ASYLUM SEEKER AND REFUGEE POLICY
WHAT IS THE ROLE OF EVIDENCE?

Researchers for Asylum Seekers (RAS) Interdisciplinary
Postgraduate Conference

Monday 10th November 2014, 9am – 5 pm

Gryphon Gallery
1888 Building, University of Melbourne
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RAS Conference Committee
Karen Block
Angeline Ferdinand
Carly Copolov
Ana Gálvez
Elisha Riggs
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From 2005 to April 2013 Ms Feller held the post of Assistant High Commissioner (Protection), one of the four top management positions with the United Nations High Commissioner for Refugees. This was the culmination of a 26 year long career with UNHCR, and had been preceded by 14 years service as an Australian diplomat, in Canberra and overseas. For UNHCR, Ms Feller served both in Geneva and in the field, notably as the High Commissioner’s Representative for Malaysia, Singapore and Brunei. She was the initiator and manager of the 2001-2 Global Consultations on International Protection, which generated the Agenda for Protection, the internationally endorsed global “road map” on protection policy for refugees. She has visited all major refugee situations during her time with UNHCR, and is broadly respected as a refugee law advocate who has been widely published. On return to Australia in 2013, she was made a Fellow of the Australian Institute of International Affairs. Most recently (as of July 2014) she has taken up an appointment as Vice Chancellor’s Fellow at the University of Melbourne.
The topic of child refugees is a timely, relevant and highly significant one for Australia at the present time. While the scholarship on refugees in general is now substantial, there remains relatively little specific work on child refugees. In 2010, the Refugee Council of Australia identified the absence of any comprehensive study of the educational, employment and social outcomes of the children of refugees. The Council argued that this absence leaves a major gap in understanding the long-term benefits of Australia’s refugee and humanitarian program. The debate has largely centred on national security and the ability of refugees to assimilate effectively into the Australian community; however, this debate has been and is being conducted in the absence of solid evidence about the contributions refugees make to Australia. As the Refugee Council of Australia noted, no-one has comprehensively studied the educational, employment and social outcomes of the children of refugees and how these relate to their parents’ settlement experiences and other characteristics. The long-term social, cultural and economic benefits and costs of Australia’s refugee and humanitarian programs remain unknown, but public policy about modern migrants and refugees continues to be made and remade.

This paper will consider the evidence required to fill this gap. Evidence-based policy is essential with respect to child refugees to monitor the experience of resettlement, as well as contributions to productivity, and economic benefits alongside social and cultural contributions. What sort of ethical considerations are also at play in researching this area of migration history?

Professor Joy Damousi is an ARC Kathleen Fitzpatrick Laureate Fellow. Her project is a history of child refugees to Australia, titled, Child Refugees and Australian Internationalism: 1920 to the present
THE ROLE OF EXPERT KNOWLEDGE IN THE GOVERNANCE OF MIGRATION: THE CASE OF ALTERNATIVES TO IMMIGRATION DETENTION

ROBYN C. SAMPSON

This paper explores the role of research evidence in border control policy debates in the international arena. It draws on research on alternatives to immigration detention conducted by the author in collaboration with the International Detention Coalition (“IDC”) as part of her PhD on alternatives to detention. That research is now a major source of expert knowledge in policy discussions internationally. This paper critically reflects on the factors that facilitated the dissemination and uptake of the research via the theories of knowledge mobilisation and diffusion of innovations. After providing an overview of the research and its dissemination, I discuss those factors that supported its active use by the IDC as a civil society organisation engaged in policy advocacy. I go on to argue that the research reflected three key elements identified in diffusion of innovations theory that in turn facilitated its dissemination and uptake by policy makers. While my conclusions regarding the research-policy nexus largely coincide with existing explanatory models, the paper demonstrates that the use of research for ‘enlightenment’ (in which policy makers are exposed to new ideas) has been underestimated as an important avenue by which research can stimulate substantive policy change.

