

“We’re working with people here”

The impact of the TPV regime on refugee settlement service provision in NSW

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The brief experience that I've had with the people that are here, the TPVs has been very positive, you know they all want to be part of the community, they all want to contribute, they all want to work and I think they make a valuable contribution to whatever they do. I think if people are sitting back looking at them and thinking “they’re going to come in and do whatever, do some terrible things”, I think that people need to get to know them a little bit better and that’s the role that we’ve been trying to take. It’s not about facilitating to fix all of their problems, it’s about getting their name in the community, pushing their face out so people know who they are, some for the young people that we work with, they can come along and meet them, go back to school and say “I met an Afghani guy the other day and he doesn’t seem like a bad sort of a fella, he works at....., he’s going to play indoor cricket with us”. Then that develops their social contacts as well so I think from where I sit, I think people, people have an opinion about a TPV or anyone from another country, they probably need to look at the person and discuss the issues that they’ve got and just make them feel more included I think. (Respondent 14)

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Part A: Background

1. The Temporary Protection Visa (TPV)

Operation Safe Haven heralded the beginning of a new era in refugee protection in Australia when in 1999 around 3900 Kosovars and 1500 East Timorese were granted temporary asylum. Both the conflict in the former Yugoslavia and the violence surrounding East Timor's move towards independence had received widespread media coverage. As refugee flows from these conflicts increased there was a concomitant public and government desire to contribute to the humanitarian effort. Operation Safe Haven, and the safe haven visa class, extended refugee protection to people who may not have had any treaty based entitlement. In taking up the protection Australia offered, the refugees received diminished access to Australia's protection in relation to the Refugee Convention and/or other human rights treaties as well as the removal of judicial review of their claims to asylum. The withdrawal of temporary protection was administratively and politically mishandled with over 500 Kosovars surviving on month-to-month visas under which services were gradually withdrawn until their repatriation.

Operation Safe Haven offered a protection broader than that envisaged in the Convention to a relatively small group of refugees. For the Kosovars it required their transportation half way around the world. The protection granted to both groups was placed outside international law and judicial review. This form of temporary protection was in response to a crisis situation, applied a more flexible reading of the Convention and confronted real difficulties in the repatriation stage.

In October 1999 the broader temporary protection regime was introduced as part of the developing armoury that would become known as border protection. This regime was targeted at those who sought Australia's protection in an 'unauthorised' fashion: namely refugees that were coming to Australia by boat. Australia's onshore asylum seekers were mostly fleeing Iraq, Afghanistan and Iran.

The Temporary Protection Visa (TPV) is only granted where an applicant is a non citizen to whom Australia owes protection obligations under the Refugee Convention and its Protocol. Therefore, the grant of temporary protection does not widen the net of protection but rather utilises the same stringent formula that applies to other asylum claims. In 2001 the regulations governing TPVs changed. Prior to September 2001 refugees on a TPV could apply after 30 months for a Permanent Protection Visa (PPV) if they had a continuing need of protection. After September 2001 some TPV holders who did not lodge an application for a PPV before 27 September 2001 may be barred from ever being granted a PPV and would, if they were found to be still in need of protection, continue onto another TPV.

The relentless uncertainty of having only temporary protection is compounded by the limited range of Commonwealth entitlements for refugees. They have no right to family reunion or to the full range of settlement services provided to refugees resettled as part of the offshore humanitarian program. For many, they have not been able to access commonwealth funded education or health services which has often meant refugees on TPVs have had no access to government funded English language training. While refugees on TPVs are permitted to work, their access to work is impeded by their restricted access to federally funded employment and training schemes. The impact of restricted services presents

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significant challenges for organizations working with refugees. Organisations receiving federal funding were legislatively prevented from working with refugees on TPVs under threat of their funding being removed. In some cases state governments have stepped into the breach, in others community organizations have sought to meet the needs of refugees on TPVs to compensate for lack of access to commonwealth services. What this research seeks to do is document the ways in which community organizations have dealt with the temporary protection regime: what has been the impact of the regime on their practice?

Refugees on TPVs are geographically concentrated in New South Wales. Moreover, the NSW government has repeatedly 'encouraged' refugees to settle outside the Sydney metropolitan area. This has a significant impact on the kinds of support networks and service provision available for refugees on TPVs given both the diminished access to services experienced by the general population in rural areas and the TPV holders already restricted access to services.

The temporary protection regime has been a dynamic policy that has changed since its introduction, as have responses to it. These responses greatly differ across states and regions and across different community and non-government groups. This research recognises the many ways in which the temporary protection regime has been accommodated, negotiated and subverted by the community sector. It also recognises the great organizational and personal commitments required in coping with this regime.

2. Domestic political context

2.1 *Deterrence policy*

Deterrence has been repeatedly cited by the Federal Government as the key reason for the introduction of the TPV. Such a claim depends upon the construction of permanent protection, and the settlement services that traditionally have been associated with it, as a 'privilege'. Importantly, it combines temporary protection with restricted settlement services. Understanding settlement service provision as a privilege for the refugee on the TPV, the benefits of successful settlement are not considered an important issue for the community at large. Settlement remains an issue for the individual refugee that, according to other aspects of refugee policy and border protection, should have been successfully deterred. Deterrence in this context rests upon notions of generosity and the restriction of human rights based frameworks for the realisation of refugee protection and settlement:

"The government considers it inappropriate to provide TPV holders with the more generous range of settlement services available to refugees and others resettled permanently in Australia under the humanitarian program." [Question on Notice: Illegal Immigration: Detention Centres, 17 August 2000, Ruddock, House, p19370]

The introduction of the TPV clearly marked those who arrived in Australia as 'unauthorised,' and created a specific visa sub class by which this particular group of refugees could bureaucratically and legally be treated differently to refugees resettled under Australia's offshore humanitarian program.

"The regulations remove the additional benefits that had been encouraging misuse of the protection process by unauthorised arrivals and the use of people smugglers to assist people to travel unlawfully to Australia. Unauthorised arrivals often abandon or bypass protection in other countries in travelling to Australia. Under these regulations, unauthorised arrivals found to be refugees only have access to a three year temporary protection visa, in the first instance. TPV holders are taking the places in the Humanitarian Program from refugees and others who are often in greater need of resettlement." [Minister for Immigration and Multicultural and Indigenous Affairs, (2002), Border Protection: Temporary Protection Visas, www.minister.immi.gov.au/borders/detention/fs_64_tpv.htm accessed 27/7/02].

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The introduction of the TPV depends on the construction of the ‘genuine refugee’ (granted permanent protection) versus the less than genuine refugee (now granted only temporary protection). The distinction has been made by drawing on discourses of refugee deviancy that position genuine, law abiding offshore applying refugees in opposition to the less genuine, illegal onshore applying refugees. By underpinning deterrence with such distinctions and coupled with the restriction of services, the temporary protection visa policy becomes a punitive regime. This is not surprising considering that deterrence, as traditionally conceived in relation to the criminal justice system, is a rationale of punishment. In becoming a punishment, the TPV also becomes a method of condemnation of those to whom Australia owes protection obligations but who have challenged Australia’s bureaucratic organization of entry. It imposes a punitive outcome on individuals because of the way they arrive, but who meet the rigid legal definition of refugee: People who arrive legally in Australia and successfully seek asylum continue to be able to access permanent residence and the full range of benefits associated with it. The discourse of deterrence and its enactment as a form of punishment prevents discussions of refugees in terms of human rights, particularly in relation to the provision of services that are available to others with more regularised migration status.

2.2 Public Attention and Media Debate

The widespread introduction of the temporary protection visa in October 1999 came about amidst growing media attention to the sudden increase in ‘unauthorised arrivals’ (Pickering 2001, Poynting 2002). The level of media attention given to refugees arriving in Australia by boat between 1999 and 2003 has been unprecedented. Research has found that not only has the majority of media attention considered refugees a problem, but a deviant problem. Talk of this kind has been connected to potent racial messages about invasion and disease. Following the Tampa incident and the attacks on September 11, refugees became pawns in discussions about national security. No longer were ‘they’/ ‘refugees’ / ‘unauthorised arrivals’ represented in the media as merely illegal or criminal because of their method of arrival, they became a trans-national criminal and possibly a terrorist threat. In New South Wales, 2002 brought the trial of gang rapes which were reported primarily as a matter of race and were located within simplistic understandings of culture and migration. In particular, the reporting cemented the community’s fear of the Arab Muslim Male and further fuelled anti refugee sentiment. Taken collectively the media coverage of refugees confirmed rather than allayed fears and maintained the presence of the refugee in the public eye.

3. International political context

3.1 Temporary Protection and the Convention

The 1951 Convention relating to the Status of Refugees and its 1967 Protocol do not specifically nominate whether protection granted to refugees should be permanent or temporary. However articles in the Convention do provide some guidance on the matter.

Article 34 states:

The Contracting State shall, as far as possible, facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

While this article does not stipulate permanent protection it does make plain the desirability of effective settlement for refugees in the receiving country regardless of their anticipated stay in the country of refuge.

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The Convention also makes plain that a State should not punish refugees based on their mode of entry. Article 31 states:

The Contracting State shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorisation, providing that they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

Article 1 C, the cessation clause, provides that Convention protection no longer applies when conditions in the country of origin have changed and enable the safe return of the refugee. The cessation clauses are premised on the refugeehood being of a defined rather than unending period of time that is linked to the conditions in the country of origin. However, the TPV is linked to a three year review cycle set by the Australian Government. This cycle is not linked to the conditions in the country of origin. Moreover, because refugee status has traditionally meant permanent residence in the Global North, the cessation clause has only been irregularly used by Northern contracting states. This is unsurprising considering Article 1C (5) also provides for refugees to invoke “compelling reasons arising out of previous persecution” for refusing to return to their country of origin.

3.2 The International Drift Towards Temporary Protection

Forms of temporary protection have been used increasingly over the past decade in the Global North. Previously, refugee protection had been considered permanent protection in alignment with Cold War foreign policy. However, forms of temporary protection have been used in European countries since the 1930s and more recently in South East Asia in response to Vietnamese refugees. The oft cited catalyst for the shift to temporary protection in the past decade has been the conflict in the former Yugoslavia despite temporary protection in the Global North having no single expression, rationale or outcome.

