

**Submission to the Australian
Human Rights Commission on the
'African Australians: A Report on
Human Rights and Social Inclusion
Issues' Consultation**

ANGLICARE Diocese of Sydney

31 July 2009

INTRODUCTION

ANGLICARE Sydney thanks the Australian Human Rights Commission for the opportunity to provide a submission to the 'African Australians Project: Human Rights and Social Inclusion Issues' Discussion Paper. ANGLICARE Sydney is a Christian organisation operating a wide range of community services and programs across the Sydney Metropolitan and the Illawarra regions of New South Wales. Our range of services include: counselling; community education for families; youth services; emergency relief for those in crisis; family services including those provided through Family Relationship Centres; foster care and adoption including those with special needs; aged care both through nursing homes and community services; opportunity shops which provide low-cost clothing; disability respite; chaplains in hospitals, prisons, mental health facilities and juvenile justice institutions; and emergency services in times of disaster.

All these services reach out to members of the community which include African Australians. Through the Migrant and Refugee Services Department, ANGLICARE Sydney provides a range of specialised services to the migrant and refugee communities in Sydney. Within this Department, ANGLICARE Sydney currently provides the following services:

- The Southern Sudanese Program, providing casework, information and referral and community development to those in this community. This is a Department of Immigration and Citizenship (DIAC) funded Settlement Grants Program.
- The Small and Emerging Communities Program, providing community development assistance to small and emerging communities
- The Integrated Humanitarian Settlement Strategy (IHSS) for rural New South Wales, which provides settlement assistance to newly arrived refugees and humanitarian entrants and is funded by DIAC;
- Early Learning through Play, which is a pilot project, funded by a private trust and designed to assist pre-school aged children and their parents/carers to better understand and transition to the school system;
- Family Violence Project with the Southern Sudanese community, funded by the NSW Government, and which addresses developing prevention and early intervention strategies that are culturally appropriate to this community;
- English as a Second Language (ESL) classes, which are community English classes, taught by over 300 volunteer ESL teachers.

Additionally, under the Counselling service area of ANGLICARE Sydney, there is a Humanitarian Counselling Program, funded by the Department of Families, Housing, Community Services and Indigenous Affairs which provides counselling and assistance to humanitarian entrants with issues relating to family relationships.

This submission is based on our experience in the provision of these community services to African Australian communities.

It is noted that there have been a number of consultations held throughout Sydney, which have involved and captured the views of many African Australians, such as those held by the Baulkham Hills Holroyd Parramatta Migrant Resource Centre, the Auburn Diversity Centre (formerly known as the Auburn Migrant Resource Centre) and the NSW Community Relations Commission. Many of the African Australians that ANGLICARE Sydney works with were involved in these consultations. This submission is written from a community services workers' perspective, representing the experiences and views of those working in the area of migrant and refugee

services at ANGLICARE Sydney. Some of these staff members are African Australians themselves, and others work very closely with the African Australian communities.

From the outset, ANGLICARE Sydney would like to acknowledge the diversity that exists in the African Australian communities. We have worked with, and continue to work with, a number of these communities, particularly the people from the Congo, Southern Sudan, Liberia, Burundi, Tanzania, Somalia and Ethiopia. People from these communities arrive in Australia on a wide range of visas: refugee, humanitarian, skilled migrant, family stream and student. Their education, social and economic backgrounds, history, culture and migration history vary greatly. The issues they face in their settlement may vary greatly, although some contain similarities. This submission endeavours to illustrate this difference, through our experience in working with these communities. The remainder of this submission follows the headings provided in the Discussion Paper. We have sought to address the questions which have particular relevance to our service experience.

EMPLOYMENT AND TRAINING

1. Barriers to training: A major impediment faced by African Australians in accessing training is lack of strong English language skills which impacts confidence in applying for and pursuing training opportunities. This is also compounded by lack of awareness of training options and the cost involved in such training, which in many cases is prohibitive for new arrivals.