Robyn Sampson recently completed a PhD in Politics from La Trobe University. She has a long-standing interest in issues of forced migration and border control, with a particular focus on immigration detention and its alternatives. She is currently a Research Fellow with the Swinburne Institute for Social Research.
Australia’s asylum policy is seemingly constrained by an inability to imagine any higher aim than deterrence. A failure to think beyond borders has rendered invisible the vast majority of the world’s refugees who cannot (or choose not) to move beyond their country of initial, sometimes precarious, asylum. For Afghan refugees living in the Iranian city of Shiraz it is this continuing state of precariousness that defines daily life. I utilise the stories that both Afghans and Iranians tell about the place they live as a way of reflecting on the past, present and future of Afghan refugees in the city of Shiraz. Stories provide one way of thinking through broader responses to refugees and asylum seekers and a way of coming to terms with the felt and lived repercussions of policy. In my research I begin to draw links between Iran and Australia, between diverse policy responses and between distantly located groups of refugees. In doing so I highlight the need to imagine globally when thinking through local responses.

Elisabeth Yarbakhsh is a PhD scholar at the Centre for Arab and Islamic Studies (CAIS) at the Australian National University. She has recently returned from fieldwork in the Islamic Republic of Iran. Her research explores the place[s] of Afghan refugees in the southern city of Shiraz.
African Women in Irish Asylum: ‘A Handshake from the Front and a Slap from Behind’

Nilmini Fernando

Asylum scholarship from the North identifies biopolitical racist immigration regimes and State technologies of Exception that deter, detain and deny entry to those seeking refuge from the South. Feminist scholarship in the Republic of Ireland specifically identifies the bodies of pregnant asylum seeking African women as the political battleground on which racial lines of the white nation were redrawn. This paper extends these analyses to tell a Black and Postcolonial feminist story of asylum as a humanitarian “handshake from the front and a slap from behind”.

Articulating the entry of African women into Ireland as a postcolonial encounter, I bring visual and discursive representations together with material bodies in an intersectional analysis. Based on two main findings, “People are tired” and “They’re Using Us” I ask: what “work” do images and bodies of diasporic black women do in postcolonial encounters with the ‘white’ Irish Nation? I argue that black female bodies reanimate colonial scripts that are re-circulated and consumed through humanitarian and feminist representational circuits. Forced as South-in-North bodyborders, female bodies of colour are put to political and cultural “work”.

Drawing from a twelve-month drama-based participatory project with African women, analyses on and off-stage performances of “doing asylum” show how self-representation and participatory research offer decolonized and ethical interventions that oppose, resist and reverse the colonial gaze, expose whitely audience scripts, and re-articulate female bodies in asylum as insurgent texts.

Australia, like Ireland, is a settler colony with a whitewashed history; as humanitarian space shrinks and feminism and race become “post”, robust, politicized research through arts and activism produce critical, embodied evidence that can speak strongly to policy.

Nilmini Fernando: Born in Sri Lanka, Nilmini divides her time between Australia and Ireland. She has lectured at the School of Occupational Therapy in University College Cork, and on Feminist Theory at Victoria University, Melbourne. Her thesis is the first Irish study of asylum as a Postcolonial Encounter, using feminist participatory methodology.
A key slogan of the last election was ‘Stop the Boats’. It clearly struck a chord with the electorate. The Government has subsequently adopted or extended a range of tough measures. There has indeed been a marked slowdown in boat arrivals – although the timing and factors behind this are disputed.

How much of a deterrence effect do the various different policies have? The Joint Parliamentary Select Committee on Australia’s Immigration Detention Network, which reported in early 2012, disagreed vehemently on this issue.

This research looks at the international debate on ‘push’ and ‘pull’ factors driving asylum seeker migration patterns. This includes interview evidence with asylum seekers in Australia and Indonesia. It also surveys the dramatic increases and then declines in arrivals in Australia between 1998-2004 and 2008-2014.

It argues for a more nuanced picture than currently predominates on either side of the often toxic debate. The evidence clearly shows the main driver of asylum seeker numbers is international push factors. But a significant role is clearly also played by Australian policies – especially when opportunities appear for migration businesses. The likely deterrent effects of different aspects of the policies differ.