Temporary protection has been used throughout the Global South in relation to massive refugee flows. At the same time, regional declarations have developed which utilise a broader definition of refugee status. Temporary protection has therefore been associated with large scale influx and a more flexible application of the Convention definition. The development of temporary protection in Europe has similarly looked to respond to exceptional numbers of refugees from major conflicts or upheavals and enables a response that ordinary asylum procedures would not allow because of administrative restrictions and procedural requirements. Moreover, the application of ordinary protection procedures would not adequately cover the kinds of harm refugees are fleeing in these exceptional circumstances. Notably, the use of temporary protection in Europe has not utilised the Convention definition and has often invoked group determinations. That is, prima facie refugee status was granted to groups rather than being determined on an individual basis. The development of temporary protection has, both in the North and South, often involved broader understandings of persecution and offered protection to larger numbers of people than the Convention would ordinarily reach. It is often viewed as a very regional solution to forced migration. Such protection has developed alongside but distant from international law. While the European Union has developed temporary protection as a discrete legal concept (separate from refugee status) Excom Conclusion No 19 (1980) on Temporary Protection states:

- (b)(i) that in the case of large-scale influx, persons seeking asylum should always receive at least temporary refuge;
- (e) Stressed the exceptional character of temporary refuge and the essential need for persons to whom temporary refuge has been granted to enjoy basic humanitarian standards of treatment.

There is no doubt that UNHCR has posited temporary protection by states in the Global North as an exceptional measure to be used in situations of mass influx and applied to group determinations.

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Notably, in both Europe and the US temporary protection has not resulted in repatriation and has rather been an intermediate step to a form of permanent status. The link between temporary protection and return has been evident only in relation to some groups of refugees and there has been significant variance between passive and active policies of repatriation. Indeed, the way protection is withdrawn and return implemented has signalled what Fitzpatrick (1999, 2000) has called a further downward spiral in refugee protection that has little regard for ‘voluntariness’ or ‘security’ for the refugee.

Debate continues as to whether refugee protection is a permanent condition in the Global North or whether it should be traded for more temporary forms of protection that apply more flexible protection criteria. Others have asked whether forms of temporary protection and a more flexible definition are two separate issues that are being unnecessarily conflated. What must be remembered in these debates is the political context in which temporary protection has been developed in the Global North.

The introduction of temporary protection in the Global North generally, and Australia particularly, has occurred as part of shifts away from permanent models of refugee settlement. Temporary protection in the Global North is being crafted by States that receive far fewer refugees than States of the Global South. It has also developed amidst heavy deterrence policies that include increased visa restrictions, carrier sanctions, advertising campaigns in countries of origin and massive penalties for those who transport refugees to the Global North. Central to the temporary protection contribution to deterrence policies has been locating the temporarily protected refugee outside the most ordinary range of rights that would assist their settlement in the host society. Therefore, control over the condition of temporary protection depends on the restriction of rights. According rights to the temporarily protected is at odds not only within dominant paradigms of border control but also with the State’s desire to prevent permanent migration. As Gibney (2000:705) has noted, the more rights-respecting the conditions faced by refugees granted temporary protection, the more reluctant refugees will be to depart: “Host states must be like a cheap hotel room – decent enough to consider spending a night, but not the kind of place one would want to call home.”

4. Developing literature on the impact of temporary protection

Research on the impact of temporary protection in Australia collectively outlines the negative consequences of the policy for the well being of refugees. In Australia, refugees placed on TPVs have typically all experienced immigration detention which invariably has a negative impact on their well being. Various studies have concluded that the TPV then compounds the impact of the detention experience by imposing a state of uncertainty with a negative influence on the refugees physical and psychological health as well as on their employment and settlement prospects. Research has also consistently pointed out that the temporary protection regime has shifted responsibility for the provision of settlement services from the federal to the state level – resulting in significant differences between settlement experiences across the states. In Australia studies have evidenced the creation of a second class of refugees.

The first substantial investigation into the impact of the TPV was undertaken by the Queensland Government’s Department of Multicultural Affairs in 2001. The Queensland study found that even though it was the Queensland State Government’s policy to grant TPV holders the same level of services currently offered to PPV holders by the Commonwealth (Mann 2001, p.11), TPV holders in Queensland were still profoundly and negatively affected by their temporary status. In particular the report noted that “the prohibition of family reunion and the denial of travel permission have compounded existing torture and trauma symptoms” (Mann 2001, p.21).

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A report released the following year by Deakin University examined the impact of the TPV on holders of the visa in Victoria. This report echoed the Queensland report's finding that the TPV had created a second class of refugee who experienced "more chaotic and less successful settlement experiences" (Mansouri and Bagdas 2002, p.6). This study also examined the impact of the visa on settlement service providers and community organisations, concluding that the introduction of the visa had placed "considerable stress on community organisations and volunteers" who were primarily responsible for service provision to TPV holders (Mansouri and Bagdas 2002, p.78).

A subsequent study examining the impact of the TPV in Victoria was released by RMIT University in 2003. This study proposed that there is a "time torture" associated with life on a TPV where "refugees forced to live in a mental and material state of limbo pay a very high price in terms of individual well being, family separation and employment possibilities" (Marston 2003, p.3).

These findings were subsequently echoed by similar conclusions in research released by UNSW and WSROC in July 2003, which specifically examined the effect of the TPV on services and visa holders situated in Western Sydney. This research in addition highlighted the multiple barriers, as a result of the visa's restrictions, to the TPV holders full participation in Australian society

Part B: The study

Research documenting the impact of temporary protection visas has now been carried out in Queensland, Victoria and New South Wales. This research seeks to make a NSW based contribution to the developing scholarship on the impact of the TPV on refugee settlement services. Importantly, the temporary protection visa legislation as well as various components of its implementation have changed since its introduction in 1999.

5. Research Question

How have settlement service providers responded to the temporary protection visa refugee regime?

- i. They have identified the ways the policy is compounding settlement issues for refugees;
- ii. They have identified the ways the policy has impacted on their own practice and the ways they have negotiated outcomes for themselves and their clients.

Taken, together this research documents some aspects of the implementation of the TPV policy for settlement service providers. Despite the dwindling numbers of refugees coming to Australia as so called unauthorised arrivals, the Federal Government has expressed its intent to never grant permanent protection to most of those currently on Temporary Protection Visas. Also, given that the nex forced migration is only a matter of time, this research will be useful for practitioners reflecting on their experiences since the introduction of the TPV, now in the immediate future and in the longer term. The research also documents the expression of the international drift towards temporary protection for those who are on the frontline in working with refugees inside wealthy nations.

6. Methodology

Drawing on a qualitative research paradigm, utilising semi structured interviews, this research begins to form a picture of the experiences of the temporary protection regime for settlement service providers in NSW. Interviews were conducted with sixteen organizations across twenty different sites. Forty four individuals took part in the interviews which were conducted in two geographical locations: Sydney and Lilyfield (a pseudonym for a regional NSW town).

We sought a sample made up of three key settlement service provider groups. They worked specifically in relation to education and health service provision but the research also sampled organizations who carried out more general settlement service provision. We also sought a sample that included organizations who received little or no government funding, those that received mostly federal government and state government funding and those that drew on a range of funding sources for their operation. We interviewed people within these organizations who were coming face to face with refugees on TPVs. Interviews took between 45 minutes and 2 hours.

7. Violence of Research

This research is marked by experiences of trauma on various levels. Forced migration is a traumatic experience for the refugee, as is the experience of immigration detention. One of the key findings of this research relates to the levels of vicarious trauma identified by practitioners working with refugees on TPVs. Therefore this research is also marked by the trauma experienced by participants and the researchers in speaking about experiences of forced migration and assisting refugees on TPVs. When interviewing people for this research a range of emotions were expressed –anger, resentment, despair and mistrust, as well as determination, resourcefulness, persistence and hope. Conducting research relating to the violence of forced migration and the violence of working with a policy that was universally condemned as punitive by practitioners impacted on the researchers carrying out this study. The levels of vicarious trauma evident in the sector is compounded by the desperation generated by the temporary protection regime and has made this research an act of investigating multi-layered and pernicious violence.

Part C Findings: Refugees on TPVs

8. Living on the TPV

I don't think human beings can function without a future (Respondent 11).

8.1 Poverty

While there will inevitably be debate about the extent and origins of the hardship faced by TPV holders, as well as the level of governmental culpability, it needs to be stated plainly that daily life on a TPV presents TPV holders with multiple interrelated obstacles. The vast majority of these people are poor and are prone to many of the same daily challenges faced by other people who live in poverty. For example, one service provider based in a NSW high school described how the school had to:

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Part C Findings: Refugees on TPVs

... provide the children [on TPVs] with just about everything that they need for school. So I clothe the children in this school from the bottom up. Shoes, socks sometimes, sometimes underclothes, pants, skirts, shirt, jumpers, the lot. (Respondent 4)

Another community based service provider talked at length about the difficulties finding furniture, such as beds, and having to rely heavily on donations:

I was in shock. Personally that was a shock because I've been in welfare and never seen a house so bare in my life. So we managed to organise for them to get beds and furniture and clothes through this particular lady and we assisted them. Not that we do it but I assisted them with the removalist cost to get the furniture out because a lot of the furniture was in the Northern suburbs where it had been donated. Mind you, they were used. They were not brand new but they were better than the kids sleeping on the floor. (Respondent 1.1)

Another respondent noted that TPV holders with disabilities, such as amputees, were likely to find themselves in accommodation which was unsympathetic to their physical capacities. And underlying all of these concerns is the increasing cost of housing, particularly in New South Wales where the so-called housing 'boom' has been more of a 'bust' for many of those lacking the financial resources to participate in it - both migrant and non-migrant. Unlike permanent residents, TPV holders are not entitled to public housing and, once again unlike permanent residents, have restricted access to settlement services and facilities such as the Migrant Resource Centres. As a result, many of the respondents reported groups of TPV holders sleeping in mosques and in overcrowded homes and apartments, although one respondent suggested that the problem of housing had lessened somewhat as support networks of and for TPV holders have become established. It also appears that the government currently provides no housing information to TPV holders when they exit detention. As one service provider put it:

...once they are released from detention I don't think they get much information at all by the Immigration Department about housing or about anything. They're very much out on their own. (Respondent 8)

But beyond issues of poverty, the circumstances in which TPV holders live is also subject to a range of other factors, many of which are a direct product of their class of visa, and some which they no doubt share with other refugees. And although it might be possible to draw clear distinctions between the official entitlements of, for example, TPV and PPV holders respectively, this distinction is not always so clear in practice. Therefore, in the following sections we present the major issues faced by TPV holders as identified by the service providers we interviewed, while acknowledging that some of these issues will not be peculiar to TPV holders alone. Rather, the impression that emerged from these interviews was of compounding difficulties which collectively constitute much of the lived experience of TPV holders.

However, these qualifications in no way diminish the fact that the introduction of the TPV has given rise to a particular kind of refugee experience in Australia. Being a TPV holder is different from being a holder of other visa classes, both because of what these people have endured prior to being 'awarded' a TPV and because of the hurdles, both intended and inadvertent, which they must negotiate following their release from detention. As one service provider pointed out:

The difference between the TPV and the PPV is exactly all those English classes and settlement assistance needs and temporary accommodation, all those things. That's what our service provides because of that huge gap that there is between PPVs and TPVs. (Respondent 12)

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Once again, it was striking to us that a number of service providers reported noticing that the difference between the entitlements of the PPV and the TPV had not been explained to TPV holders following detention. As might be expected, as the difference between these two classes of visa became apparent to TPV holders, their frustration and anger grew and it was often service providers who bore the brunt of this.

