The Centre

1. The International Refugee Protection Regim

*“In every aspect of our lives, in every step we make to improve our lives, we hit this solid wall, the wall that the Immigration Department has built to remind us that we’re punished” (Salim, cited in Leach & Mansouri, 2004, p. 83***).**

Traditionally, refugees who reach industrially developed countries receive permanent protection (Hoffmann, 2002, p. 5; RCOA, 2003; UNHCR, 2005a, p. 43).

programs targeted to refugees also prevent them from finding suitable employment (UNHCR, 1987, paragraphs 51-52). In Australia refugees with permanent protection have the same work rights as citizens, but refugees with temporary protection should be able to access rights outlined in the Refugee Convention. However, the purpose of the TPV is to deter others from coming to seek asylum (Hoffmann, 2002, pp. 7-8 & 13). The withholding of services providing information and assistance, and English tuition is supposed to make it difficult for them to establish themselves in Australia (Hoffmann, 2002, pp. 7-8 & 13).

Asylum Seekers in the community

"It is a very good country to live. There are very nice people, very peaceful. Only it hurts the way they're treating us. If I had work rights and a permanent place of residence, I would do my best for the country" (Asylum seeker from Sri Lanka, quoted in Brotherhood of St Laurence, 2002, p. 6).

Asylum seekers who enter Australia with a valid visa and successfully claim asylum are granted permanent protection entitling them to the same rights as resettled refugees, bar some initial refugee settlement services (DIMIA, 2003b; DIMIA, 2005e). They are not detained whilst their application is processed, which can take several years, and along with undocumented arrivals released from detention on health grounds, they receive a bridging visa (Hotham Mission, 2003, p. 4). Under the terms of this visa they are denied access to many rights and services and cannot access free English classes, settlement

(Hotham Mission) They are almost three times more likely to be male than resettled refugees, and the largest age group is made up of 20 to 40 year olds (DIMIAa).

UNHCR EXCOM conclusions are international soft law, signalling political commitments made by states (UNHCR, 2005c, p. 29). At the EXCOM meeting in 2002 the conclusion was passed by states, including Australia, that asylum seekers should be able to access governmental and non-governmental assistance to meet basic needs, such as food, clothing, accommodation, and health care (NCCA, 2005; UNHCR, 2002b, No. 93 (LIII) – 2002). Therefore, Australia has made a commitment to en

Table 3.1 The Rights and Entitlements of Refugees and Asylum Seekers in Australia

	Permanent Protection Visas (Entitlements of refugees granted a permanent protection visa offshore)	**Temporary Protection Visa (Entitlements of refugees arriving without visas after initial detention)**	**Bridging Visas (Entitlements of asylum seekers who cleared immigration and then claimed asylum)**
Commonwealth Income support	Immediate access to the full range of social security benefits	Accesss only to Special Benefit for which eligibility criteria apply. Work test imposed. Ineleigible for Newstart, Sickness Allowance, Parenting payment, Youth Allowance, Austudy	No access to any benefits from Centrelink. After waiting 6 months for a Primary Decision may qualify for Australian Red Cross' Asylum Seeker Assistance Scheme (ASAS) funded by DIMIA, receiving 89%

Australian refugee policy

630,000 refugees and humanitarian entrants have settled in Australia over the last 50 years (DIMIA, 2005c). In Australia refugee policy was part of immigration policy until the 1970's and displayed elements present in immigration policy such as utility, control and the White Australia policy (Neuman, 2004, p. 108, Jupp, 2002, pp. 13-19, 66-67, 180 & 182). Until 1972 refugees accepted to come to Australia were predominantly white Europeans, displaced as a result of the Second World War or fleeing communism (Jupp, 2002, p. 180). Their entry was tightly controlled by the Department of Immigration and the rationale for accepting them has included the need for population and labour in light of the decreasing availability of British immigrants (Jupp, 2002, pp. 12-13, 182 Neuman, 2004, p. 32). The Department of Immigration is still charged with coordinating the entry and settlement of refugees and refugee policy, but states that current policy is no longer influenced by the White Australia policy (DIMIA, 2002; DIMIA, 2005a; Neuman, 2004, p. 108). Multiculturalism replaced the White Australia policy in 1973 and the Government states that immigration policy is non-discriminatory (DIMIA, 2002, 2005a). Utility is met through the non-humanitarian migration program, as the majority of arrivals to Australia are now admitted on the basis of their ability to contribute to the Australian economy, rather than their family ties to Australia as before (DIMIA, 2005b; Mares, 2002, p. 102).

However, control over who comes to Australia as a refugee is still a feature (Neuman, 2004, p. 108). The offshore humanitarian program has a limited number of places every year, enabling the DIMIA to control which and how many refugees arrive (Jupp, 2002, p. 182). The Australian Government views onshore asylum seekers as a threat to their controlled program and Australian sovereignty, introducing a series of border control and reception measures to prevent and deter them from arriving, and controlling numbers by taking a place off the offshore program for every protection visa granted onshore (Brennan, 2003, pp. 5, 24-25, 46, 58-65 & pp. 84-118; DIMIA, 2003d; DIMIA, 2004c; DIMIA, 2003c; DIMIA, 2005d). As Hoffmann points out (2003, p. 17), the Government used border protection measures such as temporary protection to show that it was protecting Australia's sovereignty in the face of its support for economic globalisation, which was seen by sections of the electorate as a threat to Australian sovereignty. The

differing treatment of onshore and offshore refugees has produced several groups of refugees and asylum seekers with differing access to protection and rights.