Tony Ward is a Fellow in SHAPS. He has a PhD in Economic History, and has published widely, including on national identity and Australian sport, and the costs of asylum seeker policies. Most recently he has co-written a book on Australia’s experience with Community Processing of asylum claims 2010-13.
Evidence is never just data, it is always significant data. Significant data reveals answers to questions put to it by the researcher. Thus evidence makes evident that which the researcher wants to know. In the 1970s Australian governments wanted to know whether they were fulfilling their obligations under the Geneva Convention to boat arrival asylum seekers. This is no longer a matter of interest to Australian governments. Now the evidence that is significant concerns accurate data on the movements of unauthorized boats in Australian waters, and data related to what effect Australia’s deterrent measures are having on “stopping the boats”. This shift in evidential significance reflects a more general shift in Australian politics away from humanitarian and morally framed policy agendas to more amoral and ‘Realist’ policy agendas. This paper seeks to understand the nature of this profound shift concerning Refugee and Asylum Seeker Policy over the past 40 years, to understand that shift in relation to broader political developments over that time period, and to offer a very brief evaluation of that shift.

Paul Tyson is an interdisciplinary Philosophical Theologian working in the theory and application of epistemological and metaphysical concerns about knowledge and truth, within the context of contemporary politics and finance.
JUSTICE, MORALITY AND ASYLUM SEEKER POLICY: THE MEDIATING EFFECT OF MORAL DISENGAGEMENT ON THE RELATIONSHIP BETWEEN BELIEF IN A JUST WORLD AND STANCE ON ASYLUM SEEKER POLICIES

SANDRA BARTLETT

Although Australia has a long history of implementing deterrent asylum seeker policies, the current Liberal Government claims they have established the harshest policies yet. Within Australia public support for deterrent policies remains high. As it has been suggested that public opinion and policy influence each other in a cyclic manner, building on research that has investigated mechanisms behind negative attitudes towards asylum seekers and support for current asylum seeker policies is a worthy endeavor. The current study tested how holding a high belief that the world is just for yourself and/or holding a high belief that the world is just for other people was related to morally disengaging from asylum seekers and supporting deterrent policies. An Australia-wide community sample of 150 people participated in the study. Moral disengagement mediated the relationship between belief in a just world for others and policy stance. People who scored high on belief in a just world for others also scored high on moral disengagement and were more supportive of deterrent policies. Moral disengagement also mediated the relationship between belief in a just world for the self and policy stance. People who scored high on belief in a just world for the self scored lower on moral disengagement and were more supportive of lenient policies. Therefore, the two just world beliefs had opposing effects on peoples’ policy stance.

Sandra Bartlett is an honours student at Murdoch University under supervision with Associate Professor Anne Pedersen. My interest is researching attitudes towards asylum seekers in relation to Australian asylum seeker policy. I am a fulltime youth worker with unaccompanied minors who have come to Australia to seek asylum and for the past 12 months have also been employed to develop and implement seminars aimed at encouraging more positive attitudes towards asylum seekers.
THE CULTURE OF NON-COMPLAINT: IMPLICATIONS OF COMPLAINT MECHANISMS FOR ASYLUM-SEEKERS IN IMMIGRATION DETENTION

EMMA CRICHTON

In all the commentary about the inhumane conditions asylum-seekers are subjected to in immigration detention, minimal research has been conducted on how asylum-seekers themselves pursue redress for injustices and human rights violations in Australia. The figure and nature of formal complaints also remains under investigated.

This paper explores the phenomenon of complaints and detained asylum-seekers experiences with the various complaint mechanisms available in the UK. Kowalski’s ‘theoretical model of complaining’, illuminates why certain individuals either express or suppress their grievances and the circumstances that contribute to a complaint being formally lodged. Furthermore, this study highlights that the complaint mechanisms available to asylum-seekers are thwarted for reasons of ‘organisational outflanking’. Organisational outflanking is about power relations and power differentials, whereby strategic organisational structures and processes seek to minimise resistance to challenges of power and order. This approach hinders asylum-seekers ability to make complaints by generating ‘ignorance’, ‘isolation’ and ‘division’.

In an effort to contain aggrieved detainees, multinational corporations (i.e. Serco) and immigration departments employ ‘organisational outflanking’ strategies in an attempt to render detainees powerless and minimise chances of resistance. Some features of outflanking include marring access to knowledge by not translating material; limiting interpreters; impeding internet access; limiting contact with others; transferring detainees to other centres for no apparent reason, and isolating and removing them from association.

