Asylum seekers and the dignity of work

Peter Mares

My interview with Mr Syed did not get off to a great start. We’d arranged to meet at the Dandenong library – part of the city council building, a huge, bright orange edifice in the redeveloped heart of Dandenong in Melbourne’s southeast.

I was early and kept a close watch on the library’s sliding doors as rain showers blew across the civic plaza outside. Various men who might conceivably have been asylum seekers from the subcontinent came and went but none of them proved to be Mr Syed.

Just as I was about to call him, Mr Syed sent me a text. “I’m waiting at Dandenong library,” it read. “But it has moved from here and closed.”

The new library, I belatedly discovered, had only just opened. Mr Syed was familiar with the old one, near the market where he does his shopping. I eventually found him about fifteen minutes later. I felt bad about a misunderstanding that had caused him to wait so long in the cold, but perhaps it made it a little easier for us to start talking.

Rather than sit down immediately – two strangers across a table discussing painful and personal issues – we took advantage of a break in the weather to walk briskly back to the new library to retrieve the umbrella that I had left behind there. (It was only a $2-shop job and I might not have bothered, but Mr Syed insisted. It was a measure of our different circumstances.)

We talked as we walked, Mr Syed sketching the broad outlines of his life in Australia so far – arrival by boat from Indonesia in October 2012, held in a Darwin detention centre for seventy days, released into the community on a Bridging Visa E. In some ways Mr Syed is lucky. He did not get sent to detention in Manus or Nauru. In other ways, he lucked out. Like other asylum seekers who reached Australia by sea after 13 August 2012, Mr Syed’s bridging visa denies him the right to work.

By the time we meet he has spent almost eighteen months living on a government payment of about $221 per week – equivalent to 89% of the Centrelink Special Benefit. Using standard OECD measures, the Australian Council of Social Services calculates that the poverty line is $358 per week for a single adult. It says anything below this “equates to a very austere living standard”.

After paying rent in a house shared with up to eight people, Mr Syed is left with less than $20 per day to cover all his other expenses. Somehow he manages to make the money stretch, to keep himself fed and clothed. The United Nations High Commission for Refugees (UNHCR) has found that some asylum seekers on bridging visas in Australia get by on one meal a day, and will go without food in order to buy phone credit so they can keep in touch with family overseas. Mr Syed can supplement his income with vouchers and donations from charities like the Salvation Army, he even manages to set aside some money to send home to his wife and children. Living below the poverty line is very difficult, but it is not his biggest concern.

The more important issue for Mr Syed is that he is denied the right to contribute. He is a man with a strong work ethic and a strong sense of personal responsibility. The experience of being forced to do nothing and rely on handouts is eating away at his soul. “We feel ourselves like a beggar here,” he says. “This is a poison, really a poison for the life of a person.”

No advantage

The denial of work rights to asylum seekers living in the community was part of the Gillard government’s response to the 2012 Expert Panel on Asylum Seekers chaired by General Angus Houston – even though the
panel’s report made no such recommendation. What the panel did recommend was ‘the application of a “no advantage” principle to ensure that no benefit is gained through circumventing regular migration arrangements.’ According to then Immigration Minister Chris Bowen, this “underlying principle” was “the most important recommendation of the Houston Expert Panel”. Preventing asylum seekers from working was, he said, “consistent” with the “no advantage” concept.

Mr Syed is one of thousands of asylum seekers affected by this policy – although exact numbers are hard to come by. According to monthly reports on the Immigration department website, in April 2014 there were 24,273 asylum seekers living in the community on bridging visas. Consistent with the lack of transparency that has characterised the administration of Minister Scott Morrison, however, the department could not or would not tell me how many of them had work rights. The terse reply to my emailed inquiry was that the overall bridging visa statistics on the website were “all that is currently available”.

Labor Senator Kim Carr had more success in getting data when he put a question at Senate Estimates in February 2014. At that time there were 19,353 asylum seekers living in the community without work rights. (Another 3000 or so asylum seekers live in community detention, confined to a particular, designated residence. They are not allowed to work either.)

