

Towards an Inclusive Education for Refugees: Educational Policies of refugees in **Australia**

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Chapter One

Introduction to the context: country demographics

As the sixth largest country in the world and a continent all to itself, Australia has a total of nine states and territories spread over 7.6 million square kilometres. Australia is home to more than 25 million people of which more than one quarter were born overseas (Australian Bureau of Statistics, 2018).

Australia has had a long and proud tradition of responding to humanitarian crises and resettling refugees and vulnerable people. It prides itself of providing the best settlement services and support to people in refugee and refugee-like situations (Department of Social Services, 2018b). Australia is a signatory to the United Nations 1951 Convention Relating to the Status of Refugees and the 1967 Protocol. These frame Australia's obligations to refugees, who include not only those coming into the country but also those living in off-shore camps. Australia accepted the moral responsibility to coordinate with the United Nations' effort to respond to people in humanitarian crises. However, Australia reserves the right to set the targets in accepting humanitarian entrants and set in place objectives and mechanisms for ongoing humanitarian programs (Australian Prime Ministers Centre, 2018). What the Australian government also considers is the capacity to assist.

However, alongside this humanitarian tradition, is a long history of racism through the discrimination and exclusion of Indigenous Australians and non-white migrants. The development the Immigration Restriction Act 1901 or what was popularly known as the White Australia Policy initially legitimised a white, British nation in Australia and systematically excluded non-white migrants including Asians and Pacific Islanders in the 1900s. Alongside race as a centrepiece of Australian immigration policy, the 50-word dictation test was used to exclude non-Europeans and other "undesirable" applicants for Australian migration (DIBP, 2017).

The Nationality and Citizenship Act 1948 defined Australian citizenship in law as those Australians belonging to Australia rather than Britain, but nevertheless they were still considered as British subjects. Non-British subjects were considered as "aliens", except Irish citizens and "protected persons" within the British Commonwealth. Implicitly, Indigenous peoples were considered "natural-born" but were largely excluded from citizenship until the 1960s. When World Wars in Europe displaced hundreds of thousands, some 170,000 refugees were admitted in Australia under the International Displaced Persons Scheme by 1954 and this included 17,000 Jews (Munro, 2017). Many applied for naturalisation but were met with stringent requirements and tedious process. The Nationality and Citizenship Act 1955 simplified the process of naturalisation and with the revised Migration Act 1958 that abolished the dictation test as a requirement for Australian immigration, naturalisations increased over the following years.

Non-British Europeans from Italy, Greece, Germany, Netherlands and Poland steadily arrived to Australia from 1940s well into the 60s. In 1966, policies relating to non-European immigrants that focused on their suitability to settle and integrate and professional qualifications described as distinguished and highly qualified, were reviewed. Prior to 1966, non-European migrants

were permitted to apply for citizenship only after residing for 15 years. These restrictive requirements were only relaxed in 1966. The White Australia Policy was dismantled in stages from 1949-1966 and the Racial Discrimination Act 1972 removed the race as a factor in Australia's immigration policy. The 70s saw an increase in migrant settlers to Australia from both European and non-European backgrounds. Multiculturalism has become a defining objective supporting the provision of settlement services to migrants and refugees (DIBP, 2017).

The modern Refugee and Humanitarian Program is Australia's contribution and commitment to international protection of refugees and refugee-like situations and to people seeking asylum since 1977. According to the Department of Home Affairs (2018a), the program has been designed to ensure Australia's effective response to global humanitarian conditions and that support services are in place for entrants into the country. Compared to other refugee-receiving countries, the latest UNHCR report shows that Australia is placed third in providing permanent resettlement to refugees, next to Canada and the United States (Refugee Council of Australia, 2017). However, Australia received only 0.83% of the global share of new asylum-seekers and recognised as refugees only 0.23% of the global total (Refugee Council of Australia, 2018b). As of 2016-2017, the Australian Government has detained asylum-seekers, of which 27% illegally arrived by boats, 20% overstayed their visas, 48% had visa cancellations mostly those who did not pass the requirement on character grounds, and 5% came by plane without valid visa (Refugee Council of Australia, 2018d).

Clearly, Australia can still do better in its acceptance of more humanitarian entrants in response to the refugee and asylum-seeking crises now occurring in many parts of the world.

Aims and objectives

This report highlights the response of Australia to the refugee crisis since 2012 and the uptake of refugees, particularly from the Arabic-speaking world including Syria, Iraq and Afghanistan. The analysis, which spans the six-year period from 2012-2018, will examine Australia's flagship refugee policy through the Refugee and Humanitarian Program. The policy analysis aims to address the following questions:

1. How did the settlement and education policies for refugees change since 2012?
2. How did settlement policies affect the education policies for refugee children?
3. How did the settlement and education policies affect educational outcomes and integration of refugees into Australian society?