Unlike Australia, the UK has ratified the Optional Protocol to the Convention against Torture (OPCAT) and had multiple independent bodies known as National Preventative Mechanisms (NPMs) regularly visiting immigration detention centres to examine conditions and treatment unrestricted. Whilst monitoring bodies play a significant role and contribute notably to improved detention standards in the UK and Australia, their presence is not permanent and more systematic forms of monitoring and redress are warranted.

Emma Crichton is a Masters graduate from the Refugee Studies Centre at the University of Oxford. She has worked with the Department of Immigration and Citizenship (now DIBP) in onshore and offshore detention centres, and more recently worked with the UNHCR Resettlement Unit in Rwanda.
There is a high value placed on the accuracy and consistency of autobiographical accounts in the asylum-seeking process. Refugees are expected to recount the same details across retellings. When the details of a past event do differ, the credibility of the genuineness of refugee-status and of the account can be compromised (Herlihy, Jobson & Turner, 2012). In our research we used a control version of the Social Contagion Paradigm (Roediger, Meade & Bergman, 2001). This procedure is used to study the development of false memories from social influence. In our research we investigated how, in the absence of any direct influence, autobiographical memory narratives changed across retellings one week apart. In session one, participants recalled memories of four autobiographical events, either by writing, typing or telling aloud to the experimenter. One week later in session two, they recalled the same events again. Participants’ memory accounts changed significantly from sessions one to two. Participants made omissions, additions and contradictions across their retellings just one week apart. The different types of changes from one telling to the next appeared to be influenced by a range of internal and external factors such individual differences and type of social interaction. Our results suggest that drawing conclusions about the truth of an entire account from deviations in specific memory details can be problematic, as variation across retellings ought to be expected. This has important implications for the asylum process, where variations of accounts across repeated retellings can be interpreted as a sign of deception.

Misia Temler: I completed my Bachelor in Sciences majoring in Psychology at the University of British Columbia in Vancouver, Canada. For my final year research project and under the supervision of Dr John Yuille, I investigated the effects of trauma on autobiographical narratives. I subsequently went on to achieve my Masters degree in Forensic Psychology at the UNSW. I worked under Dr Amanda Barnier and my research examined interpersonal source monitoring, in particular, the impact of expertise and framing on judgments of genuine and deceptive trauma accounts. After completing my Masters program I worked as a forensic psychologist for private practice. My job entailed conducting clinical investigative interviews and providing psychological assessment reports for the court. I am presently enrolled in the PhD program at the Department of Cognitive Science at Macquarie University. I am interested in the different factors that contribute to changes in memory across retellings and how autobiographical memory variability is perceived in the legal system.
Growing numbers of refugee children arrive in Australia with age uncertainty. This has led to an increasing interest in age determination methods and their accuracy. A holistic assessment of age, including age interview, is supported as best-practice by national and international guidelines, over the current mainstay, radiographic bone assessment, which is imprecise and ethically contentious. Due to the perceived objectivity of biomedical assessment, age interviewing is underutilised and its incorporation into routine age assessment processes is further limited by the lack of evidence-based narrative history tools.

The Migrant Health Service, Adelaide, a specialised refugee and asylum-seeker health clinic, developed the Age Assessment Tool (AAT), comprising a biomedical assessment, and age interview of the child and carers, for in-house use. This qualitative study aimed to explore cultural narratives of age, that is, how age is understood and marked, in order to refine and support using the interview component of the AAT.

Seven semi-structured interviews were conducted across 3 ethno-cultural groups, with transcribed data thematically analysed. 5 themes were identified and findings supported the use of age assessment interviews generally, and the AAT with some modifications, in clinical practice.

This paper discusses the social construction of childhood and the socio-political implications of age uncertainty. The findings of the study, its contribution to age assessment processes, both in South Australia and more broadly, and a methodological approach that generated considerable community engagement and support, mitigating many of the factors noted in the literature around research with vulnerable populations will also be presented.

Ashish Vaska is a final year medical student at the University of Adelaide, with an interest in working with underserved populations. His undergraduate honours thesis with the Discipline of Public Health, University of Adelaide, researched age determination in refugee children.
Ethics, health and human rights clash with Australia’s policies of mandatory immigration detention. Since its introduction over 20 years ago its impact on asylum seeker and refugee health and wellbeing have been well documented, however less has been said about the issues faced by health professionals working in these environments. The ability to practice independently and ethically has long been compromised with few other settings in Australia posing such challenges. Drawing on the existing literature and personal experience current ethical issues and future directions will be discussed, along with the day to day challenges of working as a mental health professional in immigration detention.

