



A Guide for WA Employers

Supporting access to employment
for people from a refugee or
asylum seeking background



Australian
National
University



MONASH University



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Please note this guide provides general information and is not intended to and does not constitute legal advice regarding the employment of those with a refugee or asylum seeking background.

The law, particularly in relation to employment and the legal status of refugees in Australia and overseas, is complex and subject to change based on government policy and legislation. The particular circumstances must be considered in every case and for that reason legal advice should be sought.

The authors disclaim any and all liability arising from reliance on the contents of this report however caused.

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Why do you need this guide?

This guide was produced based on the findings of a study conducted by Deakin University in conjunction with Monash University and Australia National University that examined why some organisations actively employ people from a refugee background and why others do not.

For many organisations the issue of hiring refugees seems too complex given the difficulties faced in verifying qualifications and determining work rights associated with different visa categories. Many organisations assume hiring refugees is fraught with challenges and barriers, when, in fact, the large majority of people from a refugee and asylum seeker background are entitled to work in Australia.

We hope the guide can highlight practical steps that your organisation can take to employ those recently arrived in Australia, either as humanitarian migrants or those who have sought asylum on our shores.

Please note this guide does not constitute legal advice regarding the employment of people from a refugee background, as the legal status of refugees is subject to change based on government policy.



What you need to know

At the beginning of 2018 the UNHCR reported that there were 65.6 million displaced persons in the world; of which 22.5 million were registered as refugees. Since 2011 Australia has granted refugee status to around 78,000 people. However, there are still around 30,000 people who have applied for their refugee status to be assessed; of which only a percentage have been granted temporary protection.

In our research, we were frequently asked what the difference is between someone who has sought asylum and someone who has been granted refugee status. In the boxes below, definitions for both terms are provided.

A **Refugee** is a person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of their nationality and is unable or owing to such fear, is unwilling to avail themselves of the protection of that country; or who, not having a nationality and being outside the country of their former habitual residence... is unable or, owing to such fear, is unwilling to return to it.

Source: www.unhcr.org/en-au/

An **Asylum Seeker** is someone who moves across borders in search of protection. The words asylum seeker describes someone who has applied for protection as a refugee and is awaiting the determination of their status. Asylum seekers can become refugees if the host nation or refugee authority (e.g. UNHCR) deems them as fitting the international definition of refugee.

Source: www.unhcr.org/en-au/

Visa Categories

There is no single type of visa for an asylum seeker or refugee. Visas vary depending on factors like stage of protection application, mode of arrival and country in which the individual applied. Below is a summary of visas commonly issued to people with a refugee, or asylum seeking background.

Bridging Visas

- **BVA (Subclass 010)**
- **BVB (Subclass 020)**
- **BVC (Subclass 030)**
- **BVD (Subclass 040)**
- **BVE (Subclass 050 & Subclass 051)**

Bridging visas are temporary visas provided to non-citizens to allow them to remain lawfully in Australia while a visa application is being considered, during the judicial review process, or in preparation for leaving Australia.

Temporary Visas

Temporary Protection Visa (TPV) (Subclass 785)

A TPV is a temporary visa and can be granted for a period of up to three years at one time. TPV holders have access to work rights, Medicare and Centrelink benefits.

If a TPV holder wishes to stay in Australia and be granted a further TPV at the end of their visa period, it is necessary to conduct a reassessment of their protection claims. If it is determined that Australia's protection obligations are still in force, a subsequent TPV may be granted, subject to meeting all other visa criteria.

Safe Haven Enterprise Visa (SHEV) (Subclass 790)

A SHEV visa requires a member of the family unit to potentially work or study in regional Australia. A SHEV will remain in effect for 5 years. If the visa holder works in regional Australia for 42 months without receiving social security benefits, or studies full time in regional Australia for 42 months, or a combination of those options (the SHEV pathway requirements), they will be eligible to apply for an onshore substantive visa, though they will still be subject to the criteria of that subsequent visa.

Permanent Visas

Protection visa (subclass 866)

A protection visa is for lawful arrivals found to be a refugee as defined by the Migration Act 1958 or who meet the complementary protection criteria in the Migration Act 1958. Protection visas can also be issued to a family member of a person found to fall under Australia's protection obligations.

Refugee visa (Subclass 200)

This visa is for people who are subject to persecution in their home country and are in need of resettlement. The majority of applicants who are considered under this category are identified by the United Nations High Commissioner for Refugees (UNHCR) and referred to the Australian Government for resettlement consideration.

In-country special humanitarian programme visa (Subclass 201)

This visa offers resettlement to people who have suffered persecution in their country of nationality or usual residence and who have not been able to leave that country to seek refuge elsewhere. It is for those living in their home country and subject to persecution in their home country.

