

All people in Australia should have access to safety nets and mainstream social support. Unfortunately, tens of thousands of people seeking asylum in Australia are prevented from mainstream social support such as Centrelink, housing assistance and family reunion, with some having limited or no access to Medicare and work rights.

This policy position will explain the many ways people seeking asylum are facing unjustified harm as a result of their visa conditions and are denied basic social support that is available to all others in Australia.

For information on Australia's immigration detention regime or the application process refugees are subjected to and the so-called 'Legacy Caseload' please refer to the policy positions on Freedom and Fairness respectively.

Recommendations

1. All people seeking asylum in Australia, regardless of mode of arrival, should be granted ongoing bridging visas with mainstream social services including the right to work, the right to study domestically, housing support, access to Centrelink and to Medicare, while they are pursuing their legal rights.

Background

Seeking asylum should be a point in someone's life, not what defines them. However, under the current immigration regime, people seeking asylum and refugees living on temporary visas face financial hardship, deteriorating mental health and poor settlement outcomes due to government policy.

Currently, the system is stacked against people seeking asylum in various ways. Some people who sought asylum by sea have had to wait with uncertainty for years before being allowed to lodge their application for protection. Even when the visa is granted, it does not provide them with a safety net offered to other people in Australia, instead, they are provided Temporary Protection Visas (TPV) or Safe Haven Enterprise Visas (SHEV). There are currently 19,000 refugees on TPV/SHEV. For more information on this area please refer to the policy paper on Fairness [here](#).

There are also 65,000 people seeking asylum waiting for an outcome of their permanent protection visa application process, with 26,227 people lodging applications with the [Department of Home Affairs](#) and 36,708 lingering at the [Administrative Appeals Tribunal](#) (AAT). The average time for someone to wait on their application will be nearly 5 years (2.5 years at the [Department](#) and over 2.2 years at the [AAT](#)) however some people have waited well over a decade. There are

also an additional 30,000 -40,000 people seeking asylum who have taken their case to court or have not left the country for various reasons.

There is also a particularly vulnerable group of people who sought asylum by sea who are denied permanent resettlement in Australia, yet remain in the community on harmful bridging visas, in community detention, or without a visa at all through no fault of their own. As of [March 2022](#), 10,993 people who sought asylum by sea are in the community on Bridging Visa E (BVE), 1,501 of whom are children, and 563 are in community detention.

Work Rights

People seeking asylum in Australia are ready to work but are denied the ability to rebuild their lives. However, it is easy to change the way work rights operate and allow thousands of people seeking asylum to become part of the community.

There are several barriers to employment for people seeking asylum and refugees. There is no clear data on how many people seeking asylum in Australia currently have work rights.

However, some people seeking asylum cannot work simply because they are prevented by the Government. For example, in December 2021 [over](#) 20% of the 11,000 people who sought asylum by sea on a Bridging Visa E (BVE) were currently awaiting a grant of a further BVE. This is likely because these bridging visas last for very short periods - often only 6 months - with renewals requiring the Minister to personally intervene to grant them another. During this time people lose their right to work, along with other essential rights, such as access to Medicare.

However, even getting the right to work on a bridging visa is limited, with Senate Estimates revealing in [August 2021](#) that nearly 40% of people seeking asylum in the community on BVE lack work rights, although this is a limited sample. ASRC estimates that around 30% -40% of people seeking asylum in Australia on a temporary visa will be without work rights at any given time, however, this is made in lieu of clear information from the government.

Even for those with work rights, including those on TPV/SHEV, temporary visa status means people are living in uncertainty and limbo. Employers are often reluctant to hire people when visas will expire within a short period. Furthermore, people on bridging and other temporary visas are overlooked for jobs as it is seen as an extra burden on the employer. For example, the requirement of the employer to perform routine work rights checks every three months is often interpreted as a visa expiring in three months or is simply seen as too hard.