8.2 Living with uncertainty

For TPV holders, uncertainty appears to be a constant presence in their lives, a point which, on one level, is self evident since a TPV is designed to offer holders only ‘temporary protection’. But this uncertainty is manifest in a number of different ways and has numerous practical consequences. For example, both because of the turmoil they have left behind and the restrictions the federal government places on family reunion programs for TPV holders, many are permanently dogged by anxiety about the fate of loved ones. A number of the service providers we interviewed spoke about voluntarily taking on the job of trying to trace the relatives of TPV holders in their country of origin, and the enormous ongoing emotional strain this situation places on TPV holders. A couple of service providers also suggested that anxiety about the fate of relatives is mixed with feelings of guilt on the part of TPV holders, since it is they and not their families which have (at least temporarily) escaped persecution in their country of origin.

Closer to home, the act of classification of someone as a ‘temporary’ visa holder means that a person’s long term fate can never be taken for granted. One service provider observed:

It (the TPV) does have a great impact because it provides obviously a lot of uncertainty regarding their status and their ability to remain in the country because there’s that whole black cloud. There’s no sense of security any more. It’s very fragile, because at the end of the day they could be sent back and there’s no guarantees and that adds on to a lot of the stresses that they are experiencing. So I guess putting that temporary status and from speaking to people there’s a sense of great anxiety and a sense of fear and a sense of insecurity as to whether they will be able to stay here, remain here and obviously start to build foundation. Because a lot of them, how can they build a foundation when after three years they have to reapply and even then they’re not assured or guaranteed that that will be renewed. (Respondent 1.1)

When asked about the difference between TPV and PPV holders another service provider responded:

It’s basically like your life has been put on hold and everything has kind of stopped and it’s on hold. And life cannot be out on hold, like it’s happening here. And that’s the sense that I get from TPVs... that they can’t plan. There’s no possibility for planning, saying “ok, I’m going to do this course. I’m going to get employed and I’m going to bring my family here and my kids will be doing this or that,” which is usual with Permanent Protection holders. They can say, you know, “I have great hopes for my kids.” And often when they feel kind of depressed they can always come and talk about how happy and hopeful they are for their families and because their families are here and safe and well. Well, these people (TPV holders) can’t do that because their families are not here and they don’t know what’s going to happen to them and they don’t know if they will ever be able to bring their families here. So it’s always insecurity, what’s going to happen, you know. They can’t plan. (Respondent 2.2)

What we have earlier in this report called the relentless insecurity of being on a TPV was a recurring theme throughout our interviews with service providers. Respondents who provide educational services talked about the way uncertainty tended to drain TPV holders of their enthusiasm and perseverance in class. For example:

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Part C Findings: Refugees on TPVs

I think the most emotional stress for them, cause they'll come along and they'll say to you "what's going to happen to me? What's going to happen? Am I getting my PPV? How much longer?" And I sort of have to say "I'm sorry, I don't know. It depends on what the government decides." And then they'll say, "what's the use in learning English? I won't use in Afghanistan." (Respondent 15.1)

Educational service providers in both adult and children's educational settings made similar comments about the emotional challenge TPV holders face in committing themselves to programs when their long term future is unknown.

Of the health service providers we interviewed in this research, all expressed concern about the implications of uncertainty for the mental health of TPV holders. Because service providers often find themselves thrust into a counseling role, often irrespective of the service provider's official role, they see first hand the combined trauma of persecution in the refugee's country of origin, a precarious (and in some cases tragic) journey to Australia, detention and finally the grinding uncertainty of TPV status. As one mental health service provider put it:

People who are on a Temporary Protection Visa... they already came into the country suffering from trauma of different types but they're in this situation of suffering further because there's no security. There's no hope of saying that, "ok, by this time next year I'll have some resolution". It's people not being able to resolve what's going to happen to them. It's being caught in the bind of "there's no certainty. I'll remain here but if I go back I'm either going to be, I'm at risk or...", this is what people say or clients that I know have said through what workers have said. That people are in danger of being killed, or put in jail or tortured or whatever. There's a whole range of things that people fear and they're caught in the middle. They don't know what's going to happen and then there's always the fear of having to go back and facing all those things. So those things in themselves can have a terrible impact on people's ability to cope and their mental health and psychological health. (Respondent 9)

Service providers also recalled being told of a number of emotional coping strategies employed by TPV holders, such as immersing themselves in physical work (because 'we don't want that much time to spend in thinking', Respondent 1.1) and sleeping for long periods.

8.3 Isolation

One respondent felt that the hardships experienced by the TPV holders had forced them to become more resourceful and community minded. Networks of support had sprung up, through which information was disseminated and needs were met. However, despite these networks, TPV holders still faced a number of barriers to social integration both with other TPV holders and the wider community.

Service providers pointed to a number of causes for this isolation. These included racial insults in the street and the work place (not surprisingly, TPV holders were reluctant to complain to superiors about this), lack of English language skills (see below) and divisions within migrant communities themselves. Two respondents suggested that the stigmatisation and, at times, vilification of refugees by the Government and the media had encouraged established members of some migrant communities to see TPV holders as a threat to their security and well being. In a more general sense, there was wide agreement amongst respondents that a lack of English proficiency made it far more difficult for TPV holders to form social relationships outside of their immediate ethnic community or to find out about available services. This social isolation is happening despite the overwhelming sense from service providers that TPV holders are anxious to and, given opportunities, capable of being active members of the wider community.

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Although men make up the majority, the issue of isolation was particularly pertinent to female TPV holders. Women without a spouse were at even greater risk of isolation. One respondent reported knowing about women who chose not to attend English classes. Another commented:

Because a lot of times the men have found their way off to work and they pick up English at work or just going to and from work. If the mother's at home with the kids she hasn't got as much chance. She doesn't get out as much, particularly if she's got babies and she's not in an environment where she's going to be able to speak English. So there's been an added bonus (being in English classes) for women that they are actually in a scenario where they are able to be part of the community. And I think that's been a big bonus because most of the people in our classes are women, particularly out in those areas because in the city it's more difficult for women to get in. (Respondent 6)

8.4 Education

The issue of isolation is inseparable from concerns about English language proficiency amongst TPV holders and their access to employment and health services. For example, while social isolation may lead to a lack of access to language and employment opportunities, it is equally true that language proficiency and paid employment can ameliorate isolation and, to some extent, the emotional stress related to the uncertain prospects of TPV holders. Indeed, a number of respondents commented upon the positive emotional impact of sustained English language tuition on the moods of TPV holders. Language classes and paid employment are places where TPV holders meet each other, form networks and have an opportunity to form relationships with people outside their own community. Their value as sites for Australian citizens to form relationships with refugees was also noted. As we show later in this report, service providers consistently talked about the formation of these relationships as the most satisfying part of their work. The following comments from service providers sum up these points:

And one gentleman (a TPV holder) put it that it's the link, English language is the link to getting them to be able to link with the Australian community if you like. Because it gives them access to the community, to all of them to communicate much better obviously and to be able to understand much better, and a lot of them are frustrated because of that lack of proficiency which prevents them from being able to communicate their needs and also to communicate, to converse with other people, to understand other people better too. So that was one of the most positive things that I found from the evaluation (of the English tuition) that I have done, about English language being the link if you like. It's their link to the community at large and improving communication. I guess with the young folk in particular it's around employment and really gaining employment, to be able to speak really is their key, to be able to access employment. (Respondent 1.1)

A lot of them have made real progress. You can see and they look happier and healthier, the people coming, they look less stressed and unhappy and that's the most positive thing for me. (Respondent 5.1)

And what we were actually finding was that they were more than happy to come to our English class because they just saw it as the opportunity to be out of their four walls, not thinking about their trauma or whatever situation that they'd been through and were going through here trying to get their refugee status. The actual learning English was a completely tip of the iceberg thing. It was great that we could get another word of English in, but what they actually wanted was really to be out of their head space and in the room with other people. (Respondent 6)

Service providers noted that a lack of English language proficiency made it extremely difficult for TPV holders to fully understand important correspondence, often of a technical nature, from lawyers and from the Federal Government. As one service provider observed:

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My chap just brings out whatever he's got from the Department of Immigration, you know, "explain this to me", because they never send a translation. The only time the bastards sent a translation was on that 2000 dollar bribe (referring to the federal Government's repatriation package offered to Afghan refugees), for obvious reasons. (Respondent 15.2)

With respect to language proficiency, the most obvious difference between the PPV and the TPV is that TPV holders have greatly reduced access to government funded English tuition. As respondents pointed out, the free English classes given to permanent residents are not made available to TPV holders, although in Queensland the state government has undertaken to make up this gap of service provision. As a result, TPV holders in NSW often receive tuition from volunteers. Interviewees raised concerns about both the quality of tuition which TPV holders receive as well as the stress felt by volunteer teachers. For example, two language service providers talked about how English classes could be highly emotional sites in which, depending on the subject matter of the class, previous traumas might inadvertently be revisited. One experienced language service provider pointed out that teaching English to TPV holders was quite unlike 'normal' ESL teaching precisely because of the traumas these people had endured - teachers in these situations need specialised training and skills in dealing with the emotional and social needs of this population. Another commented:

And the other thing too is that they'd been extremely traumatised, the trauma associated with their boat trips over and I think that that was for us the biggest learning curve. It was the trauma, dealing with a group that were not normal migrant students. They'd been through extremely traumatic circumstances and most of them still haven't seen nor heard from their family to this day and we found that very confronting. So that makes for a very different teaching style and certainly a different learning style for them. (Respondent 16.1)

TPV holders who were not able to access volunteer run English classes were often faced with few alternatives. Respondents repeatedly mentioned that TPV holders are required to pay the same fees for TAFE English classes as full-fee overseas students unless individual TAFE administrators could be persuaded to wave the fees. The following comments best sums up the situation:

When we asked TAFE for a teacher we couldn't get one from TAFE. And we couldn't get a teacher from Mission Australia or any of those other places because they were funded by the Department of Immigration and they were just concerned about their funding being jeopardised. (Respondent 1.1)

Another respondent commented:

We've turned ourselves inside-out trying to get TAFE to... Basically people on TPVs, if they want to go to TAFE they pay like overseas students. So they've got fees so they don't go, but there seems to be exemptions granted occasionally for some students at some TAFEs. So we encouraged the students to go along that way and apply and some succeed. I know people who are doing I.T. or whatever at TAFE, but you can't guarantee that when you send someone along to try that that will happen. We get to know by word of mouth or by rumour that there's a possibility over there and we try it out. Otherwise they can't go to uni or anything like that. (Respondent 11)

As an earlier quote suggested, government restrictions on education services for TPV holders extends beyond tuition in English to computer skills and higher education generally. One school based service provider expressed enormous frustration at the inability of high achieving school students to enter university because of the Government's stipulation that they pay the same full fees as overseas students.