Global special humanitarian programme visa (Subclass 202)

The Special Humanitarian Programme (SHP) visa is for people who, while not being refugees, are subject to substantial discrimination and human rights abuses in their home country. People who wish to be considered for a SHP visa must be proposed for entry by an Australian citizen or permanent resident over the age of 18, an eligible New Zealand citizen or an organisation operating in Australia.

Emergency rescue visa (Subclass 203)

This visa offers an accelerated processing arrangement for people who satisfy refugee criteria and whose lives or freedom depend on urgent resettlement. It is for those subject to persecution in their home country and assessed to be in a situation such that delays due to normal processing could put their life or freedom in danger.

Woman at risk visa (Subclass 204)

This visa is for female applicants, and their dependents, who are subject to persecution or are of concern to the United Nations High Commissioner for Refugees (UNHCR), are living outside their home country without the protection of a male relative and are in danger of victimisation, harassment or serious abuse because of their gender. The majority of applicants who are considered under this category are identified and referred to the Australian Government by the UNHCR.

Note: Individuals may have conditions attached to their visa. Common visa conditions that restrict work are Condition 8101, 8102, 8103 and 8104. For example, Condition 8101 prohibits the visa holder from working.

Confirming eligibility to work

All refugees and most people whom have sought asylum have the right to work in Australia. Confirming so, is straightforward.

VEVO is a free online service for an individual or employer to check visa status and conditions.

For an employer to check an individual's work rights, they will need the person's:

1. Passport; or
2. Immicard.

VEVO will show the individual's current visa status and any conditions attached to their visa.

Employers should use VEVO to determine if an individual has the right to work in Australia. Where no visa conditions are noted, the individual does not have restrictions and can work freely so long as they continue to hold their visa.

Some bridging visa results will state that the work rights must be checked every three months. This is due to the bridging nature of the visa they are on as it is a short term temporary visa to bridge the gap while another visa matter is being resolved. An individual can be hired for more than 3 months as the bridging visa will remain in effect until the individual is contacted by the Immigration Department on an outcome regarding their visa matter. Employers should track and monitor bridging visa holders and request a new VEVO check for them every 3 months to ensure that they remain lawful and that there is no change to their work rights.

VEVO checks can be completed at:
online.immi.gov.au/lusc/login

General information can be attained from the Department of Home Affairs website:
homeaffairs.gov.au/visas

NOTE: Work rights should be confirmed for any worker on a visa (refugee or otherwise) before making an offer of employment.



Benefits of employing a person from a refugee background

Business organisations can obtain significant benefits from employing people from a refugee background.

1. As a group, they are an overlooked pool of talent. They are often skilled and capable individuals who hold qualifications and practical experience in their home country. They are highly motivated to learn and build up practical experience in Australia.
2. Whilst people with a refugee background might still be improving their English language skills, they are already proficient in another language, and very possibly several languages. Could this enable you to expand, or better serve, your customer base?
3. People with a refugee background often bring new ideas and perspectives into an organisation. Research on diversity suggests that more diverse workplaces typically have higher levels of innovation, productivity and staff retention.
4. It is well documented that employees from a refugee background are loyal and have lower turnover rates than the general population. Such loyalty saves organisations training and hiring costs in the medium to long term.
5. Through their life experiences, people from a refugee background have attained many skills, quality attributes and knowledge, and demonstrate high levels of resourcefulness. Recent studies have shown them to be more entrepreneurial than the general population, and, in an increasingly competitive and diverse global marketplace, such capabilities only benefit organisations.
6. Finally, through helping them to integrate into the workplace and civil society as well as supporting them to re-establish their livelihood, employing people from a refugee background contributes to building a stronger community, locally and internationally.

Some current case studies

Jamil, a qualified and experienced Engineer Skilled Migrant

Jamil moved to Perth a few years ago with his family – a wife and two young children. He had an engineering degree and over ten year’s experience working in world class international organisations, and did not anticipate problems finding suitable work in Australia.

In his first ten months in Perth, Jamil applied diligently for over seventy jobs, drafting and sending applications and visiting local businesses that may have needed his expertise.

“The response was silence” said Jamil. “No emails, no calls – just no responses at all. I was just not prepared for this level of rejection. It was the hardest ten months of my life, but I had to stay positive and strong for my family. I just needed one interview, one phone call, one opportunity to demonstrate the value I could bring to a workplace.”