The group of people who are denied even bridging visas, because those visas can only be granted by Ministerial intervention, are in a worse yet position, fearful regarding their insecure status, with no right to work, study or access Medicare, but unable to obtain a solution.

“We have been without a home for eight years now. We are all on short bridging visas and lost too many years to detention. We can not start a new life as free people and live our dreams

without a permanent home.” - Betelhem Tebubu, human rights activist and survivor of Offshore Processing on Nauru [source](#)

Healthcare

Healthcare should be a right of everyone in Australia, but successive governments have chosen to implement harmful policies that block refugees and people seeking asylum from accessing life-saving support.

Many people seeking asylum do not have access to mainstream healthcare support such as Medicare.

This is particularly concerning as the physical and mental health of refugees and those seeking asylum are at high risk, often due to treatment in Australia's immigration regime. As of June 2022, 55% of the people accessing ASRC's health program did not have Medicare access.

There are numerous ways that people seeking asylum are unable to access Medicare, some of which are intentional policies by the Department of Home Affairs (DHA). For example, people seeking asylum and refugees on bridging visas will have their access to Medicare denied, which is tied to work rights.

There are also a series of unintentional ways from delays in Medicare cards being issued to a lack of clear bureaucratic procedure. For example, the ASRC Health program often assists members who while entitled to Medicare are unable to receive care because of administrative issues, such as delays in processing Medicare cards.

As discussed previously when temporary visas go through renewal people seeking asylum and refugees not only lose work rights but also Medicare. That is, while people are waiting for the grant of a new visa, they may either lack any visa status (meaning they cannot work, study or access Medicare) or their conditions may prevent access to these basic rights.

Regardless of the means, the results are the same, the most vulnerable people in our community are not receiving basic healthcare services, even during the COVID -19 pandemic.

“When I came to Australia I had hope for their future, that they would at least be safe. But when I was pregnant with my second child, the government took away my medicare. I do not know why ... This experience of being pregnant was so much more frightening than with my first baby when I had Medicare. This time I could not see my family GP because I did not have money to pay for appointments. And when the hospital told me I would have to pay for my blood tests and scans I did not know what to do. And I was very worried that all the stress would harm the baby” - Ruwani* [source](#)

Education and training

Refugees in Australia are ready to rebuild their lives and learn in a supportive community, however, education is blocked by government policies that prohibit study or make it financially unfeasible. This is despite the clear benefits access to education has for both refugees and society as a whole.

Accessibility and affordability are the two major barriers to education and training for people seeking asylum and refugees on temporary visas. People on temporary visas are ineligible for a range of skills and training that would support their employment options and most education opportunities they are eligible for are unaffordable.

The 11,000 people seeking asylum by sea on BVE and many other people seeking asylum on bridging visas have no right to study higher education and are excluded from subsidised funding for apprenticeships, training and certifications.

People seeking asylum and refugees with temporary visas are not eligible for any type of government loan for university. To be admitted, they have to meet all the university's requirements for international students including the full tuition-fee payment. This policy creates a major barrier to pursuing their studies at university.

Housing

The answer to homelessness is almost always housing, but the exclusion of people seeking asylum and refugees from mainstream social support, work rights and the insecurity built into temporary visas has made the circumstances of people seeking asylum the exception to this rule.

After escaping persecution (and often being subjected to harm by the Australian Government in detention or through delayed or ineffective processes) appropriate housing options such as transitional housing, community housing, or outreach support are not accessible. When tenancies can be obtained they are often informal and thus insecure.

Affordable and sustainable formal tenancies are the best housing option. However, paying the bond in order to secure such properties is a major challenge without secure work and mainstream social support. This often means this is not possible for many to find housing without reliance on charities.

The financial stresses of COVID-19 and the release of refugees from detention without adequate support saw a significant strain on an already precarious situation.