Most of them, like Mr Syed, have been in this situation for more than a year and there is no prospect of anything changing quickly given current policy settings and the immigration department’s processing backlog. As Curtin University researchers Lisa Hartley and Caroline Fleay comment in their February 2014 study Policy as Punishment:

“It is likely that asylum seekers living in the community will face months if not several years without the right to work while they wait for their refugee claims to be finalised.’

At a rough estimate, and without accounting for administrative expenses, the cost of providing 89% of the Centrelink benefit to 19,000 asylum seekers runs to more than A$4 million per week. Even if only half of them managed to find jobs, granting these asylum seekers work rights could save taxpayers more than A$100 million per year. In addition, those who did find work would be contributing to government revenue by paying taxes and would become less frequent users of other government services, including Medicare.

To deny the right to work is to deny a fundamental source of human dignity. Work contributes to a sense of self worth that is essential to well-being. It can be a vital coping mechanism, particularly for people who have suffered trauma and upheaval. That is one of the reasons why the right to work is enshrined in international treaties that Australia has ratified, including the Refugee Convention and the International Covenant on Economic, Social and Cultural Rights. To deny asylum seekers the right to work is to put their mental and physical health at risk. The human and financial costs of such a policy could be very great indeed.

Mr Peter, Mr Syed

Our conversation is polite, almost formal. He calls me Mr Peter. I call him Mr Syed, although he insists that I use his full name for this article and writes it down for me in an elegant cursive Syed Ejaz Hussain Zaidi. He is a dignified man, educated and softly spoken, but I sense that Mr Syed is under extreme pressure and at times he struggles to maintain his composure. As we sit drinking coffee he explains why he made the difficult decision to come to Australia, leaving behind his wife and five children, aged between four and eighteen. ‘I don’t know whether I did right or wrong,’ he worries. ‘Was it a correct decision or a silly mistake?’

Mr Syed is from Quetta, the capital of Pakistan’s Balochistan province that borders Iran and Afghanistan. He is a member of the minority Hazara community, Shia Muslims in a predominantly Sunni country. “I had a good life in my city,” he says. “I earned a good salary and had a small business on the side. I was such a successful person there.”
Mr Syed worked in the regional office of a Pakistan government department. He was the only Hazara amongst the staff in his section. When five strangers came asking for him in August 2012, but refusing to say what they wanted, Mr Syed’s colleagues were alarmed. They rang him and warned him not to come to work. After receiving death threats by phone and text, Mr Syed went into hiding and then fled the country. I ask why he chose to seek haven in Australia, rather than some other place.

"Because it was easier and cheaper than Europe," he says. "At that time Australia was a leading country, welcoming refugees and giving them shelter. I was thinking about the future of my children and thinking about the future of my own life." At that time too, record numbers of asylum seekers were reaching Australia by boat and the Gillard government was desperately casting around for ways to deter them. Mr Syed hopes his family can keep themselves relatively safe in Quetta secluded in the predominantly Hazara suburb where they live. To travel outside that enclave is to take a grave risk. This is consistent with independent reports on the situation in the city. The Human Rights Commission of Pakistan says the city’s Hazaras "have retreated to just a couple of localities in Quetta to avoid being targeted".

Amnesty International says “routine targeted killings” are part of "a long line of brazen attacks against Quetta’s Shia population". In two incidents in September 2012, shortly after Mr Syed stopped going to his office, men armed with rocket launchers and Kalashnikovs halted buses, hauled off all the Hazara men on board, and killed them. (Hazaras are generally easily identified by their East Asian appearance.) On at least two occasions, university buses carrying Hazara students to their studies have been targeted for bomb attacks.

The Sunni extremist group Lashkar-e-Jhangvi often openly admits its role in the violence and has issued public warnings to Hazara Shias to leave Quetta or be killed:

> "It is our religious duty to kill all Shias, and to cleanse Pakistan of this impure nation… in all of Pakistan, especially Quetta, we will continue our successful jihad against the Shia Hazara and Pakistan will become a graveyard for them."