2. Training opportunities would be more accessible to African Australians if orientation and education on training opportunities were provided soon after arrival. Such orientation could address work life issues in the Australian context, the rights and responsibilities of employees and employers, development of job applications and resumes and the training options available for new arrivals. This early orientation could be supplemented, after settlement has taken place, with more detailed induction into training possibilities for those who are not already engaged in such training.

3. Skills assessment is also necessary. While new entrants often arrive with poor and disrupted educational backgrounds many have life skills, particularly in relation to the running of small businesses, which could provide a platform for further training and career building in Australia.

4. Interpreter services are not well understood or accessed either by the African Australian community or by training institutions. This is complicated by the number of dialects for the Arabic language (Lebanese, Egyptian, Dinka, Juba, etcetera) which are very different from, and cannot be substituted for, each other. There are thus significant gaps in the provision of interpreter services for small and emerging communities.

5. Meaningful employment for African Australians is that which utilises existing skill and knowledge bases, provides the employee with a sense of satisfaction, has appropriate remuneration and other standard work benefits, and provides a sense of self worth to the individual.

6. Appropriate career advice necessitates a dual focus. There needs to be a comprehensive assessment of current skills coupled with an understanding of the individual's aspirations for a career path. Accessing appropriate training to build on the current skills base is also fundamental. For many new arrivals the journey has already been a long one and there is an eagerness to work as soon as possible. This impatience is often fuelled by the physical and material needs of their families. Education and training may not appear to be options given the financial imperative to put food on the table as soon as possible. Long term career planning options need to be considered and strategies developed for the individual to enable this to be a realisable option.

7. Barriers to accessing employment agencies include a lack of understanding of the role such agencies can play in finding employment and the delivery of services in ways which are not culturally appropriate. This latter barrier can be mitigated by the provision of appropriate cross cultural training and awareness for staff in the employment agencies. This would assist in ensuring that there is equity of access and African Australians gain a clear understanding of what services are available and the means by which they can be accessed. A further mitigation would occur with the increased use of interpreter services by employment agency staff. There have also been instances where interpreters were needed, but not used by Job Network staff who need to be fully informed about how and when to access interpreting services, and encouraged to use these services when needed. This may be less of an issue if there was a refugee-specific service within the Job Network.

DEWR and the Job Network service providers could establish a service similar to the refugee unit at Centrelink. There have been many instances, for example, where refugees and special humanitarian entrants have been contacted during their term breaks while still enrolled in English language training, to complete job seeking activity reports. This can cause much anxiety and should be unnecessary while they acquire English language skills. Refugees and special humanitarian entrants are currently exempt for six months from Job Network requirements when they are still learning English; we feel this should be extended where learning sufficient English is taking longer. The implementation of a service similar to the refugee unit at Centrelink would mean that people could be assessed to determine when they are ready and equipped to look for work.

8. Overseas qualifications are frequently not recognised in Australia. The immediate need for work coupled with a reluctance to embark on further education, in areas in which they are already qualified, results in such people working in low skilled and unpaid work which is often casual and insecure.

9. Barriers to employment include: lack of recognition of overseas qualifications, disrupted or poor education, language issues, lack of local work experience, lack of sufficient skills and understanding of how to write strong job applications, lack of affordable childcare, lack of access to formal and informal networks, cultural transition issues and the trauma of pre arrival experiences. These can be compounded by the fact that some refugees were unprepared for their departure from their homeland and arrive with few possessions, little understanding of their new country and culture and distressed about family reunion issues. This has led to labour market segmentation where migrants who are visibly different, such as African Australians, are provided low paid and unattractive jobs.

10. Increasing employment opportunities for African Australians rests on a number of strategies. These include a proper assessment of current skills and a clear understanding of the long term career goals combined with an identification of skills gaps which need to be rectified by appropriate training opportunities. Support needs to be provided in the development of résumés and job applications and a more customized approach by job agencies and Job Network providers would also assist in reducing barriers to employment. More affordable child care is also important particularly for women with little family support who want or need to participate in the work force.

