# Chapter 18

# Social work practice with refugees and asylum seekers

## Mary Anne Kenny and Lucy Fiske

Chapter summary

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Definitions/frameworks and key terms

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Australia's off-shore program

Australia's on-shore program

Authorised arrivals

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Unauthorised arrivals after 13 August 2012

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Websites

Refugee legal centres in Australia

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Disclaimer: the authors have made every attempt to capture the current law and policy. However, readers should note that this is an area subject to rapid and ongoing changes, and social workers working in this area need to ensure they are aware of the current laws when working with clients. This chapter gives an important framework for the manner in which refugees and asylum seekers are dealt with in the law and the impacts that can have on them.



- Fiske, L and Kenny, M, 2004, "Marriage of convenience" or "match made in heaven"? Lawyers and Social Workers working on asylum seeker cases', 10(1) Australian Journal of Human Rights 137–57.
- Hartley, L and Fleay, C, 2012, Released But Not Yet Free: Refugees and asylum seekers in the community after long-term detention <a href="http://apo.org.au/node/32489">http://apo.org.au/node/32489</a>>.

#### Websites

No claim is made as to the accuracy or authenticity of the content of the sites suggested in this chapter. Site addresses change – if the address is no longer accurate, search using keywords or the title of the organisation concerned.

Department of Immigration and Citizenship <www.immi.gov.au>, in particular there is a website developed specifically for 'irregular maritime arrivals' <www.immi.gov.au/ima>

Forum of Australian Services for Survivors of Torture and Trauma <www.fasstt.org.au> Refugee Council of Australia <www.refugeecouncil.org.au>

## Refugee legal centres in Australia

- NSW: Refugee Advice and Casework Service (RACS), Level 12, 173–175 Phillip Street, Sydney NSW 2000. Ph: (02) 9114 1600 <a href="https://www.racs.org.au">www.racs.org.au</a>.
- Qld: Refugee and Immigration Legal Service (RAILS), 170 Boundary Street, West End Brisbane QLD 4101. Ph: (07) 3846 3189 <a href="https://www.rails.org.au">www.rails.org.au</a>>.
- Vic: Refugee and Immigration Legal Centre (RILC), Level 1, 121–123 Brunswick Street, Fitzroy VIC 3065. Advice Line: (03) 9483 1140. Reception: (03) 9483 1144 <a href="https://www.rilc.org.au">www.rilc.org.au</a>.
- WA: CASE for Refugees, 16B Sunbury Road, Victoria Park WA 6100. Ph: (08) 9227 7311 <a href="https://www.casefor.org.au">www.casefor.org.au</a>.

### References

- Australian Red Cross, 2012, Fact Sheet Migration Support Programs: Transitional Community Assistance Support <a href="http://www.redcross.org.au/files/20120816\_CAST\_FACTSHEET.pdf">http://www.redcross.org.au/files/20120816\_CAST\_FACTSHEET.pdf</a>.
- Coalition, 2013, *The Coalition's Policy to Clear Labor's 30,000 Border Failure Backlog* <a href="http://lpaweb-static.s3.amazonaws.com/Policies/ClearLabor30000BorderFailureBacklog.pdf">http://lpaweb-static.s3.amazonaws.com/Policies/ClearLabor30000BorderFailureBacklog.pdf</a>>.
- Coffey, G, 2003, 'The Credibility of Credibility Evidence at the Refugee Review Tribunal', 15 International Journal of Refugee Law 377–417.
- Cohen, J, 2001, 'Questions of credibility: omissions, discrepancies and errors of recall in the testimony of asylum seekers', 13 *International Journal of Refugee Law* 293–309.
- Commonwealth Ombudsman, 2001, Report on the Investigation into a Complaint about the Processing and Refusal of a Subclass 202 (Split Family) Humanitarian Visa Application, Commonwealth Ombudsman, Canberra.
- Commonwealth Ombudsman, 2013, Suicide and Self-harm in the Immigration Detention Network, Report No 2 of 2013 <a href="http://www.ombudsman.gov.au/files/suicide\_and\_self-harm\_in\_the\_immigration\_detention\_network.pdf">http://www.ombudsman.gov.au/files/suicide\_and\_self-harm\_in\_the\_immigration\_detention\_network.pdf</a>.
- Department of Immigration and Citizenship, 2011, Fact Sheet 60, *Australia's Refugee and Humanitarian Program* <a href="www.immi.gov.au/media/fact-sheets/60refugee.htm">www.immi.gov.au/media/fact-sheets/60refugee.htm</a>>.
- Department of Immigration and Citizenship, 2012, Fact Sheet 62, Assistance for asylum seekers in Australia <www.immi.gov.au/media/fact-sheets/62assistance.htm>.
- Department of Immigration and Citizenship, 2013a, Fact Sheet 63, *Immigration Advice and Assistance Scheme* <a href="http://www.immi.gov.au/media/fact-sheets/63advice.htm">http://www.immi.gov.au/media/fact-sheets/63advice.htm</a>>.