Despite such evidence, Lashkar-e-Jhangvi appears to operate with impunity. In January 2013 a double bombing in Quetta killed almost a hundred people, mostly Hazaras. In protest at authorities’ failure to protect them, the community refused to bury their dead. In sub-zero temperatures they staged a three-day sit-in beside the bodies of their loved ones.

In the face of such atrocities, it is hardly surprising that Hazaras in Quetta might be drawn to the promises made by smugglers, or that the danger of trying to reach Australia by boat may seem like a risk worth taking. In 2010, a suicide bomber killed more than 70 people at a Shia Muslim rally in Quetta. In news photographs of the aftermath, a large billboard warning against travelling to Australia by boat is clearly visible in the background.

A generous community

A couple of years ago I worked on a research project mapping the spatial distribution of inequality in Australian cities over time. In our coloured maps of Melbourne, Dandenong consistently showed up us one of the darkest or lightest shaded areas, revealing high levels of disadvantage. At the 2011 Census, the unemployment rate was 3.3% higher than the national average and median household weekly incomes $281 lower. Dandenong had a higher than average proportion of single parent families and lower than average levels of educational achievement. Looking back across five census periods, the same patterns appeared. Disadvantage in Dandenong appears to be entrenched and persistent. On paper it is not the kind of place that you would expect to cope particularly well with an influx of thousands of asylum seekers who have no choice but to live in poverty and to rely on welfare and the goodwill of strangers because government rules have forced them into unemployment.

Yet by and large, the local community has responded with generosity. There are thought to be around three thousand asylum seekers on bridging visas living in and around the Dandenong area. The largest groups are
Hazaras from Afghanistan and Pakistan, Tamils from Sri Lanka, and Iranians, although there are many people from other backgrounds as well. “Considering the number of clients here, there have not been many issues,” one local service provider tells me.

Perhaps it is because the people of Dandenong are not fazed by difference and know what it means to try to rebuild a life in a new land. According to the last census, fewer than four in ten Dandenong residents were born in Australia, compared to an average of close to seven in ten for the Australian population overall. More than 60% of households in Dandenong speak two or more languages at home, compared to only 20% nationally.

The federal government funds organisations like AMES and the Red Cross to provide transitional services to asylum seekers on bridging visas after their release from detention, including initial accommodation assistance and a limited number of English language classes (usually three two-hour classes per week). The funding for these services runs out after six weeks, however, long before clients’ basic needs are met. While funding may be extended for asylum seekers who are assessed as particularly vulnerable (due to factors such as age, health or trauma), in reality agency case workers continue to offer support to all comers for as long as it is needed, which could be months or even years.

Case workers stretch themselves to cover the gap in resources and call on volunteers to help out with such things as English tutoring or donations of essential goods like clothing or prams or fridges. AMES and the Red Cross also refer asylum seekers to local charities like the Salvation Army or the St Vincent de Paul Society and work with other community groups to develop free activities. Around Dandenong there are regular cricket or soccer matches, bicycle maintenance workshops, sewing groups, cooking classes, gym access and swimming lessons on offer to asylum seekers. I hear about one man – “a shy, normal Aussie bloke” – who takes two asylum seekers to a game at Docklands Stadium each week to introduce them to the delights of AFL.

The work with asylum seekers in Dandenong goes well beyond the not-for-profit sector to involve local government, local businesses, the police and ordinary citizens. I’m told that local schools “bend over backwards” to help integrate the children of asylum seekers into classrooms; that the library is very welcoming; that real estate agents – often themselves of migrant or refugee background – can be very generous in finding rental accommodation, despite the fact that asylum seekers have no rental history and no credit history.

In a relatively disadvantaged area like Dandenong, this puts additional strain on already scarce resources. Despite the best efforts of many local agencies and individuals, there are problems.

In an assessment of the gaps in Australia’s protection system, the UNHCR found that asylum seekers in the community often struggle to find accommodation because they are seen as high risk: agents looking to set up long term lease agreements are reluctant to sign tenants on short term visas. Some landlords around Dandenong are exploiting the situation by crowding asylum seekers in together and charging rent per head, rather than rent for a property as a whole. Charging six people individual rents can double the return on a three-bedroom house that would normally let at $300 per week.

