

CHAPTER 13

THE SITUATION OF YOUNG REFUGEES

Few have suffered the trauma and anguish that these people have. It should not be surprising then to learn that there is much conflict in their private homes. Tension and abuse often arise as a result of the toll that the trauma and upheaval have taken on refugees.'

INTRODUCTION

13.1 It was clear from evidence presented to the Inquiry that there has been a failure to adequately care for a number of children and young people in respect of whom Australia has undertaken particular responsibility. The Inquiry was told that there is a disturbing incidence of homelessness among young Indo-Chinese refugees. In 1986-87, almost 4,000 Indo-Chinese refugees settled in Australia² and another 1,801 arrived under the Special Humanitarian Program.³ Many Vietnamese refugees, of course, settled earlier during the 1970s.

13.2 Australia accepts about 300 juvenile refugees without accompanying parents each year.

...they come to Australia without any family background, whether it is parents or uncles and aunties. Some of them come alone. Some of them come with their brothers and sisters. ...⁴

They were children that were taken often by relatives. Often their parents were left in Saigon or in Vietnam, and they were virtually given to whoever would take them and bring them into the country. When they got to the refugee camps the story was the same: if somebody was getting into Australia then they would take an extra child with them.'

The person who most mattered in their life, usually the father, was often in detention...There was not enough money for the whole family to leave so parents looked to see who would be at the greatest risk and that was for people at the age of conscription, the children in the age bracket from 15, 16, 17, up to 20 years old.'

13.3 Refugees aged less than 18 who are accepted for resettlement in Australia and who are not accompanied by a parent, are classified as either 'unattached' or 'detached'. Unattached minors are those who are neither in the care of, nor proceeding to, a parent or close adult relative. Such children and young people enter Australia under the guardianship of the Commonwealth Minister for Immigration.⁷ The Minister delegates most powers and functions concerning them to participating State welfare authorities while remaining the legal guardian. Detached minors, on the other hand, are those either in the care of, or proceeding to, a close adult relative other than a parent. The same responsibility does not accrue to the Minister in respect of detached minors.

13.4 Upon their arrival in Australia, refugee minors are taken to migrant hostels:

...where they are launched abruptly into Australian culture...while they wait for the sponsor to be contacted and assessed...For the luckier ones, it may be a few days before they are settled with uncles, aunts or cousins in an already overcrowded flat. For others, six months may pass...few young refugees arrive to a comfortable safe environment...g

13.5 The Inquiry was told that these newly formed households are stressful and likely to break down, with the young refugee moving to the streets.

When there are differences in the family the kids will say 'You are not my father' ...The kids then tend to either be put out on the street or leave...Often it is only an uncle, at the very closest, or an aunt, who has been caring for them. Quite often, apparently, it has just been people that their parents just knew and wanted the kids out of Saigon and sent them.'

The family structure has been broken down completely. They do not have somebody to turn to when all goes wrong. ..Some of these children...have a guardian who might be an older brother or sister, but not in the position to be able to support them because they have to look after themselves.'

136 Witnesses from Springvale, a suburb of Melbourne, from Adelaide and from Cabramatta, a suburb of Sydney, gave evidence that the majority of homeless young people in some urban areas are Indo-Chinese." There were 1,219 unattached and detached refugee minors in Australia in December 1988:

TABLE 1: DETACHED AND UNATTACHED REFUGEES MINORS BY STATE: DECEMBER 1988		
<i>State</i>	<i>Detached</i>	<i>Unattached</i>
NSW	1,500(est)	175
Vic	159	46
Qld	126	14
SA	163	10
WA	11	15
Total	1,959	260

Source: Figures provided by the Department Of Immigration, Local Government and Ethnic Affairs.

137 While this group of children is relatively small, the Inquiry believes they deserve particular attention, both because of their vulnerability and because Australia has a continuing commitment to accept young refugees. In 1987-88, 308 refugee minors arrived in Australia. Evidence to the Inquiry indicated that their chances of successful placement are considerably less than they could be. The backgrounds of these young people, together with those over 18 and those younger refugees who arrive in Australia with their families, strongly suggest a need for intensive and prolonged counselling and support. They have often suffered great trauma in their countries of origin and arrive in Australia bereft of their parents.

