is set to continue and affect a greater number of people.
These changes are:

• People who are studying full-time are no longer eligible and have been exited from the program on this ground
• People who have transferred more than $1000 to a domestic or overseas bank account (that is not in their names) over a 12-month period are no longer eligible. This can have great implications for those who transfer money to pay their rent, shared utility bills, and other expenses and is unclear how it will be monitored, and
• People on other types of visas (for example students or visitor visas) are no longer eligible while their other (‘substantive’) visa is valid (this can often be years).

These changes were made by the Department through additions to the SRSS Operational Procedures Manual, without consultation. We were alerted to the issue by our organisational members who saw more people seeking support from unfunded agencies as they were refused or lost their access to the SRSS program.

There were many reports of people losing SRSS support because they had transferred small amounts of money overseas, for example $50, many years ago. Some were told they would need to pay back thousands of dollars in SRSS support from the date they made the bank transfer, creating significant stress for many.

Eventually, the policy was clarified so that debts could only be incurred for payments made after 3 November 2017, the date the SRSS providers were first notified of this policy. It was also clarified that people would only lose support if there had been transfers amounting to $1000 or more over a twelve-month period.

While we understand debts incurred for payments before 3 November 2017 were reversed, it is unclear if people who had been removed from the program have been able to regain access to support. This is especially of concern as service providers report that it is almost impossible for people to regain access to the program (for example, after they have lost their jobs) or to be provided a higher level of support if they become more vulnerable.

There also continues to be cases where people have been refused access to SRSS after losing their jobs because they transferred money overseas. However, that transfer was made from their own income while they were employed. With current Government policies denying family reunion to almost all people arriving in Australia by boat, supporting families living in precarious and dangerous situations overseas is the only practical assistance people can offer to their loved ones.

### Plans to cut support to more people

The Department plans to cut income and casework support to more people seeking asylum in the next few months in 2018. The Department has indicated that the program is likely to reduce drastically, probably to fewer than 5000 people. As at 28 February 2018, 13,299 people were on SRSS support. Reducing that number to only 5000 means a 60% cut in the number of people receiving support. The Government has indicated that people who have work rights and do not meet an extremely high threshold of vulnerability are expected to get work and will lose SRSS support, whether they have a job or not.

People will be expected to get work without further support. Currently, people on bridging visas can only get support under Stream A of the Jobactive program, which mainly includes providing access to a computer and the Internet. There is also no extra English language support to help people become job ready.

The Department has also indicated that even those who do get support now from the SRSS program will be getting much more limited levels of support. Rather, they will get only the services that they need to remove the barrier or barriers which prevent them from resolving their immigration status.

This will be determined by the Department, paving the way for an increase in the number of people who get support in a way similar to those on ‘Band 5 medical’. For example, the Department may decide that a person with complex health issues who is homeless but has work rights can only get subsidised medication and not income support.

In the next few months, SRSS providers and the Department will assess the vulnerability of all current SRSS recipients and their barriers to working.

The four elements to the vulnerability assessment are:

• Physical health barriers that are ongoing; permanent disability; or cognitive impairment

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• Mental health barriers, with a current diagnosis and treatment plan in place
• Single parents with pre-school aged children (children under six); pregnant women with complications; a primary carer for someone with a significant vulnerability; people aged 70 and over
• A major crisis for the client (family violence, house fire, flood, etc.)

The Department will also use its own information to conduct assessments (the Community Protection Assessment Tool (CPAT) which is not publicly available) and may seek a second opinion. For example, it has indicated it may refer health matters to the Chief Medical Officer.

Who is affected

These changes can affect anyone who has an unresolved immigration status and is unable to support themselves. They can affect those who have come to Australia by plane and then sought asylum, as people can no longer get support if they have a valid visa which is not a bridging visa.

These changes can also affect people who may not be seeking asylum but are vulnerable migrants, such as women who came to Australia on a partner visa but find themselves in a situation of domestic violence. Before, they could get support on Band 5 but now they will be left without any financial or healthcare support if their partner visa is still in effect.

These changes also affect bright young students who are seeking asylum and have won scholarships to university, as those studying full-time can no longer receive support.

These people will add to an already large number of people who have no means of support and are relying on charity to survive because of various government policies. They include people seeking asylum who are waiting for a court decision (who have been ineligible for SRSS support for years) or people transferred to Australia from Nauru and Manus Island for health and protection reasons who have been given bridging visas without access to SRSS support.

Those who are working may not be directly affected now, but they will have no safety net and nowhere to go for support if they lose their jobs or their work rights, or need help to cover the cost of their healthcare or require support to navigate various systems. This will also increase significantly the risks of these people being exploited at work.