trauma” (Colic-Peisker, 2003, pp. 13-14; Field observation). For many TPV holders, their perceived forced dependence on Centrelink payments constitutes a further threat to their identities and self-images of self-reliant and hard working people (Leach & Mansouri, 2004, p. 89). All of the service providers interviewed for this paper made the point, also supported in the literature, that employment was a prerequisite for participation in Australian society for refugees and asylum seekers, which is the crux of the settlement process (DIMIA, 2003e, p. 63; Service provider a, b & c; Leach & Mansouri, 2004, p. 89; UNHCR, 2002c, p. 173). c

with TPVs that have looked at employment (Barnes, 2003; Hoffmann, 2003; Hotham Mission, 2003; Job Futures, 2004; Leach & Mansouri, 2004; Mann, 2001).

Findings from these studies point to evidence of low participation rates, extremely high levels of unemployment, significant downward occupational mobility, labour market segmentation in low skill casual jobs and unfavourable working conditions for refugees in Australia. The LSIA found a participation rate of 50% for refugees who arrived between 1993 and 1995 eighteen months after arrival, this dropped to 28% for the second group, who arrived from 1999 to 2000 (DIMIA, 2003e, p. 67). This contrasts with participation rates of 73% and 77% for Iraqis and Afghanis respectively in Waxman's study, which were 10-14% higher than the Australian national rates for that year (Jamrozik, 2005, p. 155; Waxman, 2001, p. 487). Despite these high participation rates, Waxman (2001, p. 487) found an unemployment rate of 77% for the group of refugees from Afghanistan, Iraq and Bosnia, and the DIMIA survey showed unemployment rates of 43% after eighteen months for refugees who arrived between 1999 and 2000 (DIMIA, 2003e, p. 67).

DIMIA Community Information Summaries show that education and employment outcomes for overseas-born communities with high proportions of refugees have high unemployment rates, 46.9% for Somalia-born, 34.2% for Iraq-born and 16.8% for Bosnia-born (DIMIAb). Further data from Perth suggest unemployment rates of 32% and 38% for skilled African and Middle Eastern refugees respectively after an average on seven years in Australia (Colic-Peisker, 2005, p. 11.2773killed African (Colic-Peid

months after arrival, compared to 21% in their former country (DIMIA, 2003e, p. 69). Colic-Peisker and Tilbury (2005, p. 8) show that refugees from the Middle East, Ex-Yugoslavia and Africa have difficulty in finding work related to their overseas skills, with only 24% employed at in a related area after an average of seven years in Australia.

people with casual and part time work would prefer full time, permanent jobs (Field observation; Jamrozik, 2005, p. 174; May et al, 2005, p. 7).

Industries and occupations have also changed, with a shift from industries producing material goods to those providing services (Jamrozik, 2005, pp. 157-158). Over the last 30 to 40 years, the percentage of the workforce in material production has almost halved, whilst the percentages working in management/administration and services have almost doubled (ABS, cited in Jamrozik, 2005, p. 158). With the demise of these material industries, many labouring jobs have disappeared, with most new jobs being created in professions and similar occupations or low skill jobs in the service sector (ABS, cited in Jamrozik, 2005, p. 155).

Current Government welfare policy looks to individual rather than structural causes of unemployment (Jamrozik, 2005, pp. 165 & 175; Perkins & Angley, 2003, p. 7; Ziguras et al, 2003, p. 7). The system is characterized by government control of unemployed people (Jamrozik, 2005, p. 176). Unemployment benefits must be earned through extensive job search activity, fulfilling administrative requirements and participation in community work (Ziguras et al, 2003, pp. 8-11). Those who fail to comply see their benefits cut for extended periods (Ziguras et al, 2003, p. 9). This 'mutual obligation' regime does not include any obligation on the part of the government or companies to ensure that there are sufficient jobs or that unemployed people have the skills to fill them (Jamrozik, 2005, pp. 175).

The causes of changes to the labour market

The restructuring of Australian industry has occurred in the context of globalisation, whereby industries with low skilled manual labouring jobs have moved to poorer countries with lower wages (Jamrozik, 2005, p. 70). This combined with the neo-liberal policies since the late 1970s favouring deregulation, economic growth and control of inflation over full employment and social protection, have contributed to unemployment and the erosion of wages, conditions and public services (Jamrozik, 2005, pp. 172; Perkins & Angley, 2003, pp. 1 & 3-5).

The impact of changes to the labour market

Opportunities and incomes have increased for those with high levels of education (Jamrozik, 2005, pp. 162-163 & 172; Perkins & Angley, 2003, p. 1). However, there is a section of the population with low levels of education stuck in a series of low paid, insecure employment, or long periods of unemployment, whose lives are increasingly the subject of control by the welfare system (Jamrozik, 2005, pp. 163, 164, 172; Perkins & Angley, 2003, p.8, Richardson, cited in Horin, 2005). The view that their predicament is their own fault reduces public support for their welfare payments (Jamrozik, 2005, pp. 172-173). This group is likely to grow in size and become more marginalised with the increase in university fees and the Government industrial relations reforms eroding collective bargaining, the award system and unfair dismissal (Buchanan, 2005; Jamrozik, 2005, p. 177; Lansbury et al, 2005, pp. 1-4). The Government is also introducing its 'Welfare to Work' policy, whereby single parents and people with disabilities will be moved off their pensions to NewStart allowance, reducing their payments and forcing them to look for work (Conference of Leaders of Religious Institutes, Queensland, 2005, p. 5). This will also increase the number of vulnerable workers (Conference of Leaders of Religious Institutes, Queensland, 2005, p. 5).