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8.5 Employment

As one respondent put it, ‘the lack of access to English compounds the problems people have seeking employment’ (Respondent 4). But this is by no means the only obstacle facing TPV holder job seekers. A number of respondents discussed the frustration created because TPV holders are not allowed to hold apprenticeships and are denied access to Centrelink assistance, or as one service provider put it:

The TPV people aren’t actually supposed to go and talk to the staff at Centrelink. They can talk about the jobs on offer but they can’t actually engage anybody in conversation, take up a government funded person’s time. (Respondent 5.1)

Despite these obstacles, it is clear that many TPV holders have managed to secure employment, largely in manual and, in some cases, hazardous work. From the comments of service providers, TPV holders’ experiences in employment could fairly be described as mixed. While TPV holders tended to relish and appreciate any opportunity that presented itself, this left them open to exploitation:

The son of the employer goes around abusing them. And they don’t want to complain and no matter how hard we try for them to actually even put in a complaint, they weren’t prepared to.... Our role is an education role because when you’re giving information to people, you’re also educating them in terms of how to use services and if we are missing in the middle, obviously there is direct contact between them (employers and TPV holders) and they don’t know their rights and there are a lot of them being exploited. They don’t know the awards. They don’t know the wages so that’s where a lot of exploitation is going on, specifically in the meat industry, in the bakery industry because that’s where most of them are working. (Respondent 3.2)

According to the respondents, TPV holders were sometimes refused employment because of their ethnicity and were the target of regular racist verbal abuse in work places. Due to their lack of English proficiency TPV holders regularly found more junior staff being promoted in front of them and were at risk of serious physical injury. It is worth pointing out here that language proficiency was highlighted by two service providers as an important occupational safety issue given the potentially dangerous circumstances in which they work and often simply because they could not understand the instructions they were given.

8.6 Health

Despite having access to Medicare, TPV holders who injure themselves or fall sick face a series of challenges in accessing health services. English language proficiency, as it is in all other aspects of their lives, is crucial here. The combination of ill-health and poor English skills places affected TPV holders at even greater risk of social isolation. In addition, there appears to be wide-spread confusion and frustration with respect to the whole area of translation services in the health sector. It should also be kept in mind that the health issues faced by TPV holders have often been compounded by the allegedly inadequate health service they received while in immigration detention centres. Having been released from detention, Dari translators in particular appear to be very rare while, more generally and as with other services, many TPV holders appear not to be well informed about the health services to which they are entitled. There also appeared to be some confusion amongst the health service providers we interviewed about whether or not TPV holders are allowed to access the federally funded Telephone Interpreting Service or the various health interpreting services, services designed to assist health workers treat migrants.

This issue of language proficiency compounds the difficulties TPVs face in accessing what is already a severely stressed public health system, as the following comment from a health service provider indicates:

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Trying to access specialist treatment, one of the big problems in the health services is that there are waiting lists for so many of the public hospital clinics and if the person doesn't have Medicare and you feel that they need some immediate treatment, it's very difficult then to have to try to negotiate to get them into those clinics because the waiting lists are already so long. The other problem within health is interpreting: the number of interpreters. In some languages there may only be one or two interpreters and then it's very difficult then to make appointments. (Respondent 8)

According to one respondent, this problem is particularly acute in New South Wales where most TPV holders live. Another health service provider noted that TPV holders are not able to access the Commonwealth Rehabilitation Service which provides prostheses and rehabilitative therapy to amputees. Mental health services for TPV holders, particularly outside of the Sydney metropolitan area, appear to be limited.

With respect to Medicare, there appears to have been a slow evolution in the service provided to TPV holders. As one service provider recalled:

Initially they were given temporary cards so after a three month period the card would run out and they would have to reapply and that was a nightmare because they still, because what the card entitles you to, they were really worried about what might happen to them if they need to see a doctor. They would have to pay a \$35 up-front fee. (Respondent 7)

Service providers did report that TPV holders regularly had to wait for between three and six months to receive their Medicare card and that this period often presented extremely serious and sometimes life threatening medical situations. For example, pregnant women are faced with very high costs if they want their baby delivered in a hospital:

One of the biggest issues for us at the moment is pregnant women, because it's so expensive to have a baby at a public hospital. Most of the hospitals charge around \$2000 for booking in and then I think it's \$80 for each ante-natal visit. So if you don't have money, if you don't have work rights, if you don't have Medicare, it's practically impossible. (Respondent 8)

It also appears that the different coloured Medicare card that TPV holders are issued with may cause confusion amongst some health workers and unnecessarily delay health service.

8.7 Summary

While many readers may be familiar with the difficulties faced by economically underprivileged people in Australia, we should not forget that permanent citizenship affords people at least some level of security. While we certainly heard about success stories in which TPV holders had secured employment and are beginning to bring a degree of stability to their lives, the overall impression we gleaned from these interviews is one of the precariousness of life on a TPV. On top of the obvious long term insecurity which they must simply endure, there is the constant threat of unplanned obstacles such as unemployment, work place injury, racial abuse, ill-health, lingering trauma and, for many, the battle to find, fund and continue educational pursuits. A degree of comfort and stability in Australian is achieved by TPV holders only by constantly battling a system which seems designed to both isolate and stigmatise them.

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Part D Findings: Settlement Service Providers

9. Access to services

Respondents noted a range of issues regarding the access of services for refugees on TPVs that had significantly reoriented the ways they facilitated service provision for this group of refugees.

9.1 *Compounding Issues*

Respondents all noted that refugees on TPVs presented service providers with additional concerns that compounded the already difficult provision of services for refugees. TPV service providers often found that they needed to provide additional services, sometimes outside their traditional area of expertise because they could not address some needs without addressing other interrelated and immediate concerns. Health providers, for example, reported giving advice to TPV holders as to where to buy plates and furnishings.

It's a different kind of environment really than working just with temporary protection visa holders when you realise you are the only service that can work with them and you've got to kind of attempt to fill in the gaps although you're not theoretically supposed to do that but you end up doing that because settlement is very complex. You know you cant just work with one lot of needs if you do not target pretty obvious settlement issues as well. It's like two sides of the same coin. (Respondent 7)

A majority of service providers in city locations reported difficulty in the take up of the limited services on offer to refugees on TPVs.

There were people who were coming specifically for English classes who were not accessing other services. (Respondent 1)

For me the most difficult aspect I would think that there are so few numbers coming, there must be lots more not attending English classes and I don't really know how to reach them. (Respondent 5.1)

9.2 *Differential impact of access to service issues for regional centres*

In the regional centre, workers were unencumbered by Commonwealth restrictions on working with refugees on TPVs encountered by their city counterparts. Regional centres have only skeletal refugee settlement service provision which depends on partial Commonwealth funding. Without any established settlement service provision structure the restrictions that negatively impact on refugee settlement service providers in the city have not been significantly encountered in regional centres. This has both positive and negative outcomes. On the one hand it has resulted in a 'can do' attitude where members of the community have swung into action to provide basic settlement services. On the other hand it has led to experiences of isolation and hopelessness. These will be discussed in following sections.

Regional workers talked about the profound impact of the development of personal relations with refugees. They routinely referred to the pleasure and importance of these relations. This was not referred to as much by city based workers who articulated more traditionally professional approaches.

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In regional areas, the strength of personal relations influenced their ability to cope with the administration of the TPV regime and they all discussed the associated high levels of personal satisfaction. However, some also described how their lack of ongoing professional training and experience coupled with a focus on building personal relationships meant they often took up the cases of individual refugees with some problematic outcomes. For example, some practitioners, frustrated by a lack of support from city counterparts, considered seeking information about country conditions and details of the family of refugees from embassies and consulates. This could have resulted in significant negative effects for refugees and their families.

For those in regional centres, often the first time a refugee on a TPV went to enroll in an English language class at a TAFE was the first time workers had to deal with the restrictions that meant they had to pay for TAFE English language courses.

One of the issues that really upset me, I spoke to a couple of nurses in the community health services in [country town] and they said they did not have an Afghan interpreter, so they had no face to face interpreter and I think at that stage they had a high number of Afghan people there. So even though the health services were willing to see them they couldn't communicate with them or they were using another ex-detainee, another TPV person and we all know that's a big no no. So they didn't actually realise that there is a country interpreting service and they can tele-conference and there's a special number they can ring for a telephone interpreter. But again, as it never makes up for having a face to face interpreter. I can see in the future that it's going to be an issue for our centre here and our staff will probably have to be going out and conduct training in rural areas.
(Respondent 8)

10. Impact on workers

Respondent 1.2: [I feel] very bad, very, very frustrated to feel that you are here in a country that is governed by a Constitution which always talks about equal access, treating all people with equality, all people have to be treated the same and you find that you have to differentiate between people, this sometimes is a code of conduct as a professional, if you let you, your trying to do your best but there's some restrictions holding you back. I try to tolerate this with myself but I can't find any justification for it. It's not logical. It's putting us in a position that as if some people have decided and it's okay for others to implement. I would like those people who have decided to come and see the limitations and see what has happened.

Respondent 1.1: The impact of their decision.

Respondent 1.2: How it is unhuman, it is easy to pass it in somewhere up there in the parliament or in the cabinet but it is very unhuman to face it at the grass root. I would like for those politicians or those ministers to come one day to our centre to see how we are facing this.

Respondent 1.1: They talk about numbers, they talk about policies but the reality is that we're not only dealing with numbers we're dealing with people who come here literally on a day-to-day basis and we see how literally they're struggling because of decisions, because of limitations which are systemic problems, they're not just because they've got themselves into this trouble. There are issues that are quite endemic and they reflect government policies... We deal with, if you like the impact, we deal with the effects.

Service providers roundly condemned the TPV regime. As in the case above respondents, this was in part because of what occurs at the point of implementation of the policy in regards to service provision. It is what happens at the point of implementation that we turn to here. In particular, we asked respondents what has been the impact of the TPV regime upon them as workers. Respondents reported profound and varying impact of the TPV policy on them as individuals and as professionals. Discussing this impact elicited responses from frustration and hopelessness through to positive experiences of community contribution and hope. In this section we seek to document the impact of the policy on the individual settlement workers. Importantly, services that were not constrained by federal government funding, service providers said that the impact of the policy upon their work was minimal or not apparent.

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10.1 Feeling of frustration, hopelessness and distress on settlement workers

The overwhelming majority of workers reported feelings of frustration, hopelessness and distress when they reflected on working with refugees on TPVs. Often their feelings were in response specifically to the TPV regime, to the broader refugee policy, and in response to how they perceive themselves and their experiences within the broader community.