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- Department of Immigration and Citizenship, 2013b, Fact Sheet 83a, Community Detention <a href="http://www.immi.gov.au/media/fact-sheets/83acommunity-detention.htm">http://www.immi.gov.au/media/fact-sheets/83acommunity-detention.htm</a>>.
- Fernandes, P, 2003, "Burning in the fire" the continuing saga: An analysis of group work with Temporary Protection Visa holders in New South Wales', in Barnes, D (ed), Asylum Seekers and Refugees in Australia: Issues of Mental Health and Wellbeing, Transcultural Mental Health Centre, Sydney, 55–79.
- Fiske, L and Kenny, M, 2004, "Marriage of convenience" or "match made in heaven"? Lawyers and Social Workers working on asylum seeker cases', 10(1) Australian Journal of Human Rights 137–57.
- Herlihy, J, Gleeson, K and Turner, S, 2010, 'What Assumptions about Human Behaviour Underlie Asylum Judgments?', 22 International Journal of Refugee Law 351–66.
- Houston, A, Aristotle, P and L'Estrange, M, 2012, Report of the Expert Panel on Asylum Seekers, Department of Immigration and Citizenship.
- Kagan, M, 2003, 'Is truth in the eye of the beholder? Objective credibility assessment in refugee status determination', 17 Georgetown Immigration Law Journal 367–416.
- Kneebone, S, 1998, 'The Refugee Review Tribunal and the Assessment of Credibility: An Inquisitorial Role?', 5 *Australian Journal of Administrative Law* 78–97.
- Mann, R, 2001, *Temporary Protection Visa Holders in Queensland*, Multicultural Affairs, Department of the Premier and Cabinet, Queensland Government, Brisbane.
- Mares, P, 2002, Borderline: Australia's response to refugees and asylum seekers in the wake of the Tampa, 2nd edn, UNSW Press, Sydney.
- Marston, G, 2003, Temporary Protection Permanent Uncertainty: The experience of refugees living on temporary protection visas, Centre for Applied Social Research, RMIT University, Melbourne.
- Minister for Immigration and Border Protection, 2013, *Government acts swiftly to deny people smugglers' promise of permanent visas*, 4 December <a href="http://www.minister.immi.gov.au/media/sm/2013/sm210040.htm">http://www.minister.immi.gov.au/media/sm/2013/sm210040.htm</a>>.
- Momartin, S, Steel, Z, Coello, M, Aroche, J, Silove, D and Brooks, R, 2006, 'A Comparison of the mental health of refugees with temporary versus permanent protection visas', 185 *Medical Journal of Australia* 357–61.
- Refugee Council of Australia, 2013, Visa freeze a new low in Australia's treatment of asylum seekers, 4 December <a href="http://www.refugeecouncil.org.au/n/mr/131204\_VisaFreeze.pdf">http://www.refugeecouncil.org.au/n/mr/131204\_VisaFreeze.pdf</a>.

## Notes

- 1 Registered migration agents can be located via the Office of the Migration Agents Registration Authority website <www.mara.gov.au>.
- 2 The UNHCR is the international organisation charged with the responsibility to work with countries in providing international protection to refugees under the auspices of the United Nations.
- 3 See <www.immi.gov.au/refugee/ministerial\_intervention.htm>.