Migrants and the Australian job market

Migrants from culturally and linguistically diverse backgrounds (CALD) have traditionally been viewed as disadvantaged in the Australian labour market (Ho & Alcorso, 2004, pp. 237-238). However, immigration policy has been increasingly dominated by the human capital approach, Since 1996 the majority of migrants have been selected for their qualifications, experience, age and English ability at the expense of family migrants and humanitarian entrants (DIMIA, 2005b; Jupp, 2002, p. 146). Since then, studies into migrant and refugee settlement have focused on labour market experiences and results have been largely positive for migrants in the skilled category (Ho & Alcorso, 2004, p. 238, Jupp, 2002, p. 78). The DIMIA Longitudinal Survey of Immigrants to Australia (LISIA) data has been analysed by several academics (Ho & Alcorso, 2004, p. 238). Richardson et al's (2005, p. 27) analysis of the data sees little difference between the experience of the group of migrants who arrived from 1999 to 2000 in the labour market and that of the Australian born population.

However, this period has seen a lack of independent research on migrant settlement issues (Jupp, 2002, pp. 77-78). Current studies are conducted or commissioned by DIMIA and have been questioned for their emphasis on the human capital approach and optimistic view of migrants' labour market experiences to justify the current focus on skilled migration (Ho & Alcorso, 2004, pp. 237-255; Junankar & Mahuteau, 2004, p. 17; Jupp, 2002, p. 78). The human capital approach views education and English language as the main determinants of labour market outcome (Ho & Alcorso, 2004, pp. 239-240). Alternative analyses of LSIA data have shown that additional factors such as gender, country of origin, and employer attitudes also influence migrants' labour market experiences and have analysed labour market outcomes in a more negative light, showing considerable downward occupational mobility, even for highly skilled migrants (Ho & Alcorso, 2004, pp. 240-251 & 253-254; Junankar & Muhuteau, 2004, pp. 15-16; Junankar et al, 2004, pp. 15-16).

These views are supported by community organizations working with migrants and qualitative research. These organizations state that migrants, particularly from industrially developing countries, encounter structural and individual barriers when trying to enter the labour market and encounter discrimination in the work place (Coad et al, 2005, p. 2; DIMIA, 2003e, p. 118; HREOC, 1999, pp.; Wagner, 2003, pp. 25-41). Structural barriers include employer discrimination, problems with recognition of qualifications and recruitment practices that disadvantage migrants (Coad et al, 2005, pp. 5-7; DIMIA, 2003e, p. 118; HREOC, 1999, pp. 20-23; Junankar et al, 2004, pp. 14-15; Wagner, 2003, pp. 25-27, 29, 30-32, 34, 39 & 40-41; Wallace, 2002).

Discrimination is perpetrated on the grounds of differences in appearance or culture, and by employers viewing overseas qualifications and experience as inferior to Australian skills (Coad et al, 2005, p. 7; Ho & Alcorso, 2004, pp. 253-254; Junankar et al, 2004, pp. 14-15; Wagner, 2003, pp. 30-32, 40-41 & 44).

Barriers to formal qualification recognition include discrepancies between pre and post migration assessments, prohibitive costs, lack of information, and downgrading of qualifications, requiring further training (Coad et al, 2003, p. 5; HREOC, 1999, pp. 22-23; Wagner, 2003, pp. 25-27).

The use of recruitment agencies and networks to fill vacancies also disadvantages migrants as recruitment agencies do not practice EEO and migrants' social and professional networks ar

being passed over for promotion or permanent positions (HREOC, 1999, pp. 24-25; Wagner, 2003, pp. 30-31).

Refugees and the Australian Job Market

It is clear that many refugees have unsatisfactory experiences in the Australian labour market. To come up with a solution it is important to understand why. What follows is a series of barriers faced by refugees in the Australian job market, which compound those listed above. Refugees are a heterogeneous group from a wide variety of countries, socio-economic backgrounds, ages, gender, religions and occupations. Each individual will encounter different combinations of barriers, barriers may interact to compound each other, and different barriers may produce similar results. For exam

2004, p. 6). Symptoms of Post-Traumatic Stress Disorder[4] include intrusive memories, flashbacks, distress at exposure to cues, sleep problems, irritability and difficulty concentrating (Allden, 2002, p. 124; Service provider c). Some African women exposed to blood whilst working in nursing homes in Australia experience flashbacks due to their traumatic pre-arrival experiences (Nkrumah, 2005). Torture does not always lead to morbidity and symptoms will depend on what torture means to each individual and culture, but torture generally produces more severe symptoms than other trauma, particularly PTSD and depression, and recovery is more difficult (Allden, 2002, pp. 119-120 & 125; Silove et al, 2002, pp. 51 & 53).

However, notions of PTSD may not be sufficient to understand the effects of trauma on refugees. Silove (1999) sees the refugee experience as a series of highly stressful experiences that can threaten the individual and community adaptive systems of safety, attachment, justice, existential meaning and the identity/role system. PT

Australia (Iredale, 1994, p. 249; Iredale & D’Arcy, 1992, pp. 7&8; Waxman, 2001, p. 495).