Respondent 1.1: I guess another frustrating thing is the expectations, people's frustrations because they are very frustrated. I think that's everyone, I don't think it's just people on TPVs. I think that's everyone because we are very limited in a lot of ways because when you're on a grass roots level, you're not basically there on a policy level where you can perhaps advocate and get the results.

Respondent 1.2: For example, the last question was 'what's your category of visa?' and he said 'TPV' and the teacher who was supposed to process him said 'no, I can't'. And she herself is very embarrassed feeling like, no you can't attend this class and anyhow you can stay if you like for a couple of minutes but its not official for him to be here. She took him aside – 'sorry for that, our intention is to provide English to you and others but unfortunately this is the rule and we cant do anything'. It's frustrating. Yes he was smiling trying to cover his frustration by smiling to overcome it. But you feel it, you feel that he is frustrated.

On a personal level it makes you feel like you're in a minority in the general population and that you're one of the so called bleeding hearts that's trying to help these people and it effects the work when you're trying to refer people onto services that just don't exist if you don't have Medicare access. (Respondent 8)

10.2 The increased pressure the TPV policy places on settlement workers

All service providers who were working prior to the introduction of the TPV regime reported increased pressure on the provision of services. Often this stemmed from funding related issues that we discuss below. The various pressures that settlement service providers reported were related to: a) funding restrictions in working with refugees on TPVs, and b) the impact of a policy that seeks to alienate and degrade one group of refugees. In this section we focus on the experiences of one service provider whose testimony indicates the multi layered pressures the TPV regime has put on service provision.

At the introduction of the TPV regime the emotional pressure on service providers was considerable. Service providers are on the frontline of meeting refugee needs and need to explain the detail of the policy to refugees. The uncertainty generated by the policy meant that settlement service providers were often unable to answer the questions and meet the needs of TPV holders.

We are not an immigration centre, we are not DIMIA, we cannot really help them with the sort of situation that they're in. We can provide explanations but we cannot answer. In that sense they're better able to understand us and they're able to present the right issues. What do we do at the end of these three years and the kind of emotions that are associated with that. There is a kind of feeling of being in limbo which is very difficult in Australia because we can't even provide anymore. (Respondent 7)

As noted in the previous section, refugees on TPVs have similar experiences to refugees on PPVs but their problems are compounded by the uncertainty of their visa and the inaccessibility of services. Our interviews across the sector suggest that the compounding of problems for refugees on TPVs is mirrored for settlement service workers who are working with them.

They are a client group that is very different, they didn't really follow other patterns, they would drop in when they felt like it and expect an almost over the counter immediate service, and yet we don't speak their language, very demanding cause there was no-one else who would probably allow them to enter and they knew we could and we were there to provide assistance to refugees, everything that they needed... Your dealing with traumatized people but you're trying to provide a service, you're trying to do your best

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Part D Findings: Settlement Service Providers

with what has been set up so far. And then you realise that its not working and you've got to try other ways because even those who did turn up kind of resented the fact that we just do our assessment in a certain way. We don't really question the clients but it depends on what perspective you're coming from. Seen like an interrogation especially if they're coming from DIMIA, 'you've been through this so you've got to tell your story so you've got to come in and tell your story'. (Respondent 7)

When we asked service providers for specific ways in which the TPV regime had increased their workload they identified two key issues. First, volunteers who came forward to work specifically with refugees on TPVs took up significant amounts of training time and general resources. Second, the necessity to lobby other service providers also took up resources.

Initially there wasn't much awareness of the TPV and what it was all about, but now as media coverage is increasing and also I think through word of mouth people are becoming aware of the TPV... There are a lot of people who are quite concerned and coming forward to assist them in whatever way they can. And that has its benefits but it kind of provides or creates an additional stress on the service because very often when you do get volunteers they do mean well but very often they cannot understand what the issues are. The fact that it's a different client group, most of them haven't had much to do with refugees prior to this whole thing that's happening with TPVs. Some of them are new to the field of refugees so that again created in a way, in a convoluted way, has increased the stress on the organisation because we have to train the volunteers as well as have a coordinated approach, which is quite a full on task really. (Respondent 7)

We've got to then lobby that hospital or that service or specialist to see them before-hand and we have done that usually quite successfully. So it means that it's more work for us to have to do that. To personally have to go out and try and get the service that is available there for other refugees without that stigma. (Respondent 8)

10.3 Positive feelings

Despite the resource implications there has been a very positive impact for volunteers who have come forward in increasing numbers to work with refugees on TPVs. In stepping into the breach left by the withdrawal of government supported service provision the positive impact of that experience for volunteers in both regional and city locations was clear:

I'm a primary school teacher so I thought I should at least give something to them and I imagined that it would be the most boring little hour per week or whatever and it became tremendous. I took my son and by the third week I was taking all my children with me and having the best time we could ever possibly have... The lesson would be spent with our children chatting and giggling with the men and then afterwards playing basketball with them out in the yard and it just created...oh it was beautiful. And then the two year old who was then 16 months – they'd just pick him up and just hold him because they'd remember their own sisters or brothers or their own babies they'd left in Afghanistan and they'd just kiss him and then just hand him back. And they were savouring him because he was this beautiful little human who hadn't been touched by war and so that's why we all got involved with the English lessons. The actual English content went [blows raspberry] but the human content went way up sky high. (Respondent 13).

The ease with which it all happened, there was just so much energy in the community to help people on TPVs. There was just so many people who would do anything to get something happening that I only had to say 'any teachers out there?' and we had teachers. 'Any rooms out there?' and we had rooms. 'Any resources?' and we had resources. (Respondent 11)

The above experiences were supported by close knit communities and were reported only by those groups who came to work with refugees after the introduction of the TPV regime.

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Workers in larger organisations drew strength from one another and sought out opportunities to improve the situation for refugees on TPVs and for those working with them. While they did not describe the experience as ‘positive’, it was considered workable.

It’s always a sense of I’m not here alone in this battle of trying to achieve something for refugees or TPV holders...it’s just collective effort...I mean it’s not an ideal situation but I wouldn’t say that since I’ve been here I’ve observed anyone feeling very overwhelmed or, you know, feeling hopeless about their situation. I think if anything people have probably become a bit more resourceful and there are sort of working parties going on addressing, looking at services that can be provided to TPVs. I think if anything people have more options that have been created. (Respondent 2.2)

However, workers from different sections of the same organisation testified to the contrary. The above experience (Respondent 2.2) was limited to larger organizations whose funding was not threatened. In particular our interviews revealed that for workers in isolated areas, smaller organizations or those whose funding was threatened, the TPV regime was at best stressful and at worst unworkable.

11. Meeting Needs

What we were actually finding was that they were more than happy to come to our English class because they just saw it as the opportunity to be out of their four walls, not thinking about their trauma or whatever situation that they’d been through and were going through here trying to get their refugee status. The actual learning English was completely the tip of the iceberg thing, it was great that we could get another word of English in, but what they actually wanted was really to be out of their head space and in the room with other people... In the beginning I didn’t distinguish between TPVs and other clients and I think I still don’t. (Respondent 6)

There are different types of TPV, different age groups, different stage of life. If you have individuals who are here on their own they are very different from the TPV holders here with their family. It’s very different if you’re dealing with a young unaccompanied minor or if you’re dealing with a mother. When you’re talking about a TPV it could mean anybody because you’re not really differentiating. It’s too complex...It depends on the timing that the counsellors have with the TPV holders, whether it’s immediately following release from the detention centre or when they kind of know about the systems, they’ve been here for a year and they’re more familiar with the Australian way of life. Or if you’re meeting with a TPV holder just before his planning to put his application in for permanent protection or whether you’re meeting home when he’s going through a crisis. He or she or them. And as to the timing it depends if you’re talking about 1999 or after 11th September Presentation has changed right through, right the way across, it’s too hard to sift that out especially if you met them in a group and to get the real picture, because you’re really looking at something that has spanned from October 1999. (Respondent 7)

Meeting the needs of refugees on TPVs has been complex and fraught. The testimony above reminds us that settlement service provision is a highly interdependent business that cannot be neatly contained by one set of needs or one set of services. Rather, settlement service provision underpins the complex process of moving into and being accepted by diverse communities during a period when individual, familial and communal lives are undergoing enormous change. The experience of settlement is shaped as much by the services provided or not provided, as by the individual needs and understanding of the refugee.

Respondents identified four key issues in meeting the needs of refugees on TPVs for settlement service provision. Respondents repeatedly noted that not being able to meet the needs of refugees on TPVs was the most difficult aspect of their work:

The most difficult aspect? I guess it comes from not being able to meet people’s needs. I think realistically we are very limited in what we can do. We have a limited amount of resources ourselves and unfortunately we can’t meet the most pressing needs at times,

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which are often financial and material. Because people generally come here literally wanting help with the most practical things like furniture, clothing or things like that. So that's one frustrating thing, the lack of resources and the means to actually meet people's needs... Physically what we can do, we just do not have the resources to meet their needs, it's just too great. (Respondent 1)

11.1 Organisational restrictions

Organisational restrictions on workers, often related to funding issues, was reported as the greatest obstacle in meeting the needs of refugees on TPVs. This was reported as being particularly intense when the TPV regime was initially introduced:

I don't think any organisation would be telling the truth if they said they had systems in place because its very new and its taken everyone a bit by surprise. I don't know if we are...but we are least able to understand the issues a little more clearly then when we started but I don't think it's a very rosy picture. (Respondent 7)

The key organizational restriction respondents reported was not being able to holistically work with refugees on TPVs, or at very least direct them to appropriate services.

You see we're not really meant to be case managing clients in the sense if you define case management but with our other clients, with the PPV holders, we can refer them onto other services who will take care of these issues but not with Temporary Protection Visa holders, because of their visa and what they're eligible for. (Respondent 7)

They all want stuff you can't give or they want full time classes and we can't do that. They want to find a job, we haven't managed to do that very well. People need, in many cases one to one assistance, you can't do that very well as a teacher. That's possibly people need case managers. (Respondent 11)

Workers also reported it was not only their own organisational restrictions that delimited their ability to meet needs but also restrictions on other organizations. Many reported difficulties in relation to accessing services through the TAFE system:

We've turned ourselves inside out trying to get TAFE. (Respondent 11)

For those who had limited experience in working with refugees prior to the introduction of the TPV regime it was through the limitations on their service provision that they became further involved.

Our first involvement was when they landed here last year wanting classes with us here and then when we realized they were Temporary Protection Visa holders we realised they couldn't enrol. (Respondent 16)

Some regional workers undertook training in order to be able to take English language classes. The kinds of restrictions imposed upon them in such training influenced the ways they approached the issue and marked the ways they sought to differentiate their work with refugees on TPVs from their city counterparts.