Punishing the most vulnerable

They have had to scrape by in Australia, typically without networks, on 89% of a living allowance that is itself widely condemned as inadequate. In the absence of appropriate and holistic casework support offered through the SRSS model, they often relied on their own communities or overstretched voluntary community organisations for support and to help them to navigate complex and unfamiliar systems.

Cutting people’s only source of income just because they have work rights, with complete disregard for the vulnerabilities of the most needy is unfair and cruel. It will have severe consequences for people’s access to housing, healthcare, education and employment. Many with chronic and life-threatening illnesses will be left on their own to survive, with no access to subsidised healthcare and medication.
These policies will delay and probably deny many of these people the ability to settle in Australia. Again and again, we have heard of the enormous damage done to their mental health. The recent decision to cut access to income and casework support for 60% of people already on the programs is likely to be the tipping point for many, driving them to acts of desperation, including acts of self-harm.

The voluntary sector, including many people from refugee communities themselves, also have been feeling the impact of these changes. The sector is already exhausted and overwhelmed after years of responding to the effects of punitive policies, and the long-term nature of support required will be beyond the resources of most.

**Destitution**

“A lot of the support of these people is falling back on the generosity of volunteers, often with no recognition. From this there are people becoming homeless and destitute, family issues, child safety issues. It’s really difficult to find alternative accommodation for families … We’re running a campaign at the moment trying to raise money just to help keep some of these families paying rent so they can keep a place – many of them can’t afford anything. They’ve got no money for food, no money for rent. They’re living in this hell with nowhere to go or no support. There is no plan for them.”

—Belinda, staff member of a community organisation, Brisbane

The consequences of these policies will be borne by the community elsewhere. Hospitals will see more people coming through their emergency room doors as they are not able to afford their medications. Homelessness services will see more people — including families with young children — waiting on their doorsteps for help.

“... All the time my son says that his classmates went on holiday but we just spend the time at home or maybe the park behind our house, not any further. We stay home because we can’t buy anything, we have to stay at home to control money.”

—Ishaq, seeking asylum and living in Sydney

“We see people with conditions like diabetes and ongoing health issues who come on and off their medications and that has a huge impact on their health. So if you stop and start based on whether or not you were able to feed your family that week, your health is not going to be great.”

—Damon, staff of a community organisation, Melbourne

In some of our consultations, many people seeking asylum told us of the impact of destitution on their parenting abilities. They talked about conflicts with their children and feeling ashamed for not being able to provide for their children. They worried that their children thought they were incompetent parents, and they feared for the future of their children.

The support available to people depends greatly on where they live. The Victorian Government has stepped in on several occasions and provided support to people when the Federal Government had denied them assistance. Victoria, New South Wales, Australian Capital Territory, South Australia and Queensland have offered this group public transport concessions, so they can get to the appointments and to organisations that can support them. In contrast, those living in Western Australia do not have any transport concessions and, if they present at hospitals while they do not have Medicare, they will be charged the ‘international’ rate.

**Killing us step by step**

“We came here because we have lots of problem in our country. But when we came here they showed us that we couldn’t study or work and do the certain things that people do in a normal life. They are killing us by these things, because the waiting is a waste of life. No studying and no working, so no improvement in any kind of life. Just waiting. We have a lot of issues with our thinking ‘what’s gonna happen tomorrow, what will we do tomorrow’ and we can’t go back to our country. Then here in Australia they don’t even look at us. They...”

—Killing us step by step
There is a mental health crisis among people seeking asylum. People have told us again and again, with ever-increasing urgency, that people seeking asylum are feeling increasingly hopeless, trapped and uncertain about the future. They are dealing with the fallout of punitive policies, broken relationships, and constant anxiety, fear and social isolation.

Most of the counsellors and mental health professionals who spoke to us stated that giving hope to this group is almost impossible. As Eve, a counsellor in Melbourne, told us:

“The basic essential [of the counselling framework] is about establishing safety but asylum seekers don’t have that. Being told that they will never have permanent protection in Australia, where can you start in terms

We will explore in a future report the effects of these policies on the mental health of people seeking asylum. People seeking asylum have spoken to us of their hopelessness and their depression. A growing number has resorted to self-harm and even suicide. Many people have spoken about how the policies that prevent family reunion and their employment have led to the breakdown of relationships with families living overseas in situations of extreme danger and poverty.

Some of those have spoken of their constant anger, which is increasingly making it more difficult for frontline workers especially if they have to give bad news.

For others, such as Amir, the dominant feeling is one of fear:

“We are always afraid, afraid to do anything and then there is a consequence.

—Amir, seeking asylum and living in Perth

Many people told us about being scared of answering their phones, worried it might be from immigration with bad news. They also feared the prospect of being detained again or deported.