Post-arrival barriers

Refugees also face considerable post-arrival factors that impact on their job market experiences. These include the barriers for all migrants and all Australians mentio

discrimination, as shown above, but evidence suggests that refugees face higher levels of discrimination and harassment in the workplace due to recent Government anti-refugee rhetoric, community perceptions of Muslims after 9/11 and discrimination against black Africans (ABC, 2001; Colic-Peisker & Tilbury, 2005, pp. 20-11; DIMIA, 1999; Field observation; HREOC, 1999, pp. 21-22; Service provider b; Iredale et al, 1996, pp. 63-64; Refugee Council of Australia, 2002, p. 54). As part of the wider community, employers will reflect community attitudes to refugees. In Colic-Peisker and Tilbury (2005, p. 14) employers deny discrimination, but acknowledge that applicants from certain cultures may not fulfil customer criteria or may not fit into the workplace.

Evidence suggests that the current legislative framework to protect refugees from discrimination, racial harassment and exploitation in the workplace is inadequate (Barnes, 2003, pp. 36-38; Colic-Peisker & Tilbury, 2005, pp. 9-11; HREOC, 1999, p. 22 & 23-24; Field observation; Service provider a, b & c; Lamb 1996). Many refugees and asylum seekers are not aware of their rights at work or cannot afford to risk losing their jobs by making a complaint or do not have confidence in the system (Barnes, 2003, pp. 37-38; HREOC, 1999, p. 24; Service provider a, b & c; Lamb, 1996). There is also a lack of understanding of trade unions and enterprise bargaining (Iredale et al, 1996, p. 70; Lamb, 1996). This has led to exploitation by some unscrupulous employers, lack of redress for discrimination and harassment, and occupational injuries sometimes with no compensation (Barnes, 2003, pp. 36-38; Colic-Peisker, 2005, pp. 15-16; HREOC, 1999, pp. 22-24; Service provider c; Lamb, 1996).

In attempting to utilise their overseas skills in the Australian labour market refugees encounter the same barriers as migrants, and these are compounded by additional problems with having qualifications recognised, the pressure to accept any job and low levels of self-esteem and confidence. The pressure to bring family members to live in Australia and send them remittances forces re

have made this group extremely vulnerable to exploitation (Barnes, 2003, p. 37). Moreover, the periods spent in detention and on temporary visa have served as a further period of disruption to education and careers caused by pre-arrival experiences related to being refugees.

Asylum Seekers

Many asylum seekers are denied both work rights and welfare payments, leaving many homeless and reliant on charity (DIMIA, 2003b; Hotham Mission, 2003, p. 19; Service provider c). Penalties are stiff for those who work without permission, they can be detained in immigration detention (Brotherhood of St Laurence, 2002, p. 5). Those with work rights also face additional barriers to employment. The bridging visa is unattractive to employers and the requirement to report to DIMIA offices weekly, fortnightly or quarterly is also disruptive (Service provider c). Those with overseas skills and work rights may initially intend to work in their professional field, but quickly lower their expectations and become willing to accept any job for survival, making them another vulnerable group (Service provider c). Anecdotally, most asylum seekers are skilled and a skills audit, undertaken as part of a work rights campaign, supports this with 71% surveyed so far identifying skills listed on the Skilled Occupation List for the Skilled Migration stream (Service provider c; NCCA, 2005).

Gender

The employment difficulties for refugees are also compounded by gender and age (Refugee Resettlement Working Group, 1994, cited in Iredale et al, 1996, p. 70). Women refugees face barriers for migrants, refugees in addition to gender barriers (Lamb, 1996). They find it more difficult to get a job and are impacted by family planning and childcare issues (Service provider b & Lamb,Re743m19779496 plannpicuSe; Tc 0.04379 Tw 10.979 Tm 10.98

With high instances of rape among refugee women, having to deal with male bosses can also be an issue (Lamb, 1996).

Age

Age is also a factor. Young refugees are making an important life and cultural transition simultaneously, often without their families (Kyle et al, p. 6). There is a lack of information for young refugees about career pathways and an absence of social networks, which can impede their access to traineeships and apprenticeships (Coventry et al, 2002). Older people find it difficult to find work in Australia and are unemployed for longer (Encel, 2000 & Kerr et al, 2002, cited in Perkins & Angley, 2003, p. 8). Older refugees also have lower participation and higher unemployment rates (Service provider a; Waxman, 2001, pp. 4487-488). Refugees with disrupted education who choose to finish their studies in Australia may find it hard to break into the job market at entry level (Field observation).

3. Past experiences – impact

protection or worker representation (ILO, 2002, p. 12). The informal economy encompasses work in informal unregistered businesses, which can be home-based (ILO, 2002, p. 12). Also included is informal employment with formal employers, such as domestic work, casual labourers and outworkers (IOL, 2002, p. 12)**.** A higher proportion of women than men work in the informal sector and the work comprises agriculture, street vending, home-based work, repairs and making clothes (ILO, 2002, pp. 8-9). The informal economy has been shown to expand during times of economic hardship (ILO, 2002, p. 10).

Afghanistan

There are few statistics about Afghanistan's economy, but civil war has made Afghanistan one of the poorest countries in the world despite its natural resources (ILO, 2001). The informal sector is dominant, with most people working in subsistence farming and there is a large illegal economy based on opium (ILO, 2001, Poppelwell, 2002, Ward, 2002, p. 45). In Australia many refugees from Afghanistan are Hazaras or urban educated elite, both targeted by the Ithat no93 Tmelsist322 0 1Metekian,adean Łearim()Tj10.98 1arg

Sudan

Most Sudanese refugees in Australia come from the South where subsistence farming predominates (US Library of Congress, 2005). This activity has been severely disrupted by war (US Library of Congress, 2005). There is also an urban educated elite in the South that fills some senior political and public sector posts (US Library of Congress, 2005). Unemployment and underemployment levels are high (US Library of Congress, 2005).