Respondent 15.1: We were told "you have to teach this very, very basic English, they are not to know nothing about you, not your phone number, not where you live, not even your surname" is how we were trained.

Respondent 15.2: Security, especially with this community security doesn't worry us...they (their trainers) were talking about general...they weren't talking about the Afghanis, they were talking about a whole host of different countries and they've found, just to protect themselves to a certain extent by saying don't give this information because this person's from a different country and they may not be a very nice person.

Respondent 15.1: That's in Sydney.

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Regional workers clearly identified that the limitations, as well as the freedoms, placed on their work with refugees on TPVs meant they were experiencing the policy very differently from their city counterparts. Indeed the restrictions places on workers in this context emerged in this research as a Sydney specific problem.

Respondents working within the state school system reported using a range of emergency type budgets to fund clothes for students on TPVs. Meeting the needs of students often depended on individual fundraising initiatives. This was a strategy used to try to pay the high fees required for TPV holders to enter university. Schools are generating funds for unaccompanied minors whose needs are not being met through state based government funding. Clothing pools have been established and other efforts to not only meet the material needs but also to build people's self esteem and confidence and trust in the community. Respondents working within the school system reaffirmed the centrality of the school in service provision for refugees:

The school for a lot of refugee families is the first place where they meet the other side of institutional Australia and so the messages that we send out are really profound messages about the nature of our democracy and the nature of freedom and mutual respect and trust within this community and things like that. If we don't deal compassionately and in a dignified way for all concerned with these issues then I think we've betrayed our social contract. (Respondent 4)

11.2 Individual difficulties

Working within the TPV regime meant workers routinely had to go beyond established inter organisational protocols and instead rely on *ad hoc* appeals to other organizations and individuals in order to meet the needs of TPV holders.

In terms of numbers it's probably small numbers with really significant health problems that need commonwealth service intervention like rehabilitation or hearing aids. Probably very small numbers but for those individuals it's a big problem. And some of it may come through the normal advocacy that's done by us and other services trying to beg, borrow, steal health care and we've done that for asylum seeker kids and got them hearing aids for reduced prices. It's not easy and the more that you've got to do it the harder it becomes, because the services become more and more reluctant. (Respondent 17)

Respondents also noted cross cultural issues that impact on their individual ability to meet the needs of refugees:

Respondent 1.2: Both respondent 1.1 and myself, we speak the same language, we are from the same culture, Arabic backgrounds...and the feeling is like 'how come you can't help me, you're just like me, put yourself in my position?'

Respondent 1.1 On the good side they feel more comfortable with you. On the flip side is that they expect a whole lot from you too and you're not able to realistically deliver and you can't meet all their expectations.

11.3 Working on own time

Meeting the needs of refugees on TPVs depends upon individuals working outside paid hours. Respondents reported routinely working well beyond the hours they were paid for in meeting the needs of TPV holders. Removing Commonwealth support for settlement services for refugees on TPVs depends firstly on shifting the burden of resettlement service provision to community organizations and community and/or state funding, and secondly requires that individuals within those organizations working more hours than they are paid for. This has heightened the dependence on volunteer labour.

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Part D Findings: Settlement Service Providers

Interviewer: You're funded to work seven hours per week, how many hours do you work?
Respondent 15.1: Nearly 40
Respondent 15.2: Yes the seven hours, I shouldn't say this but the seven hours pay is not really pay.
Respondent 15.1: It's reimbursement
Respondent 15.2: Just about
Respondent 15.1: I think we could get the phone calls.
Respondent 15.2: Just the phone calls.
Respondent 15.1: Well we're both retired so...
Respondent 15.2: Here's a good volunteer person, we'll milk them.
Respondent 15.1: Which is of course one of the other problems. Most of the tutors are working, it's an extra burden. (Name) is a shift worker so he can be here today but...
Respondent 15.2: Have you had a sleep?

Some organisations described how they noticed English language needs not being met and as a result bringing together suitably qualified teachers working in their own time on a voluntary basis to run language classes. These classes often attracted piecemeal community funding . This was reported by organizations that were funded to work, at least in part, with refugees on TPVs.

Usually we have about close to eight hours worth of work with a client so that could include the assessment, medicine, sessions of counselling, the report needs to be written, referrals need to be made. About six to eight hours in real time. It can often be more hours but the workers don't claim, we've got some very good people working for us and they put in more hours. (Respondent 9)

The TPV regime in NSW depends upon volunteer and non-paid labour to meet the basic needs of refugees on TPVs which are not met by Commonwealth funding.

11.4 Changing Needs

Since the introduction of the TPV regime respondents noted that the changing needs of refugees on TPVs has presented a number of challenges for their organizations:

We don't have people turning up now who say 'you know we don't have a place to shower, we don't have a place to spend the night' because now they have friends, so they're helping each other out in that sense. They also know where Centrelink is. They know where the Smith Family is or Saint Vinnies or where the Salvation Army is. We're not providing that kind of information as we used to. Because really basic things that were not really our role we had to do that. It's not our kind of role to point out where Centrelink is or where the medical offices are, Medicare or where the GPs are...But now when the TPV came and we were filling the gap, it's not a major thing but it took us a while to basically understand what was happening because it was all new when it started and it's not something that we generally do. (Respondent 7)

Settlement service providers are continually challenged by the changing needs of refugees on TPVs. As a result of high mobility, uncertainty, and the focus on paid short term employment, health and education needs present particular challenges. This situation was especially evident in regional areas.

We lose students as quickly as we get them because their status changes all the time. At one end of the spectrum, if they're expecting a decision this week or next week then their head space is not really going to be there that they can come to our classes. So we never know who is going to be there. We might have on the roll 10 or 12 students, we might get 3 one week and 13 the next because they bring their friends, so we never know who we're going to get. We never know if we've got to change topic mid-stream because somebody dissolves into tears or it's just too hard to go there or we're not getting a response. So things have to be fairly fluid.... We're trying to teach people literacy and ESL, English as a second language. And we're also coming across all those torture and trauma issues as well. (Respondent 6).

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Service providers also routinely acknowledged the changing demographics of refugees on TPVs. Notably, the increase of women and families in the TPV population introduced new and different needs:

Initially the majority were single men who probably came across and they were not the easiest clients... But now we've got families and more women too and that kind of tends to change things. Their needs are higher. (Respondent 7)

In relation to English language classes it was clear that those classes targeted at work place needs had the highest take up rates, as well as those classes that were dealing with a finite group of refugees. This was particularly relevant to the country area where near 100% attendance at English language classes was reported as opposed to city providers who typically spoke of poor attendance. The depth of interpersonal relationships between teachers and TPV students may also have had an impact on high attendance rates. Also the fact that English language classes were located within or nearby workplaces and were scheduled to compliment working hours. Moreover, the content of the classes was structured to specifically deal with work related issues and needs and received support from employers.

12. Networks and Communications

Respondents identified the importance of networks and communications between organisations in meeting the needs of refugees on TPVs. Respondents identified two key issues relating to the operation of networks and communications for settlement service provision.

12.1 Building new networks

A number of service providers outlined ways that they worked quickly through both the community and other service providers to undertake needs assessments regarding English language classes. These were often set up outside or at least parallel to their formal provision of services and were often staffed by volunteers. Providers also indicated a mixed take up of English language classes. Some attributed this to poor sharing of information between services. Others attributed it to refugees on TPVs increasingly focusing on work and the capacity to earn money rather than skills for the long term since they expected eventually to be returned to their county of origin. Others noted a combination of reasons:

Interviewer: Have you asked the refugees themselves anything about why they don't turn up?

Respondent 1.1: We did, we have asked. A few have said that their work is a priority and they're actually working because they earn in anticipation that they might be sent back so they want to earn enough money. Some others said that the classes weren't enough and they were wanting more than one a week and that three hours wasn't enough. Some people mentioned about the teachers not being trained, not presenting structured classes from week to week, there was no flow, there was no continuity. They were finding it difficult and I think that had a lot to do with perhaps the lack of experience of the volunteers, not putting their efforts down. It's great but I guess to provide English to a diverse range of people with different English levels or proficiency is really hard... I had a continuum of people who literally had no English to people who had a reasonable level of English but wanted English of a higher level. So I would refer them to other services who were running classes more appropriate to their level, so there were varying needs and they weren't being met at all and it's a shame. It wasn't like we were having a whole group of people starting from scratch. We had about 22 people come through our doors and the most that they would last would be three to four weeks before they would leave.

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12.2 Poor communication

Respondents discussed difficulties encountered when the TPV regime was initially introduced. Unable to refer clients on, or to offer them comprehensive or even piecemeal services service providers sought to build support networks between organizations. While most respondents spoke favourably about these networks now, service providers and those working with refugees in regional centres encountered profound difficulties in the flow of information between regional and city service providers. Such issues ranged from basic issues of awareness regarding interpreting services through to the very problematic where isolated workers were essentially operating as de facto migration agents and making significant legal errors. Mostly, however, the lack of communication resulted from a fundamental misunderstanding of the conditions refugees and their service providers in regional centres operate under. The following respondent described her interaction with a city based service provider:

Okay, we want so and so in Sydney tomorrow afternoon at 3 o'clock. I'm talking to you at 4 o'clock this afternoon." What about telling the boss at work? What about the poor person getting down there? How do they get there? How do they make their arrangements? "Oh, no 4 o'clock tomorrow afternoon is the appointment." You know, that type of thing we found very difficult... The one that was going down, he came up to our place that night and we tried to explain to him "Oh you've got to go down, this is the time you've got to be there". "Oh, I'll go by train". There's no train in the morning, the train goes at 3 o'clock in the afternoon. Lots of problems. It's not like when they ring up Sydney and "we'll be in the office tomorrow"...[describing another instance] I rang them on the Monday morning and said "Now look, he's coming up, you've got him on your list, for god's sake give him a few days notice because he's got to get leave from work and he's got to get down there". That afternoon they rang him and told him to be in Sydney at six o'clock the following day. (Respondent 15)

Service providers in regional areas reported receiving as little as 24 hours notice that city based service providers were coming to town with the expectation that they would organise refugees to meet with them. The distress of service providers in regional areas was significant and was often expressed in exasperation at the lack of understanding of city counterparts rather than in relation to the fate of the refugees they were attempting to assist.

13. Funding

Commonwealth funding restrictions on the provision of services for refugees on TPVs was the key issue for the majority of respondents in this study. Negotiating what was characterised as a punitive funding model effected all organizations regardless of whether they received any Commonwealth funding. However, most organizations we interviewed received no Commonwealth funding and almost one third were subject to penalties to their existing Commonwealth funding if they did render services to refugees on TPVs.