Even for people seeking asylum and refugees held on temporary visas who have the economic stability to find secure housing their visa still prevents them from accessing this. This is because banks are unable to provide loans for longer than the duration of a visa, for people on

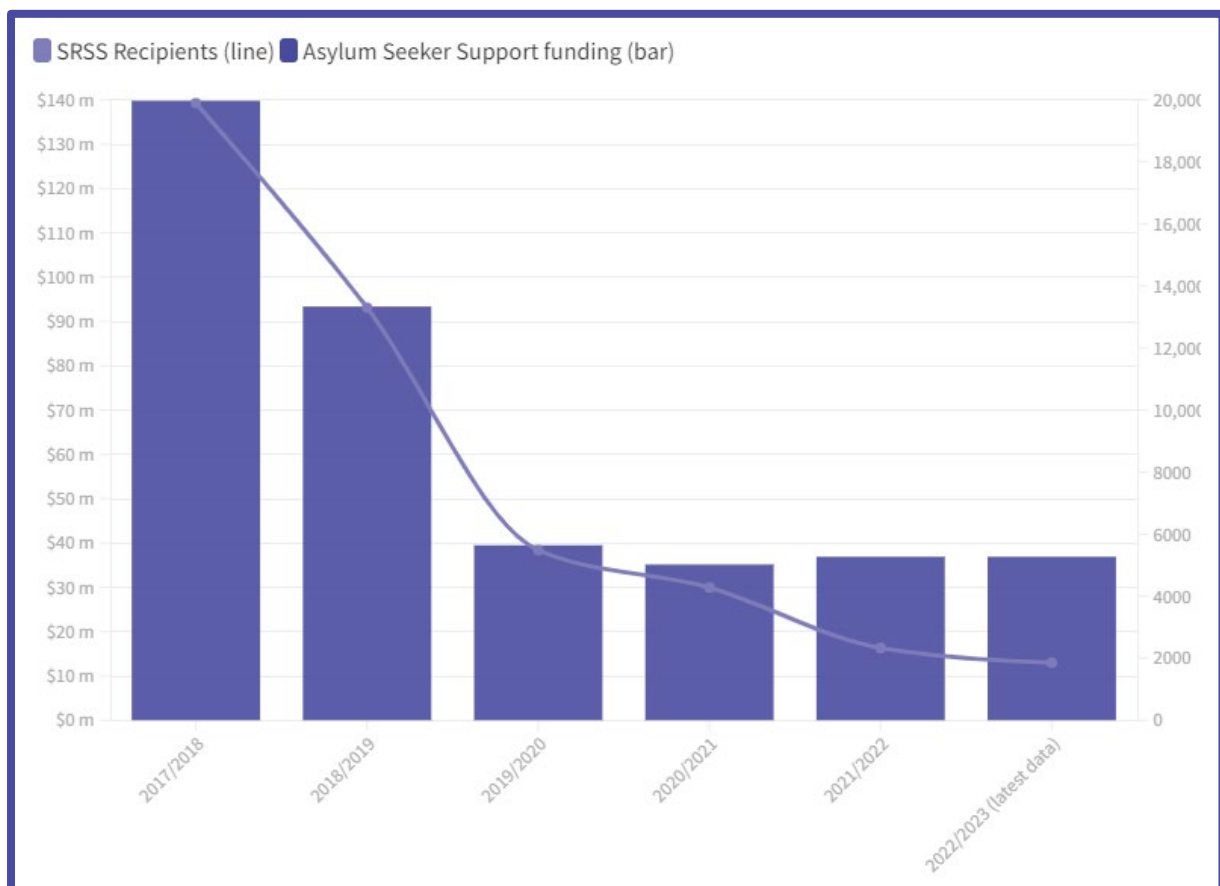
temporary visas like TPV/SHEV this means that getting a mortgage is effectively impossible, and for people on bridging visas any loan scheme that lasts longer than 6 months is not available to them.

Income Support

People who sought asylum in Australia have been systematically excluded from the mainstream social support system that others in Australia enjoy.