Sierra Leone

Poverty and unemployment were both a cause and consequence of civil war in Sierra Leone (ILO, 2000b). The country is rich in natural resources, but subsistence agriculture dominates the economy, with two thirds of the population working in the sector before the war (New Internationalist, 2001, p. 482, US Department of State, 2005b). Sierra Leone ranked last in the Human Development index table for 1998 (UNDP, 1998).

Sri Lanka

The Sri Lankan economy has also been adversely effected by civil war as well as corruption and inconsistent policy (Siskandarajah, 2004). Agriculture makes up the largest sector, but there is also an industrial sector comparable in size to that of Australia (US Department of State, 2005c).

Australia

The Australian workforce is largely in the services sector in the formal economy, however, the informal sector comprising of casual, temporary workers is growing (Horin, 2005, ILO, 2002, p. 10, US Department of State, 2005a). Agriculture makes up only 5.5% of the workforce in sharp contrast to the refugee producing countries examined (New Internationalist, 2001, p. 93). Consequently, many refugees on arrival in Australia are confronted with a job market radically different to those they have encountered at home and in exile. For many, formal application processes, Occupational Health and Safety, grievance procedures and rights at work are new concepts (Field observation; Service provider a, b & c).

Opportunities for women

During Saddam's rule in Iraq, 290,000 people "disappeared" and hundreds of thousands of Kurds and Shias were massacred (Human Rights Watch, 2002c). Thousands of Hazara civilians were massacred by the Taliban and aerial bombings of villages were carried out in Sudan and Sri Lanka (Amnesty International, 2005, p. 1, Human Rights Watch, 2001c, Human Rights Watch, 2004). Total death tolls include large numbers of civilians who also died from hunger or disease caused by conflict or sanctions, numbering up to 2 million in Southern Sudan (Amnesty International, 2005, p. 8).

Intentional displacement of civilians

Government and rebel forces have pursued a strategy of displacement to terrorise populations and to access natural resources. In Iraq and Sudan people have been cleared from oil producing areas (Amnesty International, 2005, p. 9, Human Rights Watch, 2002c). In Iraq between 4-5,000 Kurdish villages were cleared and thousands of Shias expelled (Human Rights Watch, 2002c). In Sri Lanka half of all Tamils have been displaced and half the population of Sierra Leone was displaced during the war (Siskandarajah, 2004; Ward, 2002, p. 35). Displacement can be repeated and protracted in nature and in Sri Lanka people have been displaced up to five times and for periods of up to ten years (Reliefweb, 2004).

Torture

"I witnessed the torture of my father and grandfather, simply because we were Hazara" (Habib, TPV holder, quoted in Leach & Mansouri, 2004, p. 32).

Torture is employed to break a person, to create a general atmosphere of insecurity and terror and to disrupt social cohesion (Allden, 2002, p. 119; McIvor & Turner, 1995, pp.1-2). It has been used in each of the countries profiled (Amnesty International, 2005, pp. 13-14, Amnesty International, 1999, Amnesty International, 2001a, Human Rights Watch, 2002c, Limbo, p. 31). Methods include rape, beatings, electrocution, having plastic bags with chilli and petrol placed over one's head and amputations (Amnesty International, 2001a, Amnesty International, 1999s, Amnesty International, 2005, p. 13, Human Rights Watch, 2002c).

Gender Based Violence

"I was still a virgin…. I was raped by the ten rebels, one after another……I can no longer control my bladder or bowels as I was torn below. Before I got a catheter in 2001, I had

no friends as I smelled too bad. I am still in pain…. I also have nightmares and feel discouraged" (R.T., raped in 1997 when she was 16 years old in Sierra Leone, quoted in Human Rights Watch, 2003b, pp. 28-29).

Gender based violence against women has long been a feature of war and is often indicative of their position in society (Ward, 20002, pp. 7-9). Women are targeted because of their ethnicity, class, politics, race and gender (Bartolomei, 2002, p. 146, Ward, 2002, p. 9). Rape can occur as a by-product of war, but is also used systematically as a war strategy to terrorise individual women and girls and entire communities, and in ethnic cleansing (Human Rights Watch, 2003b, p. 4, Ward, 2002, pp.7-8). It is often committed in public in the presence of male relatives to demonstrate their inability to protect their women and women who have been raped are sometimes rejected by their husbands (Bartolomei, 2002, p. 154). Women and girls have been abducted and forced to endure sexual slavery in Sudan, Sierra Leone and Afghanistan (Amnesty International, 2005, p. 11, Human Rights Watch, 2001b, pp. 8 & 19, Human Rights Watch, 2003b, p. 3, Ward, 2001, p. 36).

Other forms of gender based violence against women can occur during war such as forced marriage, domestic violence or extreme poverty, which is worse for women especially if they are widowed and excluded from employment (Human Rights Watch, 2001b, p. 8, Ward, 2002, p. 7). Gender based violence is also perpetrated against men and boys who may be forced into the traditional male role of soldier (Ward, 2002, p. 8).