13.1 Primary impact of funding restrictions for settlement service providers

Many organizations that received state funding operated by not explicitly outlining their activities to the state government in order to avoid any direct confrontation. This lack of direct funding direction by the state government provided space in which organizations, to some limited extent, sought to meet the needs of refugees on TPVs.

We are state funded But at this stage they have not said to us 'don't provide a service for people on TPVs'. They have not said that. (Respondent 1.1)

The restrictions put in place by the Commonwealth funding model require organisations to differentiate refugees on TPVs from refugees on other visa classes. The only group of service providers not required

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to enact the classification system mandated by the TPV regime have been those community based non-government funded organizations. In essence the avoidance of the TPV regime funding model depends upon a lack of existing service provision infrastructure.

Interviewer: I'm realising how Sydney focused these questions are and how they relate to the situation there because one of the questions relates to knowing about the restrictions placed on centres that aren't permitted by the Federal Government to give assistance to Temporary Protection Visa holders. But it's almost a non issue here because there's nothing here anyway

Respondent 14: That's right.

Some larger health service oriented organisations reported funding issues not effecting them on the ground, although it did remain an issue for management.

Our money is not tied solely to immigration money. Where it's tied solely to the immigration money we probably do, well we obviously have to make the distinction [between the TPV and the PPV]. But because we have our own program as well, we can see another pool of people... In the English classes, we've made an internal decision not to quiz people on whether they're actually, officially asylum seekers. Because they are fairly small classes. (Respondent 6)

For smaller organizations, those doing the face-to-face work with refugees were also the people negotiating the restrictive funding model. Therefore, the difficulties produced by the restrictive funding models are more keenly felt by smaller organisations.

13.2 Secondary impact of funding restrictions for settlement service providers

The TPV regime depends upon cost shifting from the Commonwealth to the state and onto community organizations. All respondents reported that the TPV regime funding model depended upon them accessing state based funding sources. This often depended upon the status of the refugee not being actively revealed to the state agency.

Respondent: It is probably more about quality of life, because if the people have access to Medicare services then they can get any immediate health needs met, any emergency health needs fully met, CGPs for preventative health care, they can do all of those things including women to have pap smears, they have cancer checks. All of those sorts of things can happen. Preventative health care, early intervention, access to hospitals, special equipment, etcetera, all that can happen because they have Medicare access which is good and very important but it is restricted to more complex health needs which are normally met through specialised services which are federally funded. So it's specific health needs. And some of those needs are met by state services and it's a collaborative thing usually between the state health bodies and the Commonwealth, they sort of work together. So, for example, for stroke victims most of their needs would actually be met by the state health systems, particularly if someone was wheelchair bound or the more severe cases then that's maybe where the commonwealth rehab people could be involved.

Interviewer: So what do you see as the result in the long term for the patients and for the state?

Respondent: Obviously it may mean that the state system is having to do more. That's one thing. Secondly that there are just certain things that people can't access so attempts have to be made to access that or the person has to pay for it themselves, so it might mean high individual, high costs for the individual.

Workers who were not dependent upon Commonwealth funding noted that this was the most positive aspect of their service provision. Nonetheless, they expressed concern regarding long term access to funding issues produced by the cost shifting effects of the TPV regime. The following comment was from an organisation that is state funded and has not received specific direction not to work with refugees on TPVs:

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Part D Findings: Settlement Service Providers

Interviewer: What's the most positive aspect of your service provision?

Respondent 1.2: Well it doesn't discriminate. Everyone at the end of the day can access our service. We're not limited in who we can provide the service to in the sense that we're not funded by bodies that tell us that we can't provide in some way. But then, I guess it's a bit of a contradiction why we want to remain confidential because there's always that fear of reprisal because one day we might want to apply for that funding.

Importantly, the impact of the TPV regime funding model caused inter-organisational difficulties. As a number of respondents noted, funding restrictions mean that organisations that are funded on different models cannot work together. For example:

We don't look at them and what kind of visa they have or any classification they have. The other institution with whom we would like to cooperate to deliver better service, because on our own we cannot teach them, we are not qualified for teaching... We found that we couldn't recruit ESL teachers because they came from services that were federally funded. That would jeopardise their funding. (Respondent 1.1)

When individuals have successfully worked inter-organisationally to work around the funding model, the experience has been so complex that they have not repeated the experience:

I've supported a move in TAFE to take TPVs into the English classes and they can now do it. They can now take TPV students into their English classes but the process is so huge that you wouldn't put any person through that. (Respondent 6)

If you go to some TAFEs there are laminated notices in every corner, and nowadays in every class room "TPV holders have to pay fees". (Respondent 1.2)

Service providers have sought to avoid the TPV regime funding model by not classifying refugees by their visa when they come through their doors.

Respondent 3.1: If someone comes in and wants to see a case officer, they come in, we don't actually ask for visas.

Respondent 3.3: It's actually a privacy issue, you're not supposed to ask questions that are irrelevant to the inquiry... so we don't ask what's your immigration category unless it is relevant.

The TPV regime funding model has largely been interpreted as punitive in its impact on community organisations:

The point is that they're actually saying 'we're giving you money and you're going to assist the people that we want, that we see as priorities, we're not concerned about the broader implications'. (Respondent 3.4)

Overwhelmingly, service providers spoke about a range of strategies to avoid or even actively subvert the TPV regime funding model. The following extract was taken from a discussion of English language classes in TAFEs.

Respondent 3.6: It's under-handed

Respondent 3.7: It's individuals, it's not their policy, not openly, they won't put up a sign saying 'TPV holders welcome'.

Respondent 3.1: If they've got a course and there is still vacancies then they're welcome to join the course...they will not be on the roll...These things work, being committed to breaking the rules without being seen to be breaking the rules.

Organisations reported that they often depend upon the subsidisation of their services by other community organisations or individuals:

We don't pay for our venues. Teachers mostly supply their own resources, teachers mostly do their own photocopying, goodness knows where. (Respondent 11)

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Some community organizations said that in seeking community funds to meet the needs of refugees on TPVs, this needed to be distanced from popular debate demonising refugees:

When I went out to get the cheque last week to [community organisation] and on the program, the guy who was putting the program together said he'd actually been asked to take asylum seekers off the statement of where that money was going to. So they did not want to say it was going to (organisation) English language classes for asylum seeker families even though they'd agreed to give us the funding for that. So even there it was still political enough that this committee of (organisation) in the areas had said 'don't put asylum seekers on the program' and he said 'No I won't do that, I want it to still say that'. So it is political even at that level. (Respondent 6)

Overwhelmingly, service providers said that the limited application of the TPV funding regime, or its effective subversion, still leaves a short term service delivery which raised questions about the enduring impact of the services rendered:

The most negative aspect is still the lack of resources in the system. While we have a good model and a good service here because we can do a lot of things, there's still a lack of services. We face the same issues as lots of other service providers do in that once we've worked with a client where do we go from there? (Respondent 9)

14. Surveillance

Surveillance by the government and by other service providers emerged as a key concern for a majority of service providers. Surveillance between organisations involved in refugee settlement was a crucial concern in how workers experienced the implementation of the TPV regime.

14.1 *Surveillance between organisations*

Inter-organisational surveillance raised significant moral and professional difficulties for service providers. Organisations expected governmental surveillance of their service provision in relation to refugees on TPVs. Indeed, they recognised the so called success of the government policy as being dependent upon its careful monitoring of community organisations. However, workers did not expect and were often confounded by the significant levels of inter-organisational surveillance that sought to delimit their service provision.

One settlement service provider recounted her experience when she went to visit a refugee on a temporary protection visa to assist with providing goods and services they needed.

Respondent 1.1: I said 'can I come around and visit you and see what the situation is?' I went out to visit him and mind you, and I'll tell you why I went to visit him and it was stark naked, there was absolutely nothing there. I mean this guy was genuine. So I had called a service.

Interviewer: Did they have a table or anything?

Respondent 1.1: No nothing. The family had scraped through enough money to buy him a fridge... I rang a service, now this is a charitable organisation. I'm not kidding I was on the phone for an hour with her being literally asked 101 questions and quizzed on their genuineness, whether they were genuine or not?

Interviewer: Genuine in what sense?

Respondent 1.1: Is this a genuine family, are they genuine TPVs, are they genuinely in need. Because what she was alluding to and what she was saying was that a lot of people are taking advantage of charities, particularly with people who were saying they were on Temporary Protection Visas were taking advantage of charities and were going out and selling the goods and she was not prepared to take this any further unless 'I' read the visa, which I did. And she said 'make sure it's stamped and make sure it's signed and make sure it's a legitimate visa and it's not forged'. And then she said 'you have to go out and visit this family and make sure that it's empty, that there's nothing there' and I said 'okay, okay.

Interviewer: And she was another service provider?

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Part D Findings: Settlement Service Providers

Respondent 1.1: Exactly, exactly. And I felt sorry because these people were sitting in the room as I was talking to this lady and being asked this whole being bombarded with all these questions. And I just explained to them in the most subtle way: 'this lady is concerned, maybe something has happened and she just wants to determined if you are genuine. Do you mind if I go over and visit your family and see what the situation is?' I was in shock, personally that was a shock because I've been in welfare and never seen a house so bare in my life. (Respondent 1.1)

Respondents commented on the lack of honest and open communication between organisations about what services they are and are not providing to refugees on TPVs. The withholding of information was not only frustrating for individual workers but also frustrating to the effective delivery of services to all TPV holders. It also leaves the community response to refugees on temporary protection visas highly individualised.

Respondent 1.1: This is one of the things I find frustrating is a lack of honest and open communication, really you don't get a straight answer.

Respondent 1.2: It's like when you raise TPV with service providers it's like hush hush 'yes, but you know we won't tell everybody, it's just between you and I. It was like whatever I did with my training at the end of the day was up to me, and as far as she was concerned she turned a blind eye.

Respondent 1.1 Just playing dumb deliberately. If we don't know then we're not liable and we're not doing anything wrong. It's a way of sidestepping the issue isn't it? And it's all about accountability at the end of the day. How can you be accountable if you didn't know?

Funding restrictions were considered to inform and promote gatekeeping functions by community organisations over other community organisations:

The other thing that's really insidious about people working against policy or within policy of their government departments, state or federal, or non government agencies is that the gatekeeper themselves have an opinion as to whether these people are deserving or not. So you could have a TAFE where the gatekeeper says 'well no I agree with the government line, so I'm not giving you that' and this was your TAFE. (Respondent 3.9)

Some respondents recorded that the role of other organisations if not gate keeping, was at least unhelpful and difficult:

Respondent 5.2 I went down to Centrelink to get some forms, some authentic forms that we could present to our students.

Respondent 5.1: To practice on.

Respondent 5.2: For them to fill in. Well they were not very respectful. And I also rang TAFE to make some inquiries about lessons for students and whether they were eligible to enrol at TAFE. And the conversation went quite well until I mentioned that these were people on Temporary Protection Visas and the whole tone of conversation changes and the lady at the other end was very rude and abrupt and that was it but there were times that I had to approach. ...