11. There are a number of adverse impacts of unemployment and underemployment. Lack of adequate paid work can lead to, or compound, existing mental health issues with anxiety and loss of self esteem. It can also create a sense of disconnection and alienation from the mainstream community, further exacerbated by (often enforced) separation from family still residing overseas. The low income which results from unemployment also leads to issues relating to meeting basic material needs such as food, clothing and secure housing.

12 Discrimination in the work place is not uncommon. Mitigation requires ensuring all employees are aware of their rights and responsibilities, are given clear induction and orientation to their work place and understand the appropriate channels for dealing with issues as they arise – including the use of HR staff. There is a need for ongoing culturally sensitive education, training and support in the workplace. Many newly arrived African Australians who secure a job are unwilling to challenge the organisation or raise issues pertaining to discrimination for fear of reprisal or job loss. Employers need to ensure that appropriate training and orientation is provided.

EDUCATION

13. Educational access is often achieved most frequently by word of mouth and the knowledge base is usually more informed the longer people are resident. However there are significant barriers to effective educational access. The most common – and often the most difficult – are both literacy and confidence in spoken English. Many African Australians have a culture, tradition and language that is oral rather than written. If this is coupled with difficulties with spoken English, the barriers to learning are significant. Research in this area has suggested that learning literacy in English is particularly difficult if the student is not already literate in their first language¹; this is likely to affect African Australians from oral traditions.

¹ Lo Bianco, J. (2007) "ESL...is it migrant literacy?...is it history?", paper first appeared in Naldic News. Accessed on 8th October, 2007 from: <http://www.naldic.org.uk/docs/members/documents/ESLIsitmigrantliteracyIsithiStoryBiancoNaldicNews.pdf> and Fantino, A. M. and Fantino, A. A. (2003) "Collaborative Models of Settlement, Education and Integration Services in Alberta, Canada", paper delivered at Eighth International Metropolis Conference, Vienna, September 2003. Accessed on 8th October, 2007 from: http://www.international.metropolis.net/events/8th_vienna_conf_2003/en/WS5.4Fantino.pdf

14. Education experiences of African Australians vary depending on the strategies employed by the educational institution. Those which cater for a significant number of CALD students often have appropriate support and mentoring strategies. However in some educational institutions, support to young African Australians has not been adequate. Negative experiences can be both academic and personal. From an academic perspective, students may have problems keeping up with the pace of the class because of their difficulties with English and often need support in completing homework. While they do well in Intensive English Classes (IEC's) once they move out of this support, they often struggle with the classroom. On a personal level, ANGLICARE has noted experiences of racism and bullying and the difficulties some students have in balancing the demands of education with home life and work.

It should be noted that for many African Australians the educational experience is very different to that experienced in their original homeland. For many learning was by rote and in large classes of up to 60 children. The Australian experience and expectation is very different and can be both confronting and intimidating.

If parents are having difficulty navigating the education system effectively and if there is not considerable support provided to children by parents at home for school then outcomes can also be compromised. This major gap and challenge experienced by many African Australians, gave rise to ANGLICARE developing a pilot program 'Early Learning through Play' where parents and carers, as well as their pre-school aged children were introduced into the school system and methods of learning and child development through play.

15. Age based education often represents an issue for young African Australians who on arrival at school are often placed in age appropriate classes which do not reflect their educational experience. Many of these children have experienced pre migration trauma and deprivation of normal developmental opportunities reflected in their lack of access to or disrupted education. They need some transition strategies to assist them in acclimatising to the discipline, rigours and demands of the class room.

'Research suggests that secondary and senior secondary students require longer periods of intensive support than early childhood and primary students, particular if they have had interrupted schooling, social/ emotional development or trauma issues that impact on learning, or if they have no literacy in their first language'² At high school and TAFE, if such issues are not addressed there is a potential for dropping out of the system altogether with the accompanying disenfranchisement and frustration that this engenders. One such strategy could be extending an invitation to parents of African Australian children to present a little of their home life to the wider class, so that empathy, understanding and respect can be created for diverse cultural experiences.

16. For overseas students finances are a major issue particularly around meeting basic needs such as accommodation, travel, utility bills and food.

² Flanagan, J. (2007) *Dropped from the moon: the settlement experiences of refugee communities in Tasmania*, The Social Action and Research Centre, Anglicare Tasmania.