Child soldiers

"*They took away my younger brother the other day. He was coming home from the market and he was taken away. I went and begged them saying, "I gave you years of my life and I gave you my health. Please let me have my brother back- he is the only one who takes care of me…". They didn't release him….They also told me I had to re-join" (girl who was recruited by the LTTE at age sixteen and severely disabled in combat, quoted in Human Rights Watch, 2004, p. 20).*

Child soldiers have been mobilised in all the countries profiled, often by both rebel and government forces (Amnesty International, 2005, p. 10, Amnesty International, 2001a, BBC, 2001, IRIN, 2004, Human Rights Watch, 2004, pp. 4-5). Boys and girls are made to commit atrocities such as massacres and rape (Human Rights Watch, 2004, p. 6, Human Rights Watch, 2003b, p. 4).

Country of first asylum

People fleeing from the persecution outlined above become refugees when they cross an international border

against them (Bernstein, 2005, p. 40, Chatelard, 2002, p. 15, Pittaway & Pittaway, 2004). Refugees' freedom of movement is often breached by host countries, which affects access to livelihoods (Crisp, 2003, p. 11). With restricted access to local integration or resettlement, those refugees unable to return home endure many years of insecurity and uncertainty (Amnesty International, 2001b, p. 1, Refugees International, 2004).

Destitution: Access to economic, social and cultural rights

Material assistance and services in refugee camps are often grossly inadequate, as is the case in camps in Kenya, India and Pakistan. Food and water rations do not even come close to meeting basic needs and restricted access to freedom of movement, work permits and markets impedes self-sufficiency (Philips, 2004, pp. 7-8, Pittaway & Bartolomei, 2002, p. 6, Refugees International, 2004, Ward, 2002, p. 47). Housing is often squalid, overcrowded or unsuited to the climate (Pittaway & Bartolomei, 2002, pp. 5, Refugees International, 2004). Access to education varies from camp to camp. (Human Rights Watch, 2002b, p. 133, Refugees International, 2004, Ward, 2002).

Refugees in cities in countries of first asylum receive little or no material aid. In countries with camps, UNHCR sees them as "irregular movers" plus denies assistance and government policy often prevents them from receiving aid from NGOs (Bernstein, 2005, p. 15; Chatelard, 2002, pp. 7 & 18; Human Rights Watch, 2002b, p. 164). Access to employment and self-employment is hamper

Rape and domestic violence are prevalent in camps in Kenya and Pakistan (Pittaway &

Immigration Detention

Asylum seekers who arrive in Australia without a valid visa are detained in immigration detention centres, mostly in remote desert locations, until their claim for asylum has been processed, or if unsuccessful, until they are deported (DIMIA, 2004c). The conditions, punitive regimes and uncertainty of detention centres have caused much

Refugees' unfavourable experiences of the Australian labour market can generate

4. Refugees and employment programs in Australia

The importance of finding a good job to refugees, their pre-arrival experiences and barriers to employment have important policy implications for services providers assisting refugees to make the transition to life in Australia.

Australian settlement programs

Settlement services for migrants and refugees are founded on the Galbally Report of

The main target groups are humanitarian entrants and family stream migrants with low levels of English as they are seen to have the greatest need for assistance (DIMIA, 2003e, p. 34). Programs aim to offer early intervention to prevent long-term social problems (DIMIA, 2003e, p. 340). They include the IHSS, on-arrival services for humanitarian entrants comprising of initial orientation, accommodation, household goods, health and torture and trauma counselling, information, orientation and referral through the CSSS and migrant resource centres, English language training, translating and interpreting services, support for community capacity building, and input by DIMIA

of origin, English language proficiency and torture and trauma are taken into account

unemployment figures suggest that Job Network services are failing to provide effective assistance to refugees. It is possible to draw together elements of good practice in employment services for refugees from the UNHCR guide to integration services, field observations, and the views of community organizations working with refugees contained in the settlement services review, the interviews undertaken for this paper and Kyle et al's (2004) work on refugee employment programs (DIMIA, 2003e, pp. 116-124; UNHCR, 2002c, pp.176-190). The Job Network, JPET and "Diversity Works!" can then be measured against these benchmarks.

Employ

- There should be strategies to target youth, women and older refugees in recognition of the additional barriers they face on account of age and gender (UNHCR, 2002c, p.190).
- Practical barriers should also be addressed by services providers, such as childcare and lack of equipment, for example, tools or protective clothing (UNHCR, 2002c, pp. 182-183).
- If refugees are accessing mainstream services, additional strategies are also necessary to ensure that refugee needs are being met. These include:
    - Translating and interpreting services (UNHCR, 2002c, p. 176).
    - Staff training on pre-arrival experiences, settlement needs and different cultures to ensure they are sensitive to refugees (UNHCR, 2002c, p. 177). This is extremely important where receipt of income support is dependent on participation in the service (UNHCR, 2002c, p. 177).
    - Intensive support in the early settlement period, at times through special services for refugees (UNHCR, 2002c, p. 177).
    - Employing bi-lingual and bi-cultural staff (UNHCR, 2002c, p. 177).
    - Regular review of placements to address any problems (UNHCR, 2002c, p. 177).

Employment programs for refugees in Australia

Case study

Peter[8] was resettled in Australia two years ago and is from a Horn of Africa country embroiled in civil war. He is passionate about community work, and volunteers to assist his community in Australia and in his home country. When he completed the Adult Migrant English Program, he went on to study Community Welfare at TAFE. He struggled because of language and literacy problems, although he is extremely eloquent, he is illiterate in his mother tongue.