Ryan Essex: Counsellor, Villawood Immigration Detention Centre. Formerly, Curtin Immigration Detention Centre and Inverbrackie Alternate Place of Detention. PhD student at the University of Sydney’s Centre for Values, Ethics and the Law in Medicine, exploring ethics and the issues health professionals face while working in immigration detention.
MOTHERING IN THE FRONTIERLANDS

BRANDY COCHRANE

Illegalised migration is a time of uncertainty and flux which leads to experiences of violence and disaster for women. Both Australia and Europe have pursued policies and practices of border hardening to deter and repel irregular migration. This has manifested in boat turn backs on the Mediterranean and between Australia and Indonesia, involving a range of civilian and military enforcement. How these strategies are experienced by key groups, including women and their children is the focus of this paper. This research draws on citizenship, disaster, and medical trauma literature, as well as qualitative interviews from migrant mothers, to form a picture of the mothering strategies before, during, and after illegalised migration.

Currently, Brandy Cochrane works on her Motherhood and Migration Project which studies experiences of female refugees and the role motherhood plays in migratory experience at Monash University. Brandy is also the media consultant for Border Crossing Observatory and does RA work focusing on people diagnosed with severe mental health issues.
RESILIENCE AND ADAPTATION IN REFUGEES AND ASYLUM SEEKERS – A LITERATURE REVIEW

MICHAEL KEEM

Introduction: effective population mental health services are underpinned by a detailed understanding of mental health protective and risk factors. Those factors that influence resilience and lead to successful adaptation in those of refugee background are poorly supported by empirical evidence. This is despite the significant benefit knowledge of this would add to mental illness preventative initiatives and informed policy.

Methods: a literature review was undertaken to assess the role of resilience in promoting successful adaptation among forced migrants. This is in the broader context of beginning a systematic review on this topic.

Results: forced migrants often have incredible fortitude when establishing a new life. Many of the same experiences that precipitate posttraumatic stress in some spur posttraumatic growth in others, and thus successful adaptation. Resilience is the mitigating factor between these two polarised – and in many, coexisting – responses. It promotes the development of a personal narrative accentuating personal strengths; a stance steeped in hope and positive reframing. There are several deficiencies in the literature: a bias toward adverse outcomes, a lack of consensus on the definition of ‘resilience’, lack of integrated quantitative data, and issues with cross-cultural generalisability.

Conclusion: the literature emphasises the suffering experienced by refugees at the expense of stories highlighting positive tales of resilience and adaptation. Underscoring good health over disease is a useful mechanism in understanding the positives in human coping and how best to nurture their strengths. There is a dire need to standardise psychological distress measurement tools and further investigate the significance of, and factors promoting, resilience.

Michael Keem is a graduate medical student at the University of Melbourne with a strong interest in refugee health. He is currently undertaking a Scholarly Selective research project with the Melbourne Refugee Studies Program and is supervised by Erminia Colucci and co-supervised by Harry Minas.
This paper uses Nussbaum’s list of ten capabilities to interrogate the experience of young people who are granted Australian citizenship after being detained in immigration detention. It explores the literature and transcripts regarding policy decisions made regarding children in detention, as well as transcripts and reports pertaining to the conditions for children in various situations of short and long term detention.

The formulation of a young person’s capabilities, and the ‘functioning and opportunity freedom’ (cf. Nussbaum 2010, 2013) are impacted both during, and as a result of the detention experience. Schools are best placed to ease young people into Australian citizenship and a ‘flourishing’ place in Australian society, but there are important supports and considerations that should be in place to enable a successful transition. Using the aims of Australian education as laid out in the Melbourne Declaration (2008), the paper makes an argument for the importance of these supports and considerations for all Australian citizens.