17. Key educational programs and supports for African Australian students centre on development of English speaking skills and literacy both as separate programs and as embedded elements in courses. This could be enhanced by cross cultural training of teaching staff – particularly in areas where there is a high CALD student population. There needs to be an understanding of the issues that affect students from complex refugee situations including mental health, grief and separation issues, trauma, educational challenges and literacy.

18. Assessment of competency based on written and comprehension assessments often fails to accurately reflect the skills and natural ability of children – not just African Australians. However when children come from a predominantly oral educational background assessment using the written form is particularly ineffective in capturing the full competency of the child. Other assessment methods need to be considered for such children.

HEALTH

19. The main health issues of concern in the first year of arrival centre initially on the adequacy of assessment and response to the health care system. For many newly arrived African Australians, this may be the first opportunity they have had to have their health needs assessed and addressed. . So it is critical that they be given the opportunities to understand the importance of explaining their current physical issues, including the extent and nature of any pain or discomfort, to those who can support them in maintaining their physical health. However, ‘histories of torture and trauma can impact on people’s capacity to care for their own health, develop trust in and rapport with health care providers – especially for those from regimes where people in positions of authority were involved in supervising or perpetrating torture – and their capacity to tolerate invasive or anxiety producing procedures’.³ Health can be further compromised by adverse economic and social circumstances which can compound existing problems and introduce new ones.

There can be issues of nutrition, diet and a number of women present with oncology issues – although the reason for this is not clear. However, well being and mental health are much more difficult to address than physical health, requiring an education process to ensure that African Australians can better understand the types of assistance that are available to them.

20. The current health care system sometimes fails African Australians and for several reasons. It has been ANGLICARE Sydney’s experience that many refugees and special humanitarian entrants have not been provided with adequate assistance in meeting their health appointments in the metropolitan Sydney area. Medical practitioners are also often reluctant to use interpreter services – because it can be both time consuming and cumbersome. However, the lack of an interpreter may mean that often the patient is unable to accurately describe their health concerns or understand what the doctor is saying. At times, family members are used as interpreters, which can be highly inappropriate. The Federal Government has addressed this issue through the Doctors Priority Line, which is a free telephone interpreting service to assist medical practitioners communicate to non-English speaking patients. This is available 24 hours a day, seven days a week. However, more promotional work does need to be done to highlight the grave issues associated with not using interpreters, as it still remains a significant issue for many non-English speaking patients, including a number of African Australians.

³ Flanagan, J. (2007) *Op Cit*, p27.

21. Mental health is an underground issue for many African communities – an issue which is neither addressed nor spoken about. This is a concern given that many African Australians have experienced grief of separation, torture and/or trauma. Under such circumstances it is important to provide education to these communities to widen understanding and acceptance of how mental health issues are diagnosed, treated and supported in the Australian public health system. It is also important to understand that such treatment and counselling needs to be both culturally sensitive and appropriate.

22. Access to health services could be considerably improved by the greater promotion of those services to local communities in appropriate languages and by the more extensive use of interpreter services by health providers. Access would also be improved with enhanced linkages with NAATI, TIS (telephone interpreting services) and HCIS (health care interpreter services).

Case Study

Adut is a single mother who arrived in Australia in 2004 with her three children and her sister's daughter who is 15 years old. Adut's children are all attending school to learn English and doing really well at school. Adut went to English classes to learn English so that she could find employment and therefore support her family financially.

Adut was doing really well in English classes. However she began feeling sick and couldn't go to see a doctor as she lacked confidence in her English to communicate with a doctor. As Adut became really sick, she eventually did go to a doctor hoping that the doctor would be a female and would use a female interpreter. However, the doctor was a male doctor. Adut did not want to see a male doctor, so she left. She had all boys who speak good English but she couldn't take one of them as it isn't culturally appropriate for the boy to explain what his mother has been suffering, especially when it relates to female issues. She had to suffer in silence until she had a female community support worker who she trusted enough to tell her about her health.