In addition, the family upheaval means that the household bonds are much weaker.. which causes further conflict. This means that these young people are caught in a bind. They are living in a country where children have a greater freedom, yet caregivers maintain traditionally strict ideals, causing friction between the two perspectives. Overcrowding and poverty in Indo-Chinese homes usually makes for further difficulties, producing conflict and hindering their education. Finally, the loosening of family bonds creates a sub-culture wherein some refugee children have no fixed home."

INCOME SUPPORT

138 The Federal Government provides a Maintenance Allowance to wards of the Minister for Immigration who are in full-time education and are younger than 16. This Allowance is \$37.50 per week for young people living at home and \$55 per week for those living independently or in the care of child welfare authorities. 100 children and young people were in receipt of this Allowance in June 1988. The Inquiry was told, however, that language and cultural difficulties, and the age discrepancies referred to below, operate to cause many young refugees to leave school early. They then face a disproportionate likelihood of being unemployed. March 1988 labour force statistics indicate that Asian-born Australian residents have the highest unemployment rates in the country.'

139 Unemployed young refugees may face difficulties in obtaining appropriate Federal income support payments. The only form of identification which they are likely to possess is their entry

document. Yet this may record the incorrect (generally a lower) age as mentioned by a number of witnesses.' The reasons for this no doubt vary. The Inquiry was told that a major reason is a belief on the part of parents that younger children will be supported through secondary education. After a prolonged period in refugee camps, the desire to secure a good education for their children in Australia is a natural one.

The disparity between the real age of a young person and their Visa age is, in most cases, a number of years. Many young people, for example, who are 17 years of age have a Visa age of 12 years.⁵

A 16-year-old whose documents assert his or her age is 12 or 13 will probably not be granted the Job Search Allowance and will have great difficulty obtaining the Young Homeless Allowance. When that young person reaches 18 or 19 and becomes eligible for Unemployment Benefit, he or she may be restricted to the Job Search Allowance for 16 and 17 year olds. While the problems have often not been caused in this country, the result for some refugee children has been a lack of sufficient identifying documents to enable them to gain access to their entitlements here.'

13.10 The Inquiry has been advised that the Department of Social Security is gradually becoming aware of these difficulties.

The Dept of Social Security (DSS) has changed its policy in regards to the identification of young people with a refugee background in the light of this problem. However their policy change only makes it possible for the Dept to take other forms of Identification into consideration besides Visas. These 'other' forms of identification implies passports, birth certificates, etc, however, nearly all young people who have arrived as refugees have no other document form of identification beside their Visa."

At present, the Inquiry was told, young refugees who leave the home of their guardian also experience overwhelming difficulty receiving Special Benefits.⁸

ALTERNATIVE ACCOMMODATION

13.11 The Inquiry received evidence that 'Indo-Chinese people tend to look after close friends and relatives who need accommodation. Thus many of these children "camp out" in the living room of friends and relatives, rather than seek the help of agencies and refuges'.¹⁹ It was suggested that there is a need for ethno-specific accommodation because most refugees will not go to mainstream refuges because of language difficulties, differences in culture, non-acceptance of Australian foods and perceived prejudice and racist attitudes. It was also argued that special treatment is necessary because of the trauma which refugees have suffered. Even in the absence of household conflict, a substantial number of refugee children need alternative accommodation because of overcrowding in their homes, making studying difficult, among other things.'