Some people seeking asylum waiting for an outcome receive transitional allowance through Status Resolution Support Services (SRSS). This system, while offering lifesaving support, is [inadequate](#), providing only \$35.70 a day to cover rent and food for single adults. Even in the few cases where SRSS provides support, this payment is only 80% of the JobSeeker payment (89% of Newstart) and well below the poverty line.

The funding of the social support systems that are accessible has also been gutted, from \$139.8 million in 2017 -2018 to \$33 million in 2021 -2022. During this time the threshold for access and funding has been cut to the point where those receiving SRSS funding, dropped from 13,299 recipients in [February 2018](#) to 1,854 in [December of 2021](#).



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People on temporary visas are also often excluded from government support schemes. This was seen starkly during the COVID -19 pandemic when refugees on temporary visas and people seeking asylum on bridging visas with work rights could not be registered for the JobKeeper Allowance. During this period ASRC and other charities saw significant demand for already stretched support services, due to the vacuum left by the government.

Providing people seeking asylum with access to mainstream social support services is a much needed solution to address the fall in the SRSS.

Social Support

The punitive nature of temporary visas means that people on them are more susceptible to exploitation and abuse, with trauma compounded due to their visas.

ASRC's lawyers regularly see situations where the temporary nature of a person's visa is used by another as a means of leverage to control and harm them. This frequently occurs within violent family relationships, but also often arises in employer -employee relationships.

Family violence victim -survivors and their children on bridging visas frequently have insecure income or no income (especially those on bridging visas without work rights) and no entitlement to income support. Often people cannot even access women's shelters or other emergency accommodation because they cannot be transitioned into longer -term accommodation and women's shelter's cannot afford to have them stay for longer periods. This is especially true for those on temporary visas who also often need other basic essentials like clothing, toiletries and funds for transport, as they have no source of income or support.

Lack of support and economic vulnerability can result in victims having no choice but to continue to cohabit with the perpetrator, placing themselves and their children at risk of ongoing violence.

Furthermore, visa applications can also be adversely affected by reporting family violence, where victim -survivors are torn between taking steps to ensure their right to live safe from family violence and their right to long -term safety from possible persecution. This is due to refugee visas often being tied to family units and there are limited mechanisms for people to report family violence without impacting their application.

Many people seeking asylum also experience high levels of anxiety, depression and other mental health issues including Post Traumatic Stress Disorder. This is because of their experiences of trauma in their home countries, their experiences en route to Australia, in Australia's immigration detention centres and because of separation from their family.

Currently, there is insufficient funding to provide adequate torture and trauma counselling, and other specialised counselling, to those who have suffered past trauma or have acute mental health needs.

Lack of work rights, lack of access to Medicare and income support exacerbate the existing mental health needs of people seeking asylum. Furthermore, as people are further excluded from the Australian community, their isolation means that their mental health care needs often go unnoticed as their interactions with professionals and others in the community are diminished.

How to achieve change

The following are recommendations on how ASRC's policy recommendations could be enacted by the current government. However, there are many ways to achieve justice and any pathway to achieve humane and moral treatment of people seeking asylum should be embraced.

There is no justification or plausible excuse for people seeking asylum to be without mainstream social support in Australia. Restrictive visa conditions have been used as a method of duress under previous governments. By ensuring all people seeking asylum have access to basic rights, the Government can reduce the burden on charitable organisations, allow people seeking asylum to live with dignity and support the integrity of decision-making.

It is a simple matter of regulation change that could ensure refugees and people seeking asylum would have access to work and study rights and to Medicare. Specifically, for example, Condition 8101, which prohibits work, should not be applied in cases where people seeking asylum are waiting for their applications to be processed. The same applies to Condition 8201 and 8207, which limits study to 3 months and prohibits the right to study respectively.

People's access to basic rights should be assured throughout the process: at the primary, merits and judicial review stages.