Adut became distressed and couldn't cope with her children because of her ongoing health issues and she had no support in the community as everybody was busy with their own families. Adut kept going to TAFE to learn English even though she wasn't feeling well enough. All of her children became distressed as their mother had changed and they did not know how to assist.

23. Health subjects not discussed – or often considered taboo in some African communities – are mental and sexual health. Mental health issues have already been addressed in this submission. In terms of sexual health the lack of education and discussion within the home can lead to unwanted teen pregnancies.

24. Culturally appropriate health services – not only require culturally appropriate training for staff but there is also a need to encourage more female doctors and/or doctors from Africa to work with African Australians.

25. Limited Medicare access can occur depending on the nature of visa status. This systemic discrimination is often compounded by the lack of interpreter services used by medical practitioners – as indicated in an earlier section of this submission. Use of relatives for this purpose increases the risk of inaccurate diagnoses, dangers in taking the wrong amounts of medication and the potential of severe health issues going undetected.

HOUSING

26. Housing access is compromised by the lack of affordable, adequate accommodation. This is particularly important for people who have experienced dislocation, life in refugee camps and trauma and torture. Public housing, when accessible does provide security of tenure. However the private rental market is often 'structured around short term leases so that landlords, who are usually small scale investors, can have swift access to their capital. The private rental market is limited in its capacity to provide people with an ongoing sense of stability'.⁴

Housing availability is one issue and affordability another. Most new arrivals are on Centrelink payments and the capacity to pay rent – particularly in the Sydney market is limited. This problem is compounded by housing adequacy. Many African Australian families are large and there is a shortage of adequate housing for such families, so they are often split, living in different properties, sometimes causing overcrowding to friends and relatives. In some cases this has forced families which do not know each other to cohabit which can be both stressful and in some cases culturally inappropriate.

There are also tenancy issues with problems relating to understanding the nature and responsibilities of leases, unexpected rent rises, evictions and discrimination on the part of real estate agents. African Australians who live in sub-standard housing often lack awareness of their rights as tenants and so do not request the necessary improvements or are reluctant to request assistance, for fear of losing their home. They often struggle with damp, leaking pipes, no hot water, poor ventilation, dirty and smelly carpets, broken stoves and inadequate maintenance by landlords. Poor quality housing is leading to a new onset of health problems not experienced prior to arrival including asthma and mental health issues associated with despondency and depression.

There has been an unprecedented rise in housing related issues in our work with Humanitarian Program entrants, primarily experienced by our work with the Southern Sudanese and Small and Emerging Communities Programs. As a result, ANGLICARE Sydney is interested in conducting primary research into the issue of housing among these communities. The aim is to further explore these issues and to provide some recommended strategies for mainstream and specialised Government and non-Government service providers such as housing providers and community support services, in order to better understand the specific and unique issues that refugees are experiencing in this area, and to suggest what steps may be taken to better address these issues.

27. Homelessness is an emerging reality for a number of African Australians that seek assistance from ANGLICARE. Shortages of community and public housing, with long waiting lists, exacerbate the problem. Avoiding homelessness sometimes leads to families moving in with others and sometime splitting up. This not only leads to overcrowding but increases the risk for all of eviction.

28. Housing support measures for pre arrivals, close to settlement, could include some orientation training on how to obtain and maintain housing in the Australian context. While some African Australians are provided assistance in finding their first long-term accommodation by services such as IHSS, we have found that after they have finished their lease, many struggle with either maintaining that accommodation or finding their next home.

⁴ Flanagan, J. (2007) *Op Cit*, p26.

A second support measure relates to the education and training of real estate agents on the issues facing African Australian families – in order to enhance capacity to deal with their issues and to reduce discriminatory practices. The development and distribution of brochures for example, in a number of languages, about how to be a good tenant, rights and responsibilities and positive stories about tenancy would assist in this regard.