Jamil was determined not to take any financial assistance from the Government and was focused on making his own way. With the support of MercyCare’s specialised Jobs and Skills Centre Career Advisors for culturally and linguistically diverse jobseekers, he made a new plan. He started undertaking study in Australia to localise his international qualifications and volunteered as a mentor/teacher to other new jobseekers to gain local work experience. MercyCare also recommended that he enrol onto the City of Stirling’s Kaleidoscope program, an initiative which aims to help skilled newcomers to Australia secure employment in their field of expertise and link them to suitable employers.

Finally, everything changed for Jamil and his family. He is now working in Engineering using his skills to contribute to the development of his new country and confident of his family being able to successfully settle in Perth.

Nouman, a farmer from Afghanistan Asylum seeker on a bridging visa

Nouman (alias) left Afghanistan as a teenager in search of safety and freedoms that had been denied him in his home country. He has been in Australia since 2013 and is on a bridging visa while awaiting the outcome of his application for asylum.

Nouman, now 23 years old, has found it very difficult to find any form of work since arriving in Australia despite having full work rights. His only work experience was on his family farm in Afghanistan, and without local work experience, references, networks and any qualifications, he was facing an uphill battle.

Nouman connected with MercyCare’s specialised employment support service for asylum seekers, refugees and new migrants. With their support, he developed a resume and application letters, and learnt how to identify and apply for jobs that interested and suited him. The team also reached out to potential employers working in gardening, landscaping and horticultural environments.

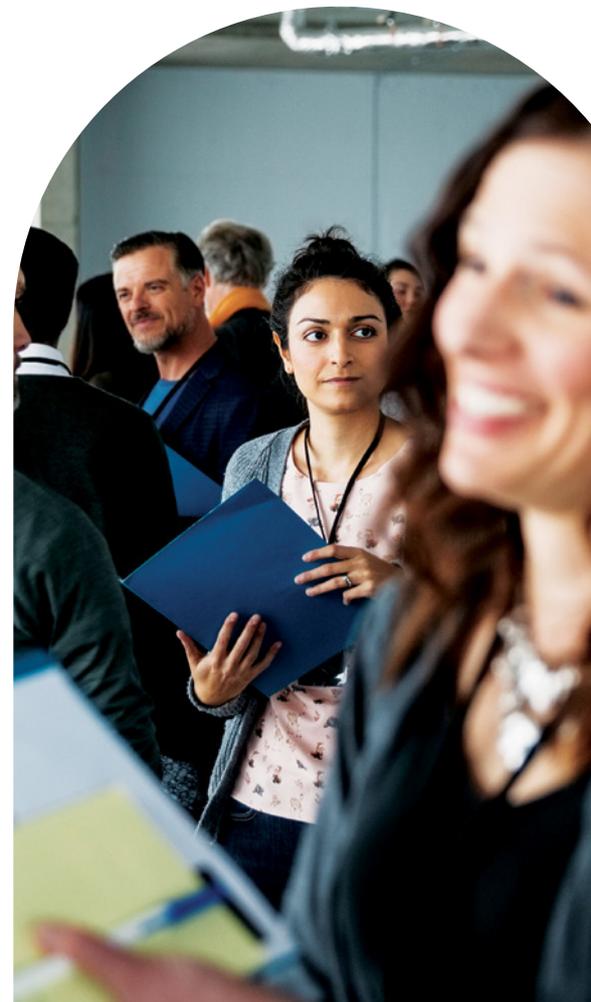
One of these connections was with Sabrina Hort, a master gardener in Perth who runs Hort with Heart. Sabrina took Nouman under her wing and gave him a work trial to see if he would fit into her small team. It was a match made in heaven.

“Right from day one, it was the best decision we’ve ever made,” Sabrina said.

“Nouman has now made it possible for me to take on other jobs that I normally wouldn’t be able to do, he’s a real asset to our business and an absolutely wonderful worker. He is reliable, has amazing initiative and is keen to learn – and importantly gets on really well with the rest of the team and with our customers.”

Nouman is now fully employed with Sabrina’s business, learning new skills and enjoying being able to contribute back to the community that has welcomed him in. He is still waiting for his asylum application determination so is not able to dream too much about what his future holds, but for now he is simply soaking up as much knowledge as he can and enjoying the safety and freedom of life in Perth.

Both these jobseekers secured roles for which they would have ordinarily been overlooked and each employer secured a committed, skilled and experienced employee, whilst increasing diversity in their workforce.



How can business organisations support refugee employment?

There are a number of ways in which you can support refugee employment.

