



Settlement
Council
of Australia

Submission:

National Anti-Racism Framework

Settlement Council of Australia

January 2022



The Settlement Council of Australia acknowledges the traditional custodians of the land on which we operate, the Ngunnawal people. We also acknowledge the traditional custodians on the various lands on which migrants and refugees settle across Australia, and on which our sector operates.

We pay our respects to Elders past, present and emerging and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to our lands and waters.

About the Settlement Council of Australia

The Settlement Council of Australia (SCoA) is the peak body representing the vast majority of settlement agencies across Australia providing direct services and support to people of migrant and refugee backgrounds.

Our members include organisations large and small, who are committed to the successful settlement of migrants and refugees across the country. Their services range from greeting new arrivals at the airport, through to assisting them to secure housing, learn English, make social connections, access services and find their first job. Australia's settlement services are recognised as being among the best in the world.

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Introduction

The Settlement Council of Australia (SCoA) welcomes the Australian Human Rights Commission's initiative for National Anti-Racism Framework. As noted in the Commissioner's statement, different international and national events have revealed layers of racism existing in our societies. Racism has been exposed in events such as the Black Lives Matter movement, racism against people of Asian descent since the Covid-19 pandemic, the tragic event of Chris Church, and the experiences of people from culturally and linguistically diverse backgrounds. As much as Australia is nourishing multiculturalism and diversity, certain communities have faced systematic and unsystematic racism and discrimination on different scales. The Framework's aim to address racism and enhance the commitments for inclusion, equality, and social cohesion is crucial for the protection of all.

Furthermore, the Framework's focus to embed anti-racism Framework like other longstanding national frameworks such as domestic violence and child abuse, is historic. To further enhance the concept of the Framework and achieve its aim and objectives, SCoA recommends three specific issues where the Framework can take into consideration. The challenges of citizenship for migrant communities, racial profiling of communities from an African background, and regional settlement are the three areas where the Framework may consider addressing racism and discrimination.

Citizenship

Receiving citizenship is a significant pillar in the resettlement of migrants and refugees. Being a citizen means full access to privileges, and a right to practice all other rights. The process of gaining citizenship evolved - for better or worse - under the different Australian governments. In the last few years the citizenship process has become a hurdle for refugees. Surveys and studies show there has been delays in processing time of citizenship for refugees – with majority of applicants from Afghanistan, Iraq and Sri Lanka.¹ It is a relief that the current Government's proposal for an advanced English test requirement did not gain support and revised the policy.² This could have had an extremely negative impact on the settlements of migrants from culturally and linguistically diverse (CALD) backgrounds. Any form of racism and discrimination in a new society for migrants and refugees is one of the biggest barriers that prevent them from participating fully in the society and reaching a sense of belonging. The language requirements for citizenship need an open debate by experts from the social and anthropological lens. The current citizenship law and requirements need to be evaluated to understand the ineffectiveness and impacts. An anti-racism framework would benefit from ensuring underlying discrimination in citizenship laws and the requirement to uphold the citizenship rights of migrants and refugees.

¹ Asher Hirsche, "Denying refugees citizenship: The Australian way," *Refugee Council of Australia*, 1 February 2019, <https://www.refugeecouncil.org.au/denying-refugees-citizenship/>.

² Stephanie Borys, "Citizenship test: Tony Burke compares English language requirements to White Australian Policy," *ABC News*, 19 October 2017, <https://www.abc.net.au/news/2017-10-19/citizenship-test-english-language-test-criticised-by-labor/9066530>

SCoA has observed concerns of communities from refugee backgrounds about the Australian citizenship law and requirement that has impacted certain vulnerable people intentionally or unintentionally. These difficulties are categorised into two categories:

First, English language proficiency requirements for citizenship tests have proved to be more difficult than “modest”. This has particularly affected older people from refugee backgrounds who have had no formal or informal education due to conflict and displacement. Case studies show that those who do not speak proficient enough English does not mean they are not contributing or inactive. There are examples of people who have not been able to pass the Australian citizenship test but are entrepreneurs, successful businessmen and women, pay tax and make meaningful economic and social contributions to Australia.³ Henceforth, citizenship rules and laws can be much more effective if all blind spots and challenges of people are addressed and take precautions to not discriminate based on people’s circumstances, language and cultural backgrounds.

Secondly, the Australian Government’s documentation requirements during citizenship application have been inconsiderate to certain contexts and situations for people migrating from war-torn countries. Those from refugee backgrounds applying for citizenship have challenges and limitations to access and produce documents from the country of origin and transit countries to prove identity.⁴ Australian Government should be recommended to design different methods for proof of identity if individuals cannot prove date of birth, national identity card, and other documentation. There are thousands of individuals who have passed the citizenship test, no criminal record or offence, yet cannot prove their identity “sufficiently” according to specific requirements by the Department. The Refugee Council of Australia found that “evidence eventually provided by the Department shows in fact there was a policy change, and that refugees without identity documents were discriminated against.”⁵ It is important to highlight that the barrier to obtaining citizenship has an enormous impact, including preventing family reunions. The record shows thousands of people from Afghan backgrounds in the citizenship database are awaiting proof of identities such as national ID cards and birth certificates, while they cannot bring to sponsor and reunite with immediate family members, such as spouse and children, living in a conflict zone.