13.12 Approximately three-quarters of Australia's refugee minors live in New South Wales. There are five agencies specifically providing medium to long-term accommodation for them in that State, with a total maximum capacity of 45 places. There is clearly a need for more such services. The Inquiry was told that these agencies are distinguished from mainstream accommodation services by their cultural sensitivity.²¹

OTHER SERVICES

13.13 The current situation of young refugees who arrived in Australia without their families was detailed by an Adelaide witness:

The isolated refugee youth shares all the problems of the adult refugee. He suffers the anxiety of an uncertain future, the stress of learning a strange language, the difficulty of understanding a new culture and memory of a traumatic, even cruel, Asia. But in addition to these stresses, he suffers to the greater degree of separation from his family. He no longer has the security, the emotional support in facing problems or other advice in making decisions that the family contact provides.

Lacking such family support, the refugee youth is emotionally vulnerable and liable to emotional or mental breakdown later."

Barnardo's Australia added:

Unaided they suffer not only from difficulties of coping with a new language but understanding a new social 'system'. Thus they may be unaware of their rights and be unable to comprehend the bureaucratic procedures involved with getting assistance. Also mitigating against adequate access to help is racial stereotyping by bureaucrats such as welfare counter staff, and racial discrimination in accommodation services."

13.14 As mentioned above, unattached refugee minors are the legal responsibility of the Federal Minister for Immigration who delegates most powers and functions to designated officials in State welfare authorities. The costs of care and other services are shared between the Commonwealth and the respective States. Under the program, State authorities have the responsibility for providing counselling and supervision of care arrangements for both unattached and detached refugee minors and there is close liaison between regional offices of the Immigration Department and State welfare authorities²⁴ Evidence to the Inquiry indicated, however, that young refugees are clearly not receiving the intensive degree of support and assistance which they need if the prospect of their becoming homeless is to be minimised.

CONCLUSION

13.15 These facts indicate a situation which is not fully consistent with Australia's obligations under international and domestic law relating to the protection of children generally (see Chapter 4, The Rights of the Child). The Declaration of the Rights of the Child applies to all children in Australia and the new Convention specifically makes provision for additional assistance to particularly vulnerable groups of children — of whom refugees are clearly an example."

Notes

1. S.48, Sydney Indo-Chinese Refugee Support Group, at 2.
2. Vietnamese 288
Kampuchean 687
Laotians 382
Total 3,902
Department of Immigration, Local Government and Ethnic Affairs, *Statistics Monthly* May 1988, at 17.
3. *Ibid.*
4. M.W. Lee, Springvale-Chelsea Youth Housing Project (Vic), *Transcript* at 1085.
5. J. O'Brien, YAWN (Vic), *Transcript* at 947.
6. A. Beaver, Indo-Chinese Refugee Association (Vic), *Transcript* at 972.
7. *Immigration (Guardianship of Children) Act 1946* (Cwth).
8. S.48, Sydney Indo-Chinese Refugees Support Group, at 1.
- 9, J. O'Brien, YAWN (Vic), *Transcript* at 948.
10. A. Beaver, Indo-Chinese Refugee Association, *Transcript* at 974. See also, S.148, Cabramatta Community Centre, at 2.
11. Eg, about one-quarter of the 40,000 Vietnamese in NSW live in Cabramatta.
12. S.48, Sydney Indo-Chinese Refugee Support Group, at 2-3.
13. Department of Immigration, Local Government and Ethnic Affairs, *Statistics Monthly* May 1988, at 30.
14. See also S.64, Bamando's Australia, at 11.
15. S.148, Cabramatta Community Centre, at 1.
16. Convention Relating to the Status of Refugees 1951, Art.25.
17. S.148, Cabramatta Community Centre, at 2.
18. *Id.*, at 1-2.
19. S.48, Sydney Indo-Chinese Refugee Support Group, at 2.
20. *Ibid.*
21. *Ibid.*
22. C. Tran, Mekong Youth Accommodation Service (Adelaide), *Transcript* at 1366.
23. S.64, Bamardo's Australia, at 11.
24. This cost sharing program, which has an allocation of \$347,000 for 1988-89, is currently being evaluated: information provided by the Department of Immigration, Local Government and Ethnic Affairs.
25. Draft Convention on the Rights of the Child, Preamble. See also, Art. 10.

