

Stancea Vichie

Home Is Not Home Until Human Rights Are Respected

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Stancea Vichie is the Community Liaison Coordinator at the Hotham Mission Asylum Seeker Project in North Melbourne, and works with asylum seekers living in the community as well as in detention. She has been involved in this area for almost six years. She has been involved in developing links with the community through awareness raising and the growth of Asylum Seeker Support Networks and other groups who work with the Project through funding, housing, volunteering and lobbying for better outcomes for asylum seekers. She is involved with the Justice for Asylum Seekers Alliance, the Network of Asylum Seeker Agencies Victoria, coordinates the Project's Women's group, its Volunteer Training Program, and assists with University and student research projects.

Abstract

Asylum seekers have left their home to seek protection in Australia but because of regulations introduced in 1997, some find themselves without rights and entitlements, with no capacity to provide themselves with a home and all that this means as they await a final decision to see if they can remain in Australia and make it their home. Lobbying to change those regulations is just one step towards restoring rights for this vulnerable group of people whether their home will ultimately be here or back in their own country.

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Fleeing Home

Early in 2000, Rahul and Sukeena, a family with three small children, fled civil conflict and torture in Sri Lanka. It was a difficult decision and the airfares were costly. On arriving in Australia, they applied for protection, and by chance, it was within the prescribed 45 days. They were soon granted bridging visas that allowed the adults to work. Both found work without much difficulty and were able to support themselves and the family. The children settled into the local school and they were optimistic that they might now find a new safe home and security for the future. However, the Refugee Review Tribunal rejected their case and the family was immediately placed on a Bridging Visa E which denies the right to work, Medicare and benefits.

Without a Home Again

The family was soon on the verge of homelessness and the strain brought them close to breaking point. The situation in Sri Lanka did not improve. Letters from friends warned them it was not safe to return. They became extremely anxious not knowing what to do.

Finding a Temporary Home

Fortunately, a friend said to them that they might be able to receive help from an agency they had heard about but did not know where it was. Some enquiries led them to the Hotham Mission Asylum Seeker Project. The family came to the Project and were welcomed by one of the social workers who talked with them about their needs. They were placed immediately on the Project's monthly Basic Living Assistance Program as well as provision made for them to move to rent-free housing which was to become available during the next month. The children relocated to the local primary school and with volunteer support, the family were introduced to the services in their new local area. They were greatly relieved to be supported in this way even though it was minimal in terms of their access to basic living

funding. Despite the difficulties of not being able to be self reliant and work for a living, they wanted to appeal to the Minister to intervene in their case such was their fear about returning to their own country.

Advocating for a Home

With basic human rights being denied to such a family, and many other families and single persons who are asylum seekers living in the community on Bridging Visa E, Hotham Mission has sought to have continuing dialogue with a range of policymakers. This has included successive Ministers of Immigration and their advisors, Shadow Ministers of Immigration, Department of Immigration officials, and other bodies. A research project, *Welfare issues and immigration outcomes for asylum seekers on Bridging Visa E*, covering February 2001 – February 2003 was completed and has been used in discussions with the aforementioned bodies. It outlines the significant impact of having no rights or entitlements. Another document prepared by Hotham Mission and entitled, *Minimum Standards of Care for Asylum Seekers in the Community*, identifies asylum seekers who have unique and exceptional welfare needs, arguing that these groups should all have access to appropriate healthcare, the right to work, and that those with special needs be able to access specialized care in accordance with the Asylum Seeker Assistance Scheme Exemption Criteria. This has also been used as a focus for change in policy.

In March 2004, the Senate Select Committee on Ministerial Discretion in Migration Matters released a report on an inquiry into ministerial discretion and made a number of recommendations, which, if taken up, have implications for asylum seekers on Bridging Visa E who are awaiting a ministerial decision.

Recommendation 10

- 5.44 The Committee recommends that all applicants for the exercise of ministerial discretion should be eligible for visas that attract work rights, up to the time of the outcome of their first application. Children who are seeking asylum should have access to social security and health care throughout the processing period of any applications for ministerial discretion and all asylum seekers should have access to health care at least until the outcome of a first application for ministerial discretion.

At this moment, there is no change in policy. A strong *'Right to Work' campaign* has been building in some sections of the community who believe that asylum seekers, whether they miss the 45 Day Rule, or whether they are applying for ministerial discretion, should have the right to work. Asylum seekers themselves are constant in their proclamation of desiring to work as they await a final decision, and indeed, have many of the skills which are sought after on the Skilled Occupation List for the General Skilled Migration Program, as well as skills in high demand on the Migration Occupations in Demand List.

Universal Declaration of Human Rights

In 2008, it will be sixty years since the Universal Declaration of Human Rights was completed. Australia was active in the drafting of this significant document. Two articles from the declaration are especially important as we continue to work for change to policy.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

and

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Reaching a Home with Dignity

Whatever the final outcome may be, whether Rahul, Sukeena and their children are able to remain in Australia as their new home, or whether they will ultimately have to leave Australia and return to start a home again in Sri Lanka, it will be essential that policy change comes about to honour our international obligations and to ensure that this family and so many others can live with dignity.