The Anti-Racism Framework concept is comprehensive in all aspects. However, tackling systematic and unsystematic racism and discrimination against newly arrived migrants and refugees would serve the objective and enhance national outcomes. Many

³ See report on contribution of Hazara community in Adelaide, members of this community are facing difficulties obtaining citizenship for both language and documentation requirements; David Radford, Branka Krivokapic-skoko, Heidi Hetz, Hannah Soong, Rosie Roberts, George Tan, “Refugees Rejuvenating and Connecting Communities: An analysis of the social, cultural and economic contributions of Hazara humanitarian migrants in the Port Adelaide-Enfield area of Adelaide, South Australia,” *University of South Australia*, 2021.

⁴ Ali Reza Yunespour, “Documentation Problems for Asylum Seekers and Refugees from Afghanistan,” *Refugee Council of Australia*, 25 October 2021, <https://www.refugeecouncil.org.au/wp-content/uploads/2021/10/Documentation-Problems-in-Afghanistan-AR-Yunespour.pdf>

⁵ Asher Hirsche, “Denying refugees citizenship: The Australian way,” *Refugee Council of Australia*, 1 February 2019, <https://www.refugeecouncil.org.au/denying-refugees-citizenship/>.

bureaucratic factors may influence the growing problem of citizenship. However, a Framework on anti-racism and discrimination can prevent bureaucratic and systematic discrimination against vulnerable persons and communities.

Racial Profiling

Racial profiling is a deep and historical method of racism and discrimination in many societies. Like citizenship, racial profiling has a major impact on the resettlement of refugees and migrants. Australians and permanent residents from African backgrounds have been affected by racial profiling. The media's role in racial profiling reveal perpetuation and social exclusion of refugees, young Australian African and Pasifika-Australians.⁶ Such racial profiling has a deteriorating impact on the confidence of new communities and individuals, rise prejudices and stereotypes against them, and enforce isolation and exclusion of refugees and people from CALD communities. An anti-racism framework that addresses racial profiling with its complexities and layers will systematically tackle racism and discrimination. Furthermore, the framework can also provide the opportunity to raise awareness about the unacceptability of racial profiling and the social and legal consequences, with a focus on media platforms. A model example is the United Nations Educational, Scientific and Cultural Organization's (UNESCO) framework to promote host countries in welcoming new arrivals through 'supportive public attitude.'⁷ It is essential to identify the gaps in existing law in preventing racial profiling and discrimination and fill those gaps in the framework.

The Scanlon Foundation's Social Cohesion Surveys have found that respondents consistently endorse multiculturalism in Australia.⁸ This is an unusually high percentage in a survey to achieve over 80 percent positive response. This is solid evidence of Australia's openness to multiculturalism and acceptance of diversity. However, regulating racism and discrimination much more comprehensively will address existing gaps and block systematic discrimination that allows racial profiling.

Regional

Around 28 percent of Australians live in rural and remote areas. Newly arrived refugees are promoted to settle in regional areas. There are many success stories of integration, sense of belonging and contribution of refugees in rural areas. However, people face unique challenges in rural areas, such as lack of access to comprehensive healthcare system, access to tertiary education, and even specific government services. It is important that the Framework has a scope to address racism and discrimination that are unique to regional areas.

⁶ Fiona MacDonald, "Positioning Young refugees in Australia: media discourse and social exclusion," *International Journal of Inclusion Education* 21, no. 11, 1182-1195.

⁷ Patrick Taran, Gabriela Neves de Lima, and Olga Kadysheva, "Cities Welcoming Refugees and Migrants: enhancing effective urban governance in an age of migration," UNESCO 2016, 40.

⁸ Andrew Markus, "Mapping Social Cohesion," *Scanlon Foundation Research Institute*, 2021 Report, https://scanloninstitute.org.au/sites/default/files/2021-11/Mapping_Social_Cohesion_2021_Report_0.pdf.

Conclusion

The National Anti-racism Framework can inform the Australian government and the society's approach to tackle racism and discrimination. The Framework's focus is crucial to highlight underlying and systematic discrimination that the newly arrived migrants and refugees, who have called Australia home, face. The Australian citizenship process can be bettered if the Framework considers specific caveats the process that can cause discrimination against some of the most vulnerable people. Furthermore, there is no doubt that society in general and existing laws prohibit racial profiling as one of the most obvious forms of racism and discrimination. However, considering the complexities of racial profiling cases, especially in the media, should be addressed in the Framework to prevent and discourage such acts. Overall, the National Anti-Racism Framework will be an important contribution to addressing racism and discrimination in Australia by raising awareness, highlighting the weaknesses and gap in existing laws and regulation, and identifying the emergent forms of racism and discrimination that needs attention.