Asylum seekers on bridging visas are competing for a limited range of houses at the lower end of the rental market. In a report on its emergency relief program, Uniting Care notes that asylum seekers often end up in low-quality accommodation with inefficient heating and hot water systems and poorly maintained plumbing. As a result, they can find themselves in financial difficulties when they are hit with unexpectedly high water and electricity bills.

The UNHCR also reports of asylum seekers working, despite the restriction on their visas, and getting exploited as a result of their vulnerability: ‘not being paid, working long hours for a meager wage and having no recourse to remedy these experiences due to fear of being found out.’

Local community workers know this kind of exploitation goes on in Dandenong, but as one person put it to me, “there is stuff-all we can do about it or will do about it.” As another said, “you can’t tell someone to quit a job paying $10 an hour.” To report the situation would be to put asylum seekers at risk of being sent back to detention, potentially on Nauru or Manus, for working in breach of their visa conditions. A job, even a badly paid job, not only helps asylum seekers put food on the table and pay the rent, it also keeps them occupied, gives
them something to do, helps them to stop thinking.

Overall though, the view I hear repeatedly in Dandenong is that the community response to asylum seekers has been remarkable.

As the resident of a more affluent part of Melbourne, Rosa Misitano admits that she had some stereotypical views of Dandenong before she came to work in the suburb. Now she holds the area in very high regard. “It is very, very welcoming,” she says. “I often get to see the nice side of humanity.”

Six years ago, dissatisfied with her career in the mining industry, Misitano went back to study, completing a Masters of Education and a Graduate Certificate to qualify as a careers adviser. In the process of retraining she discovered volunteering and an absolute passion to help others to be their best. “I can use my business experience to do that,” she says.

Misitano has been the manager of the Dandenong branch of the Asylum Seeker Resource Centre since it opened in September 2013. The Centre operates from Monday to Wednesday out of a two-storey shopfront on the main street and is financed entirely by donations. A team of 35 volunteers provide employment services and eighteen two-hour English language classes per week. When I visit in mid April, the teacher of the more advanced group is sharing a recipe for Anzac biscuits.

The Centre has considerable success in finding jobs for those asylum seekers who do have work rights, despite their diverse backgrounds. “We’ve had prawn farmers, archaeologists, metallurgists and teachers,” says Misitano. The Centre helps asylum seekers with basic skills, including CV writing; provides some occupational health and safety training and offers instruction on Australian workplace culture, such as advice about making eye contact, or about how to respond to an invitation to Friday night drinks if you do not drink alcohol.

Expectations on the participants are high. “We’re tough,” says Misitano. “They have to apply for 20 jobs per week. They have to get into the habits that they will need in the workforce.” The Centre has helped asylum seekers get jobs at many different businesses including a fertiliser factory, a rose farm and a Toyota dealership.

Misitano sees how work can change lives. She tells the story of a young Afghan asylum seeker who insisted on treating her to coffee and cake after getting his first pay. The young man had been distraught when he first came to the Centre, because he felt that he had to lie about his circumstances when he spoke to his mother on the phone. Now, for the first time in months, he was comfortable calling home, because he knew would soon be able to send money back to his family. Misitano is upset, however, that she can’t do more to ease the distress of asylum seekers without work rights. “They come to me and say: I need something to do. It gets dark. It gets me sad,” she says.

Staff I speak to at other community services in Dandenong echo this view. (Some prefer not to give their names because they work for organisations in receipt of government funding.) “They’re in limbo, they can’t move on in life,” says one. “It’s a mental health issue and their physical health deteriorates as a result. Over time we’re seeing many more incidents of self harming.”

“Would granting work rights make a difference?” I ask. “It would make a massive difference,” comes the answer.

Evidence gathered by the UNHCR reveals that many asylum seekers find it “shameful and demoralising” to rely on handouts rather than working. Denial of work rights prevents them having meaningful engagement with the community and adds to a sense of hopelessness and social isolation. The prolonged lack of purpose can be “devastating for drive, meaning, purpose and mental health”.