1. Consider rethinking your hiring practices to support the employment of refugees. As many traditional recruitment strategies do not reach refugees, consider working with specialist asylum seeker and refugee employment agencies such as MercyCare, and Refugee Talent as well as support organisations such as Red Cross and the Centre for Asylum Seekers, Refugees and Detainees (CARAD). Organizations have stated that working through such agencies and support groups have allowed them to better integrate people from a refugee background into their workforce.
2. In advertisements, use phrasing that encourages individuals from diverse backgrounds to apply.
3. Acknowledge overseas experience and qualifications in your hiring process. For example, the WA State Government offers free and confidential assessment services for temporary residents and those in certain visa classes wishing to have their overseas qualifications recognised in Australia (migration.wa.gov.au/services/overseas-qualification-unit/how-to-apply-for-an-overseas-qualification-assessment).
4. Consider internships or apprenticeships models of employment as a way of building familiarity between the two parties and providing refugees with a realistic job preview. These can be organized through refugee employment agencies, such as MercyCare.
5. Provide a supportive environment and allow time for your new hire to acclimatise to the workplace, which could look and feel vastly different to the workplace in their country of origin. Agile work environments and flexible work arrangements are likely to be unfamiliar concepts. A comprehensive on-boarding program is highly recommended.
6. Educate management in your organisations about the benefits of employing people from a refugee background.

Communication tips and what is appropriate to ask?

Be direct

English is almost certainly not the person's first language. Whilst proficiency will vary person-to-person, it is best to be direct when communicating, to minimise the likelihood of a misunderstanding. This extends to delivering feedback.

Be conscious of the words you use, and avoid idioms and colloquialisms.

Provide feedback and explain "the why"

When a task is not performed to expectation, like any employee, it is important to provide feedback. As work and cultural expectations are potentially very different to the person's country of origin, it can be helpful to also explain the rationale behind the feedback.

For example:

A new employee, who is a direct report, is on the phone to their friend during work hours. You notice that this person is not working and ask why. They reply that they have finished the task they were given. They seem slightly bemused by your question as phoning a friend was perfectly appropriate in their country of origin – and they had completed their allocated task.

You explain that when a task is completed, the employee should find you, to be allocated their next task. As they develop in their role, they should begin to build a pipeline of work and to manage its completion according to deadlines. (Feedback)

You then explain that values like initiative and teamwork are highly valued in Australia. Therefore rather than phone a friend, they should seek support or guidance on what task to tackle next. (Rationale)

Confirm understanding

In previous workplaces, it might not have been appropriate for the employee to seek clarification on a task that was allocated by their manager. When issuing work to a new starter, ask questions to establish the employee's understanding.

Don't introduce the employee as a refugee

People from refugee and asylum seeker backgrounds have experienced forced migration i.e. migration due to factors outside of their control. Whilst, in some instances, it will be appropriate to recognise that they are from a refugee background, or celebrate their achievements, this needs to be done delicately.

Ask rather than assume

Refugees are culturally, ethnically and religiously diverse. Not every refugee requires a prayer room, or has special dietary requirements – but some do.

Where in doubt, ask. In particular, if this is an individual's first exposure to the Australian workforce, they might not feel comfortable to disclose a special need.

Generally speaking, exercise caution when asking

About the person's refugee experience.

This is personal and something that the individual might be uncomfortable talking about. If the individual opens up as time passes, be aware that what they share can be highly confronting.

Questions about family. Many refugees have lost loved ones.

About grounds for protection/how they sought refuge, especially if they are from a country not typically associated with refugees. Persecution takes various forms and probing questions can be offensive.

Who can help you in WA?

You might consider partnering with a specialist asylum seeker, refugee and new migrant employment agency such as MercyCare. We are the only Jobs and Skills Centre in WA specialised in working with people from culturally and linguistically diverse backgrounds and work with over 1000 jobseekers each year keen to get into work. Our qualified and experienced career and employment advisors provide one-on-one coaching and support, employment readiness workshops, computer classes, English classes, and interest free loans as well as general settlement support.

We welcome approaches from employers looking for new staff, or interested in establishing internships, apprenticeships, work experience programs, work trials and volunteering programs, which will assist our jobseekers to transition into paid work.

As a founding member of the Unity Employment Network, we work collaboratively with other key agencies in WA supporting asylum seekers, refugees and new migrants into work, including the Red Cross and the Centre for Asylum Seekers, Refugees and Detainees (CARAD). Please contact us for further information or to arrange a meeting on UnityEmployment@mercyCare.com.au.





Where to go to get further information and support

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**Deakin Centre for Refugee Employment,
Advocacy, Training and Education (CREATE)**

deakincreate@deakin.edu.au

Refugee Council of Australia:

refugeecouncil.org.au

Australian Department of Home Affairs

Visa Entitlement Verification Online (VEVO):

[homeaffairs.gov.au/business/visas-and-migration/
visa-entitlement-verification-online-\(vevo\)](http://homeaffairs.gov.au/business/visas-and-migration/visa-entitlement-verification-online-(vevo))

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