**Suffer the children**

There is a growing body of research about the mental wellbeing of people seeking asylum. See for example Nicholas G. Procter, Mary Anne Kenny, Heather Eaton, and Carol Grech, ‘Lethal hopelessness: Understanding and responding to asylum seeker distress and mental deterioration’ 27 International Journal of Mental Health Nursing 448.
happen’. Kids are in a funny space, ok they are resilient they will manage, but we don’t see what’s going on in their minds and how they see their identity. What the kids go through is something we need to look at. It’s not just Tamils, its other communities as well.

—Chakresh, Tamil community leader, Sydney

These policies also punish children and teenagers. Families with children are now facing destitution and homelessness. Some children are likely not to have had their education interrupted before they came to Australia because of discrimination or lack of access to education in countries in transit. Destitution in Australia is likely to deprive them of more schooling, as they are forced to move schools or are too hungry or stressed to concentrate at school.

Parents and service providers were also concerned about the challenging behaviour exhibited by their children who struggle with their sense of identity. They mentioned that the limbo and the anxiety of return affect their children greatly, as they worry about having to return to countries they do not remember or at times do not identify with. Their children are frustrated that they are not able to plan for their future, unlike their classmates, and bright students have no motivation to excel at HSC as they cannot afford to study at university.

My eldest son, after 4 years of schooling here, he was telling us if we are going to have to go back to Iran, he is not going to let that happen, he said even if they push me because I have been here for 4 years and I don’t like to go back to that country. Australia is my country and this is my school and like I said if the Australian government pushes us to go back, this is not going to happen.

— Ashraf, seeking asylum in Sydney

Overworked and overwhelmed

It’s something we are constantly struggling with, particularly as more people are getting to the point where they have no other options. And we know for some people there is no way to go back home and be safe. Caseworkers have to have those conversations over and over again. It does impact on you. With our organisation, we’ve got monthly supervision with a clinical supervisor. I think that helps. We try to debrief with each other as much as possible. But you just go home sometime and think what have I done for anyone this week?

— Jo, a staff member at a charity, Sydney

The voluntary sector, including many charities and community legal centres, has been responding for many years to the fallout from the Government’s punitive policies. Charities have been working long hours, usually with a small number of paid staff and a pool of dedicated volunteers, to make sure people have a roof over their heads for the night and enough food to survive. Community legal centres mobilised again and again to support people in the face of outlandish deadlines set up by the Australian Government.

However, in recent years many organisations have also told us of the toll this has taken on their staff. The voluntary sector is rarely informed about policy changes and almost never consulted. This creates an environment of uncertainty and significant challenges for future planning, including fundraising and recruitment.

They do not know the needs they have to respond to, and cannot predict what the next policy will be and how many people it will affect. Staff and volunteers are also affected by witnessing the level of vulnerability and the knowledge that their finite resources mean they have to turn some people away. People seeking asylum are ineligible for most mainstream services. This means the charities and community legal centres have no external support to tap into when their client number increases.

The sector has collaborated and responded, as best as it can, to the needs of people without anywhere else to go. However, they cannot meet the needs of thousands more vulnerable men, women and children in the next few months.
What you can do now

Refugees, especially those still seeking asylum, are punished because politicians believe this will make them popular. They are punished because they are easy targets, as they do not have a vote and, all too often, are denied a voice.

It takes immense courage for a person seeking asylum to speak out publicly against these policies. Rightly, they fear that the Government may punish them further for speaking out. The Government can, all too easily, take everything away from them—their income, their dignity, their safety, their hopes and dreams.

We would like to thank those who were brave enough to speak to us, as well as the hundreds of people working with and supporting them through these terrible times. We told them that we would speak up for them, and try everything we could to change what was happening to them.

We cannot do this without your help. If you are reading this, we know that you care. We know that you want Australia to treat people who need our protection humanely and with dignity. We know that you can use your power and your voice to help us end the punishment of those we should protect.

You may already be donating or volunteering to one of the many organisations affected by these cuts, or a member of one of the many incredible volunteer support groups who are keeping people afloat. If you are not, we urge you to do so now. Those organisations need you more than ever.

You may be someone in a position of influence. You may be able to help by employing people who are threatened with losing their income. You may be part of a union, a workplace, a community group, a councillor, or a political party. If so, you can use that power to help.

Most importantly, whoever you are, you can join the campaign we are running with many of our members and allies, Roof Over My Head, to stop these cuts now. We need you to help us carry the voices in this report to those in power, and to put your hand up for those with empty hands.
Join us and learn more at Roof Over My Head

https://www.refugeecouncil.org.au/takeaction/roof-over-my-head/