Centrelink referred him to a Job Network agency while he was studying. The staff told him to use the newspapers and computer to look for a job. When he told the staff that he couldn't read or use a computer they laughed at him. He felt angry and humiliated. When he failed to attend a subsequent appointment with the Job Network, his Centrelink payment was breached and he lost his concession card, making travel to TAFE difficult to afford. Peter is desperate to work, and has approached settlement workers on several occasions for assistance with finding a job.

Establishing trust with refugees is crucial for successful service provision (Horse, 2002

establishment of trust or a partnership approach and therefore prowents the restoration

ten week work experience placement (DEWR, 2005a). 30% of participants were working six months after the end of the program, and the program cost $2,200 per participant (DEWR, 2004). However, as the evaluation of the project has still not been released, it is difficult to draw conclusions about the program (DEWR, 2005a). The existence of the project suggests that this level of assessment and orientation is not available as standard service. Many refugees talk of being obliged to attend Job Network offices and then being left to their own devices to look for a job (Field observation; Service provider b). Work for the Dole is not seen as work experience, but as a compliance measure by Job Network staff surveyed by the Brotherhood of St Laurence (Brotherhood of St Laurence, 2005, p. 4).

Strategies such as the refugee pilot program allow for the promotion of refugee skills to employers. “Diversity Works!” is the Government’s strategy to promote workforce diversity to all Australian companies (DIMIA, 2003a). However, a recent diversity and equity survey conducted by the Equal Opportunity Network of Australia, found low numbers of non-English speaking people on boards or in senior management, and that the companies surveyed had not introduced any diversity or EEO initiatives addressing race and ethnicity during the past two years (Equal Employment Opportunity Network of Australia, 2005, pp. 24-25 & 27).

Refugees make up 4% of the federally funded JPET program targeting at risk youth (Kyle et al, 2004, p. 10). The program is not successful at assisting refugees to find work and has more success with homeless and ex-offenders (Butlin et al, cited in Kyle et al, 2004, p. 10). There are no longer any employment programs targeting refugee women, and initiatives to assist older workers do not take into account the compounding issues of refugee ba

There are employment programs funded at state level targeting migrants and refugees in Victoria and Queensland (Kyle et al, 2004, pp. 9 & 16). The Skilled Migrant Placement Program, which catered for migrants, refugees and those with Temporary Protection Visas with overseas skills was defunded by the NSW government in 2004 (Macarthur Diversity Services Inc, 2004, p. 3). However, apart from one specialist JPET program in Melbourne, Kyle et al (2004, p. 16) could not find any other refugee employment programs other than the Given the Chance program run by the Ecumenical Migration Centre in Melbourne. This program meets many of the good practice benchmarks set out above, and has had considerable success in providing employment assistance to refugees.

Given the Chance

Practical barriers are addressed through the program, but it is unclear what resources are available for assistance with fares, equipment and training. The program coordinator has negotiated with employers for changed working conditions when they have acted as a barrier, and mentors have provided resources to their mentees (Carr, 2004, p. 39). Staff understand the refugee experience and provide training to mentors on refugee and cross-cultural issues and information on mentees' countries of origin (Carr, 2004, 37).

Refugee employment rates are 43% after eighteen months in Australia (DIMIA, 2003e, p. 67). An additional $2,200 spent through the Job Network humanitarian pilot project resulted in 30 % of participants in work six months after taking part in the project (DEWR, 2005a, DEWR, 2004). This compares with 68% of participants in employment or education though Given the Chance, with a total cost of $1,642 per successful participant (Carr, 2004, p. 39).

5. Findings

Employment is very important to refugees and integral to the settlement process. The psychological well-being of refugees seems t

developing countries to access skilled work, and ethnicity and nationality are currently low on the EEO/diversity agenda.

Refugees face many barriers to satisfactory experience in the Australian labour market. These relate to their pre-arrival experience, and the structural and individual barriers they encounter in Australia. Barriers are compounded by other issues such as gender and age.

TPV holders and asylum seekers face additional barriers and problems due to visa restrictions, but these difficulties are anticipated by policy makers.

Despite similar pre-arrival experiences, refugees are an extremely diverse group with different occupational and educational backgrounds.

The current intake of refugees have more traumatic pre-arrival experiences. Despite similar pre-arrival experiences to resettled refugees, onshore refugees are treated less favourably by the Federal Government. This treatment compounds past traumatic experiences.

Refugees' pre-arrival experiences also distinguish them from migrants, but aside from the Job Network refugee pilot program, Centrelink and the Job Network place refugees in the "CALD" category. Refugees's misunderstanding of the system and inappropriate behaviour of service providers can lead to payments being breached unnecessarily.

Although mainstream employment services do not seem to be meeting the needs of refugees, the barriers to satisfactory employment are not insurmountable. Positive outcomes can be achieved by providing a long-ter

6. Discussion

Discussions of refugees' experience in the Australian labour market can start with the assertions that refugees experience high levels of unemployment in the context of low national unemployment rates and the positive experience of migrants in the job market (DIMIA, 2003e, pp. 64 & 66). This can result in an emphasis on pre-arrival barriers as an explanation of high unemployment rates (DIMIA, 2003e, p. 66). Pre-arrival barriers are extremely significant, but the context of refugee employment can be que

The provision of settlement services is based on the fact that refugees and migrants require assistance and advocacy to negotiate appropriate services from Government agencies (DIMIA, 2003e, p. 197). Therefore refugees and asylum seekers are likely to become even more vulnerable to exploitation at work under the Industrial Relations reform, which favours individually negotiated work agreements over awards (Buchanan, 2005).