Roslyn Leary is the local manager of the Victorian Foundation for Survivors of Torture – more commonly known as Foundation House – which provides support to people who have been subjected to torture and trauma. In the current circumstances, she says, the agency has had to re-think the way it works with asylum seekers. “The basis of trauma work is that a person has to feel safe,” she says. “With asylum seekers who fear deportation, who fear being put back into detention, who cannot work and establish a new life, the principles of trauma work have been pulled out from under us.”
Leary describes much of the work with asylum seekers as “symptom reduction” – attempting to alleviate high levels of anxiety, depression and suicidal ideation. “Sometimes it feels as if we have had another good day at work because nobody has killed themselves,” she says.

Leary has spent time on the frontline of the global refugee crisis, working as a refugee determination officer with the UNHCR in Egypt, deciding about who will and who will not be granted the agency’s protection. Despite the much greater resources and support available to asylum seekers in Australia, in some respects, she says – particularly the denial of work rights – the situation for them here is worse.

“In Egypt, asylum seekers were not supposed to work either,” she says. “But there is a big black market economy. Many could at least find some sort of job and feel like they are functioning as a human being. That aids people’s sense of dignity.” Here the lack of meaningful activity means “endless days, boredom, frustration and anger”. Many asylum seekers have already spent a long time in transit countries or in detention centres. With nothing to do, they can’t help but think about those wasted years. “It has an extremely damaging impact on people’s sense of self,” says Leary.

‘We are in depression’

When I ask Mr Syed how he spends his days, he replies, “I am walking around the streets like a mad person. We have no access to the social benefit of life. We do not have anything to do. We are in depression.”

For a brief period, Mr Syed volunteered gift-wrapping Christmas presents at Myer, with customers donating money to charity in return for the service. About 50 asylum seekers took part in a project that raised almost $70,000 for Vision Australia. Mr Syed says it helped to be busy. “It has a good psychological effect on you.”

Asylum seekers show great interest in volunteering and in April 2014 an audit by AMES concluded that as many as four hundred asylum seekers in Melbourne had volunteered in some capacity in the previous 12 months. Organising such opportunities is far from straightforward, however. Language can be a barrier, as can police checks or working with children certificates. And the federal government has put strict but opaque rules in place, limiting volunteering to not-for-profit or local government organisations that already have a volunteer program and to activities that will “benefit the community”. Asylum seekers are not to receive any cash or in kind benefits in return for their time and cannot be engaged in any activity that might “otherwise be undertaken in return for wages by Australian resident”.

Nor can asylum seekers study – unless of course they can afford the full, up-front fees that are charged to international students.

“We are keen to work,” says Mr Syed. “We want to be part of the society. We want to contribute our services. We don’t want to be a burden.” He is completely mystified as to why the government would give him money and refuse to let him pay his own way. “Why are they doing this?” he asks me. I explain about the perception that asylum seekers are economic migrants rather than refugees, drawn to Australia by the attraction of better jobs at higher wages.

“I did not come here for financial benefit,” he insists. “I came here to get a secure life for my family.” I say that perhaps there is another reason too, that the government is probably hoping that Mr Syed and other asylum seekers will give up and go home.

Roslyn Leary from Foundation House puts it this way: “The message from the government is very clear: because you came ‘illegally’ you cannot participate in any way in our community. The overall intention is to drive people out, to get them to give up and go home.” Leary says some people are returning: “People who feel they have to go back to see family, even if they die.”

Returning to Quetta is an option that must have crossed Mr Syed’s mind: “I can’t tell you how my children are getting upset mentally. Every time I speak to them on Skype they ask me ‘when will we be with you?’ What should I answer? I can only say, it is only God who knows. I am reaching the stage when I cannot face my family any more.”
After more than eighteen months in Australia, immigration department officials have not yet interviewed Mr Syed about his application for a protection visa. His original six-month bridging visa expired long ago and has not yet been renewed, rendering him technically unlawful. According to information provided to Senate Estimates, in February 2014 Mr Syed was one of almost 12,000 asylum seekers in the community whose bridging visas had “ceased”. For some (though not Mr Syed) this has created serious difficulties in accessing health services, because without a valid visa they were unable to renew their Medicare cards.