29. Discrimination is practiced by a number of real estate agents. This is evident when properties remain empty or are re-advertised after their application has been rejected and often with the lack of any explanation for unsuccessful application. For many refugee families bond money is sometimes used for pre-existing damage, routine maintenance and unwarranted professional cleaning and many private landlords and real estate agents are still requiring clients to find a substantial amount of bond and rent in advance. Such discrimination can mean difficulty accessing housing, eviction and homelessness and sometimes acceptance of sub standard housing. Currently, a number of settlement service providers provide some basic tenancy rights information sessions. However, a more coordinated and consistent approach to this, delivered in culturally appropriate ways would be of great benefit.

The following case study illustrates situation commonly experienced by ANGLICARE African Australian clients.

Deng is a husband and father to 5 children aged between 3 and 16 years. Deng and his family had been living in a 3 bedroom apartment in Fairfield for six months. Towards the end of the lease, he was informed that his rent would increase by 25%, which was totally beyond his budget. He was unemployed, still actively looking for work, and supporting his entire family on Centrelink benefits. His children had begun to settle, after a long period of adjustment, into their local school. After weeks of searching for a new home, he received numerous rejections from rental applications. He was unsure of the reasons, but suspected racism, as he was treated rudely or indifferently by a number of real estate agents. He was on a waiting list for community and public housing, but was advised it would take years before these providers would be able to provide him with any accommodation. It became clear that he would have to move to the outer suburbs to a small house with poor public transport, uprooting his children from their school and away from any social connections that had taken so long to establish. Or he could possibly move in with another family, who were already living in a very small apartment, which would be far too crowded an environment to live in, but which would be better than living on the streets.

30. Gender is sometimes an issue. Some female headed households have expressed the view that if they had a husband on their application, it would be approved more quickly. It could be argued that single-parent households are in most need of secure housing, due to their limited financial capacity and lack of support networks.

JUSTICE

31. Lack of understanding of the judicial system is a common problem for African Australians. This reflects the significant differences between the Australian legal system when compared with its African counterparts. As an example use of bail is seen by some in this community as not taking crime seriously. Some education work done by Legal Aid and the Law and Justice Foundation has been positive in this regard but it would be helpful to have more settlement services address this issue. A positive example of how this has been addressed in NSW, is the employment of a Southern Sudanese worker in the NSW Attorney General's department. This worker has worked closely with members of the Southern Sudanese community with very positive outcomes.

32. Accessing the legal and justice systems can sometimes present a challenge to African Australians. These challenges result from a lack of understanding of the system and language barriers particularly in relation to law enforcement and the courts. Some of these barriers could be reduced with the effective provision of information in the early stages of settlement followed by greater orientation through the IHSS program. However, there are a number of African Australians who arrive under other visa categories and as a result do not receive support from the IHSS program. It is vital they do not miss out on this information.

33. Combating family violence also presents an issue for such communities. A number of practices which come under the umbrella of family violence in Australia are not considered in that light in other cultures. Consequently more attention needs to be given in the area of education of African Australians in relation to Australian laws and practices, and acceptable and unacceptable family practices. Again, such education needs to be provided in culturally appropriate ways, so that the messages are absorbed and understood in meaningful ways. Underreporting is a significant issue reflecting community views that police are often repressive and have no need to be involved in family violence issues.

34. Cross-cultural training can be an effective means of reducing domestic violence. Parramatta Juvenile Justice approached ANGLICARE Sydney with a request for assistance to improve their cross-cultural awareness, with regard to communicating with girls and boys from Sudanese backgrounds. They had issues with the lack of a 24 hour on call service to translate, support and counsel young offenders and anticipated that such training may assist their interactions with the community.

CONCLUSION

ANGLICARE Sydney would like extend its appreciation to the Australian Human Rights Commission for the opportunity to comment on the issues being faced by African Australians in relation to housing, health, employment, education and justice. As a community service agency, we have a number of people accessing services who are newly arrived from Africa. We consider it is critical that the issues faced by such people – who have often faced dislocation, trauma and torture in their homeland – are addressed.

Peter Kell

Chief Executive Officer
ANGLICARE Diocese of Sydney
31 July 2009

ANGLICARE Diocese of Sydney PO Box 427 PARRAMATTA 2124 T: 02 9895 8000 E: pkell@ANGLICARE.org.au
--