Respondent 5.1: It's not done officially but I think it depends on the person at the particular TAFE and whether they want them to come or not.

This kind of frustration with the enactment of the policy cannot be divorced from the broader context in which refugee policy generally was being implemented:

It has happened to me once or twice that when I've gone to refer people that the person I was referring to said 'oh them!', that sort of attitude. The referral wasn't refused because in the end it is a health profession and people do act professionally and try and treat whatever the existing health thing is but it was more that emotional reaction that makes it difficult for the staff working in these sort of services. I know when the Tampa issue happened it was very difficult for all the staff here. (Respondent 8)

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The kinds of inter organisational surveillance noted above was sometimes augmented by intra-organisational surveillance:

English classes were running before the TPVs came and they were part of women's group so that kind of expanded to English classes for TPV holders and our class are not really run by (organisation) staff, they are run by volunteers. Probably there was a loop-hole for that. So we do not directly get kind of wrapped on the knuckles for it but I do believe that there were comments passed about our openly advertising these classes at (organisation). There were comments that 'you shouldn't openly be saying that we're running English classes for TPV holders in terms of how we advertise.' (Respondent 7)

14.2 Surveillance by government

The complex and varied negotiations undertaken by service providers in order to move around the TPV regime is always undertaken in light of the potential impact of close Commonwealth and state government surveillance.

Respondent 17: Some states are willing [to pick up health services usually funded by the Clth] because they see the need
Interviewer: But New South Wales is fairly reluctant to do anything
Respondent 17: I'm saying too much but yes.
Interviewer: Potentially are they going to say...
Respondent 17: I don't think so, I think that sort of negotiation goes on at a local level and arrangements are made where they can so I don't think there's any ... I don't think that state health would direct their services to not provide certain services. I hope that they would attack it in the other direction, the supply side and attack the Commonwealth in other words and raise it that way...But it is a possibility that there could be some implications like that, that's been a concern is with asylum seekers who don't have Medicare at all which is much more of an issue in terms of cost. Because the fact that TPV holders have access to Medicare means that the state government's pretty happy because most of their cases are met under that system. But for asylum seekers there's been concerns about flagging that too much because of the fact that there are certain arrangements in place now that's getting people care. We don't want to highlight those too much because they may get impinged upon.

Commonwealth surveillance of the TPV regime has been direct and acute:

DIMIA came and briefed them as to what TPVs are eligible for and what they are not "somebody from DIMIA came out and gave us information session about different categories and entitlements". (Respondent 1.1)

Commonwealth surveillance is also experienced as covert:

Respondent 1.1: We've had discussions with some TAFE folk around to the effect that if we did run a program and if we were to include people we could probably slot in one or two people on a temporary protection visa but that would be about it. What TAFE's concern was that because DIMIA accesses their computers and can run spot checks at night and if they enrol the person, they have to justify why they had a TPV in a class room, in a resident's room. So that's why they are roo reluctant to engage us in running classes exclusively for TPVs. She was very much against that but she didn't exclude us from perhaps slotting in one or two of them into some classes and again they have to pay, it wasn't free, there was a cost attached.
Respondent 1.2: I would quote a phrase said by one of the very respectful teachers from TAFE She's very committed to the community, she's very committed to TPVs but she said that 'computers are talking to each other at night'.

Such surveillance is experienced as punitive and repressive and is directly linked to the destabilisation and defunding of the community sector involved in refugee settlement:

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Respondent 3.4: We've been running computer classes and the word has gone back to DIMIA, that they monitor the information sessions, so what we've been told is that 'you must now specify in your information sessions that TPVs are not welcome, that this is only for permanent residents. And I actually refuse to do that. I actually said that 'look I can't, when people are coming to information sessions I'm not going to open everybody's visas and ask you know "are you a permanent resident?". Well then they told me that I should not look at those communities which are Iraqi and Afghani and I said 'how can you not look at them?'

Respondent 3.1 The management of this thing takes more work and more resources... the books are there, the lights are on all day... It's not an issue of money and resources. It's an issue of making the point that these services shouldn't help these really nasty people called TPVs.

Respondent 3.3 It's the government bullying agencies. .. We've seen the example of the Tampa affair where they were influencing the media, they were bullying everybody about what they could say and what they couldn't say. The bureaucracy, they were covering up and they were doing the same one step further in the community sector by the community sector saying 'well yes we are an independent management committee but we do annoy the government to the point where they will defund' and they've threatened.

15. Public Debate

The impact of the media on the work of settlement service providers working with refugees on temporary protection is significant.

We've had a few panics at times of rumours of great hostility. I got a story from a very reliable source who said 'look I was talking to this bloke from... over the weekend, he seems a sensible young fellow, and the story is that these Afghans have been delighted about the Bali bombing and unless something's done we walk out on Monday'. And I thought God help us, you know. So I was ringing around this person and that person, the union rep and god knows who else... Apparently there was some late night talk shows, you know the shock jocks, with the local shock jocks where the same thing came through. Now when you start researching it, you can't find any substance to it. (Respondent 15).

Settlement service workers have not only had to negotiate their own roles in relation to public opinion that runs against them, but have also needed to directly tackle the effect of negative media representations with refugees when they are able to access services.

Respondent 2.1 I guess we've had to do a bit of debriefing and a bit of psycho-education with them as well, they might choose stuff in the media and I've even heard one guy come in and call himself an illegal and things like that.

Respondent 2.2: They come angry and frustrated so we have to deal with that.

Regionally based service providers routinely noted the importance of a local press committed to harmonious community relations and positive media representation. Overall respondents noted that their work in relation to refugees on TPVs exists as a consequence of the systematic demonisation and criminalisation of refugees in public debate.

If it wasn't for the political and media rhetoric I probably wouldn't have any work. ... If they were portrayed [as people] from the beginning... Truthfully I wouldn't be doing any of this. There would be no need. They would have been given some kind of decent protection on arrival, from the beginning. They'd be in the community, they'd be provided for in some way. They may not be provided for in exactly the same as the people in the queue but we would have looked after them as a country, we would have felt like looking after them. (Respondent 11)

Overall, practitioners all reported that the treatment of refugees on TPVs cannot be understood outside of media and public debate in which refugees on TPVs have been reduced to a singular Muslim identity and during some periods reduced to a criminal or terrorist identity. All respondents reflected on how such reductive and demonising debate made the entire field so much more difficult to work within.

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16. Summary

The Temporary Protection Visa regime has had a profound impact on the provision of services to refugees in New South Wales. Both city and regional areas have been forced to confront a suite of issues that challenge the conventional way non-government organizations have sought to assist refugees. For many this has required a significant shift in the practice of their work. Regional areas have struggled with the implementation of this specific regime in areas with poor social service infrastructure for refugees and migrants. Settlement service providers have had to sacrifice relationships with government and other organizations in order to meet the needs of refugees on TPVs with significant personal, organization and societal consequences.

Part E: Recommendations

1. **Abolition of the TPV** – The justification for the creation and retention of the Temporary Protection Visa is its supposed value as a deterrent to prospective unauthorised arrivals. However, the Federal Government has not shown a direct link between the introduction of the Temporary Protection Visa and the deterrence of refugees arriving by boat. According to the only current measure of the success of deterrence policies – DIMIA’s figures - the numbers of unauthorised arrivals coming to Australia continued to increase following the introduction of the TPV¹. The Federal Government is yet to show how the TPV is necessary to maintaining “border protection”, it instead simply assumes that the policy achieves its aim. Arguably, however, any deterrent “benefit” arising from the policy would not outweigh the harm caused by it, in particular the creation of a sense of personal uncertainty which cripples the TPV holder in recovering from trauma and integrating into society. The TPV should be recognised as a purely punitive policy affecting a vulnerable and traumatised population; while being detrimental to those who are subjected to it, it holds no benefit for the rest of the community. In the absence of the Federal Government abolishing the policy, we would make the following recommendations:
2. **That the NSW Government follow the example of its counterparts in other states in allowing TPVs access to the same level of services currently available to those on PPVs**
3. **That the Federal Government recognise that the acquisition of sufficient English is an occupational health and safety issue** and given the TPV holder’s experience of discrimination and exploitation in the workplace, acquiring English is also important in terms of anti-discrimination legislation and labour laws. Thus it is recommended that TPV holders should be granted access to government funded English language instruction.

¹ Department of Immigration, Multicultural and Indigenous Affairs, 2003 (update from 15 September), *Fact Sheet 74a. Boat Arrival Details*, www.immi.gov.au/facts/74a_boatarrivals.htm

4. **Addressing vicarious trauma and stress in service providers** – While we acknowledge the continued efforts of STARTTS in particular in addressing the issue of vicarious trauma amongst those working with TPV holders, our research identified certain issues that appear to be unaddressed. We encountered rural service providers experiencing high levels of stress and in particular rural volunteers who were reluctant to acknowledge any need for training in this area. Some city providers and in particular mental health workers also spoke of their sense of hopelessness, frustration and predicted their impending burnout. There is a need for continued training and education across the sector on self-care issues and awareness of vicarious trauma.
5. **Greater assistance to schools and school students** – There is scope for better coordination and information sharing between service providers and high schools with large numbers of TPV students. It appears that some schools may have minimal contact with the “network” of refugee service providers; in Sydney this highly coordinated network includes welfare and health organisations, legal and political lobbying groups. There was a sense that this network could be better utilised by schools who are heavily involved in providing for the basic needs of their students and lobbying on their behalf.
6. **Coordinated approach to English language provision** – Given the common problems and experiences faced by English language tutors in the city and the high level of coordination between city service providers it is difficult to understand why English language tutors have not taken a more coordinated approach. Tutors could coordinate to swap or share resources, especially given the lack of funding in the sector and the fact that all of those interviewed “started from scratch” and typically wrote their own syllabi. In regards to the student attendance problems experienced by tutors in the city, tutors might also coordinate to try and understand this common problem.
7. **Improvement in information sharing between organisations** – the general confusion about TAFE and the entitlements of TPV holders to interpreting services are examples of a break down in the communication links between service providers. While numerous forums and meetings exist, especially in the city, where service providers exchange information, there are evidently still problems with information sharing between service providers which need to be addressed. It is important that service providers examine the “hush, hush” culture that may have arisen in the sector, where there is at least a perception that information is only exchanged amongst a select group of service providers.
8. **Universities take a coordinated approach to assisting TPV holders to access tertiary education**
9. **Fostering of relationship between city and country service providers and volunteers** – It is recommended that Charles Sturt University participate in facilitating the further development of relationships between city refugee service providers and their country counterparts. While in the last few months the two sides have sought to improve their links, there is scope to develop these relationships further.

Part F: References

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