Catherine Smith is a PhD candidate at Deakin University and a sessional lecturer and tutor at Deakin University and University of Melbourne Graduate School of Education. Her research explores social justice and the role of care, wellbeing and belonging in educational settings and society. She has also worked as an education project officer for the Centre for Multicultural Youth and the Victorian Foundation for the Survivors of Torture and with many school communities, government and NGOs in consultation, partnership building, action planning and professional development in Australia, The UK, Canada and Guiné-Bissau. She advocates for the rights of people of Asylum Seeker and Refugee background.
This project is a case study investigating the experiences of refugee Karen ESL learners as they transition from English language school into mainstream schooling. In this study, I follow seven recently arrived Karen learners in their last term at the language school through their first two terms at their new schools respectively. My primary goal in this research was to capture the various experiences for each of the students throughout the transition process, with particular focus on students’ social, academic and institutional experiences.

In providing a platform for the cultural voices of Karen students and perspectives of key stakeholders, I aim to contribute deeper understandings about these learners, as well as to provide insights into what transition is and the multiple factors which may facilitate and inhibit the process. In shining a light on the reality of experiences in the mainstream education system, my work will also examine the rhetoric and discourse surrounding policy and practice which impacts these students. It is my hope that such insights will enable educators and policy makers to improve quality of education and outcomes for other similar vulnerable learners in Australian schools.

Amanda Hiorth is in the final phases of her PhD. With a background of ESL teaching in Japan and Australia, her experience at a Victorian language school for newly arrived refugee students began her foray into research. Compelled to improve students’ educational experiences and outcomes, conversely, she has learned much about resilience and optimism from her student participants.
The Australian Split Family Provisions Policy has changed and no longer allows individuals who have arrived by unauthorised boat to Australia, after August 13th, 2012, to sponsor family members to come to Australia. Therefore, the current study will investigate the experiences of young refugees without the presence of their parents in Australia. More specifically, participants in the current study are required to be Hazara, a persecuted ethnic group from Afghanistan, between the ages of 16 and 30 who are unaccompanied. The participants who volunteer to partake in this study will complete an online questionnaire, which contains measures of well-being, experiences of acculturation and resilience and reactions to traumatic stress. At the completion of the questionnaire, participants will have the choice to contact the researcher, via email, to meet and discuss these issues further by participating in a semi-structured interview. The primary researcher hopes to recruit 80-100 participants to complete the online questionnaire and 20 participants for the semi-structured interviews. This study will document the impact of the lack of family reunion in Australia for unaccompanied refugees. It also gives participants a chance to describe their experiences of being an asylum seeker and refugee from their experiences of flight to their experiences of living in Australia.

Carly Copolov has completed a Bachelor of Social Science (Honours) and is currently a first year PhD psychology student at Swinburne University. Carly’s inspiration to commence a PhD came from her experiences of volunteering with community detained young Hazaras. Carly hopes to one day work as a human rights advocate.
SCREENING FOR INFECTIOUS DISEASES IN REFUGEES – RECOMMENDATIONS VS POLICY AND PRACTICE IN AUSTRALIA

KATHERINE KING & JAMES LOMAS

It is recognised that refugees carry a disproportionate burden of infectious diseases that may be undiagnosed or untreated at the time of migration. Early screening and treatment for all recently arrived refugees is warranted. In 2009, The Australasian Society of Infectious Diseases (ASID) released evidence based guidelines on screening for infectious diseases in recently arrived refugees. The aim of this study was to critically assess the extent to which current policies and practices are informed by evidence and identify potential gaps. Evidence based recommendations on screening for infectious diseases in refugees were reviewed and compared with current policies and practices.

ASID recommends screening for specific infectious diseases within one month of arrival for all refugees. The Australian Government’s policy framework on health assessments for refugees integrates ASID’s recommendations. However it diverges in suggesting a risk stratification approach whereby it is at the practitioner’s discretion to tailor screening based on the individual’s background. It also stipulates that screening should occur within one year of arrival rather than one month. For some diseases refugees are screened with tests other than the recommended investigation. Exact protocols for screening recent arrivals in detention centres are unclear.

We conclude that there exists a gap between evidence and policy with respect to screening for infectious diseases in recently arrived refugees. Current practice could lead to delayed diagnosis and treatment of serious infections, elevating the risk of poorer outcomes for the individual and the population. Clearer policy and guidelines, informed by current evidence are required.

Both Katherine King and James Lomas work with asylum seekers at the Asylum Seeker Resource Centre (ASRC) in Melbourne, within the health and human rights law programs respectively.

Katherine is a junior doctor at Alfred Health and James is a recent graduate of the Monash University Juris Doctor program.