The pre-arrival experiences of refugees have implications for service providers. Refugees are often viewed as CALD clients by mainstream agencies with little understanding of their situation. At best this can mean refugees do not receive the assistance and support they require. At worst this can have harmful consequences when refugees are breached as they do not understand the welfare system, and Centrelink and Job Network staff do not understand their circumstances.

The barriers to successful employment faced by refugees are imposing, but not insurmountable. The Given the Chance program demonstrates that a long-term approach that understands the refugee experience and that is tailored to individuals' needs can be successful. Service providers need to understand past experiences and present concerns to provide an appropriate service (UNHCR, 2002, p. 190).

The pre-arrival experiences of refugees with TPVs and some asylum seekers are the same as resettled refugees. Australia receives low numbers of asylum seekers compared to countries such as the UK and over 90% of 'boat people' who arrived in the period were assessed to be refugees (RCOA; RCOA, 2004; UNHCR, 2002d). This, along with the elusive nature of protection in refugee regions of origin makes the policies difficult to align with the spirit of refugee protection.

Australia's refugee policy may not be free from its utilitarian past. The Government refuses to resettle refugees with disabilities and the softening of its policy towards TPV holders in 2004 was influenced by their contribution to rural areas rather than the distress caused by the visa (Browne, 2002; DIMIA, 2004e). Some TPV holders took hard to fill jobs in industries such as meat processing in regional towns such as Young (Stilwell & Grealis, 2003). It may be seen as beneficial to have a pool of flexible

(vulnerable) workers in the labour market to take the jobs that no one else wants, but there are several reasons for the Government to take measures to ensure that refugees and asylum seekers are not disadvantaged in the Australian labour market (Hoffmann, 2004, pp. 13-14).

Presently the Australian Government is failing to live up to its human rights commitments to refugees and asylum seekers. Many asylum seekers do not have work rights, and those that do, along with TPV holders, lack the rights which are prerequisite to work rights, such as an adequate standard of living, including sufficient food, clothing, housing, medical care, and access to English tuition (Al-Breihi, 2003, pp. 169-170, UNHCHR, 1948, article 23). Many refugees and asylum seekers are vulnerable to exploitation in the workforce, a situation which will worsen with the impending requirement for workers to negotiate individual contracts with their employer (UNHCHR, 1948, article 23; UNHCHR, 1966, article 8). Asylum seekers and refugees with TPVs will be less prepared for a durable solution, either settling in or leaving Australia.

Unemployment, discrimination, harassment, and unfavourable working conditions compound the trauma experienced by refugees and impede settlement. Settlement and multicultural policy are about more than just access to services. Settlement should enable refugees to participate in society, but refugees feel that they are unable to do so without a “good job” (Government of Australia, 2003, p. 6; Service provider b). Access to public services and employment can also be mutually reinforcing, as in implementing programs to recruit refugees, Government agencies enhance the accessibility of their services (Waxman, 1998, p. 771).

DIMIA states that the whole of Government approach to social policy is “early intervention and needs-based targeting” (DIMIA, 2003, p. 33). However, failure to allow some asylum seekers to work or to provide adequate strategies to enable all refugees to enter the labour market seems to contradict this approach. In addition to preventing

2005).

7. Recommendations

1. Given the long time taken to process asylum applications and the severe hardship faced by many asylum seekers in the community, that as a matter of urgency, asylum seekers are given work rights and access to welfare payments.

2. Given the anti-refugee sentiment produced in part by government that the Government conducts a public campaign to redress anti-refugee sentiment and promote the welcome of refugees.

3. Given the centrality of employment to settlement and the failure of mainstream service providers to address refugee needs, that employment assistance be delivered by community organizations, already delivering services to refugees. Such organizations have already proved their capacity to run employment programs and develop relationships with employers through programs such as Given the Chance in Melbourne, the former Skilled Migrant Placement Program in NSW and the ANCORW Job Skills program. Asylum seekers and refugees with temporary protection should be eligible. Specialist programs should target women, youth and older refugees. These programs could act as a bridge for refugees to mainstream employment services and assist those services to cater for refugees.

4. Given the importance of English proficiency for employment and the low levels of English among many recent arrivals and literacy issues, that the number of hours of English tuition under the Adult Migrant English program be increased. Given the urgency of finding work for many refugees, that English tuition is delivered flexibly, with opportunities for work experience and part time work (DIMIA, 2003e, p. 124).

5. Given that companies give low priority to ethnicity and nationality in terms of EEO and diversity, and given the difficulty faced by people from industrially developing countries in utilizing their overseas skills, that “Diversity Works!” encourages companies to put race and nationality on the EEO / diversity agenda and implement EEO / diversity programs. These programs should be linked to community based employment programs. Positive messages about the resilience and strength of refugees should be communicated to employers. Given that the recruitment of

refugees to government departments makes services more accessible to refugees, and that this is an aim of settlement services, the public sector and Government departments should lead by example and initiate EEO/diversity programs.

6. Given the vulnerability of refugees to exploitation at work, which will increase under the Industrial Relations reform, that information on work rights and industrial relations legislation be integrated into pre-arrival orientation programs and the Adult Migrant English Program. Information should be available in refugee community languages, including in oral form through videos and settlement workers.

7. That government departments and the services they fund view refugees as a distinct group with different needs to migrants. For the area of employment, the compliance measures of NewStart and the Youth Allowance are particularly significant. Staff should be aware of refugees issues.

8. Given the lack of qualitative research into the settlement experiences of refugees and asylum seekers, that such research be carried out and disseminated

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