The department had suspended bridging visa renewals “pending finalisation of legislative and administrative arrangements” for Minister Scott Morrison’s Code of Behaviour. Now the code is in place, asylum seekers must undertake not to “engage in any antisocial or disruptive activities that are inconsiderate, disrespectful or threaten the peaceful enjoyment of other members of the community” in order to renew their visa. The Minister insists that the code is necessary to “protect” the Australian community. Asylum seekers who breach it risk detention on Manus or Nauru.

When Mr Syed does eventually get to argue his case for protection, he may have to do so without professional advice because the federal government has withdrawn funding for legal assistance for asylum seekers. Mr Syed knows that if he is recognised as a refugee, he is only likely to be granted a three-year “humanitarian concern” visa, a reincarnation of the temporary protection visas introduced by John Howard. The Senate has twice disallowed the reintroduction of temporary protection visas, but the Immigration Minister is determined to bring them back.

If Mr Syed were to go home to Quetta, despite the risks he faces there, the government would mark him down as a voluntary return. In reality, he would have been forced into that decision by the denial of any other option. “I would prefer to live in hell with my family than to live in heaven without them,” he says. “I do not want to die alone. I want to die with my family.”

Mr Syed puts his head in his hands. Rubs his eyes. I look away and stare through the window at the rain outside.

Recently I witnessed Julie Bishop giving a leadership talk to a group of undergraduates. When one of the students asked what was the biggest challenge facing the world today, the Foreign Minister nominated “constraints on freedom” and “the movement away from democracy” in many parts of the world. She gave the example of Syria as a place where people lack freedom of choice, freedom of speech and the freedom to make decisions for themselves.

It was not my place to ask a question at the gathering but I was silently hoping the students would ask about many of the asylum seekers locked up on Manus or Nauru or Christmas Island: individuals, who, denied freedom in Syria or other similarly troubled places, had exercised what little choice was available to them to seek a better life for themselves and their families.

When the Minister went on to say that she had joined the Liberal Party because it champions self-reliance, reward for effort and hard work, my thoughts turned immediately to Mr Syed, a man who desperately desires to be self-reliant but is denied the right to be so; a man who would work hard at any job, no matter if the reward for his effort was small; a man who came to Australia to try to free his family from the kind of persecution that Julie Bishop abhors.

None of the students asked about the treatment of asylum seekers. If they had, she would no doubt have defended government policy on the basis of preventing the horror of deaths at sea, or by trumping the individual rights she had just championed with another set of rights, based on sovereignty and the democratically expressed desire of the Australian people for the government to control our borders.

Even if we grant the point that there are conflicting sets of ethical concerns at play in the asylum seeker issue, even if we were to go so far as to acknowledge that there may have been a case for using deterrence to “stop the boats” to save lives at sea, the soul-destroying treatment of Mr Syed and other asylum seekers and refugees can no longer be justified. No asylum seekers have made it to Australia by sea since December 2013. The Abbott government’s strategy of naval interception and of forcing people back to Indonesia in unsinkable, nausea-inducing orange lifeboats has proved to be an effective blockade. As long as the smugglers cannot
reach Australia, they have no service to sell to asylum seekers in Indonesia.

As Robert Manne has argued, this gives us an opportunity to help ‘save the lives of the tens of thousands of asylum seekers’ who are already Australia’s responsibility. There is no longer any reason to ‘send a message’ to potential boat people waiting in Indonesia or elsewhere by denying work rights or family reunion to people who arrived before that naval barrier was put in place.

There is no point in extending the suffering of those detained in Manus or Nauru or Christmas Island. Regardless of whether or not it was ever morally justifiable to damage the wellbeing of one group of asylum seekers in order to deter another group from making a similar journey – to use people as means, rather than treat them as ends – there is no longer any point to such punishment. It is just unconscionable cruelty.

*Peter Mare’s essay will be published in Griffith REVIEW: The Way We Work, available from August.*