The Australian Refugee and Humanitarian Program

The Home Affairs Portfolio was established in December 2017, during which time the multicultural affairs function of the Department of Social Services was moved to the Department of Home Affairs. The delivery of immigration and border policy functions previously held by the Department of Immigration and Border Protection is now under the Department of Home Affairs (2018d). The Australian Border Force, which protects Australia's borders and manages the movement of people and goods across the country, is an operationally independent body of the Department of Home Affairs.

Australia's Refugee and Humanitarian Program (also known as Refugee Program or Humanitarian Program) is administered by the Department of Home Affairs (2018a, 2018c). This program consists of two permanent components: offshore (resettlement) and onshore (protection). Through the offshore component, resettlement is offered to people who have been found to be refugees or in refugee-like situation and who need protection and humanitarian assistance. These people are processed outside Australia and they have been deemed unable

to be repatriated or unable to integrate locally to their current host country. The UNHCR refers these cases to the Australian missions overseas. Self-referred applications may also be lodged. Refugee stream visas include: Refugee Visa (Subclass 200, 201, 203, 204) and Global Special Humanitarian (Subclass 202). These visas are permanent residence visas which allow refugees rights to education, employment, health and housing.

The Offshore Humanitarian Program is mainly comprised of two streams: Refugee Program and the Special Humanitarian Program. The Refugee Program provides resettlement to Australia for refugees already outside their countries of origin and who are unable or unwilling to return to their home countries due to “well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion” (UN Refugee Agency, 2018). The Special Humanitarian Program is aimed at refugees and asylum-seekers. The processing of visa for the offshore component of Humanitarian Program and for the Special Humanitarian Program (Department of Home Affairs, 2017, p. 3) is as follows:

1. An initial assessment will be undertaken for every application, based on information provided in application form and Government settlement priorities.
2. Application will be either refused, or proceed to next stage of processing.
3. Applicants who satisfy initial assessment are interviewed by an Australian visa processing officer, who assesses the case against requirements in the Migration Regulations.
4. Interviews explore identity, family composition, humanitarian claims, character / national security and settlement information.
5. Character and security checks are undertaken including checks relating to national security, criminality, war crimes and crimes against humanity. The Department works closely with other Australian agencies and international partners in conducting checks. Health checks are conducted to identify any health concerns including those that may need to be treated or monitored.
6. Travel to Australia
7. Humanitarian Settlement Program on arrival

Regarding the onshore component, protection is provided to people who have come to Australia lawfully and not by boats, and who make a successful claim for asylum as assessed against the 1951 Refugee Convention. These people have either been considered as refugees, who have met the criteria for protection under the Migration Act of 1958 and are given a Permanent Protection Visa. This visa allows refugees permanent residency, i.e., to live and work in Australia, and eventual citizenship as long as requirements are met. Procedures and processes, which are quite complex for ordinary persons, are accessible through the Department of Immigration website. Navigating the process alone in the website could prove to be challenging for English-speaking people let alone non-English speaking refugees and hence may require the help of translators, interpreters, migration agents and lawyers. Among the criteria that must be met for eligibility for a permanent protection visa are health, character requirements and security checks (Refugee Council of Australia, 2016b). Temporary Protection Visas (Subclass 866, 785), Temporary Humanitarian Stay (Subclass 449), Temporary Humanitarian Concern (Subclass 786) and Safe Haven Enterprise Visa (Subclass 790) may be offered to asylum-seekers who arrive in Australia without a valid visa. They are, however, found to be in need of international protection. Refugees holding these visas can be eligible for Specialised Intensive Services (SIS) lasting for approximately five years after arrival to Australia or five years after their onshore visa has been granted. All of these services are, however, subject to the approval of the Department of Social Services. These services provided in the SIS will be discussed in the findings section.

The Australian Refugee and Humanitarian Program, which in 2009-2010 reached its milestone 750,000 refugees and humanitarian intake since Australian Federation (Refugee Council of Australia, 2012), fulfils Australia's international commitment and responsibility in providing protection to refugees, asylum-seekers and people in refugee-like situations as mandated by the United Nations 1951 Refugee Convention and its 1967 Protocol Relating to the Status of Refugees. The Australian Refugee and Humanitarian Program offers entrants permanent residency, which allows them rights such as housing, health services, work and employment, social security and welfare, education, family reunification, nationality and documentation and freedom from discrimination (Fozdar and Banki, 2017). The following tables and figures in this section provide important data on Australia's response the humanitarian refugee crisis.

An overview of Australia's track record in granting resettlement to refugees and asylum-seekers over the past six years is shown in Table 1 below.

Table 1. Humanitarian intake and settlement grants

Category	2011-12	2012-13	2013-14	2014-15	2015-16 ¹	2016-17 ²
Refugee	5,993	11,980	6,491	5,994	8,284	9,653
Special Humanitarian Program	714	503	4,505	5,007	7,268	10,604
Onshore³	7,037	7,505	2,751	2,747	2,003	1,711
Total⁴	13,744	19,988	13,747	13,748	17,555	21,968

Source: Australian Government Department of Home Affairs (2018c)

NB: ¹Offshore statistics for 2015-16 include visas granted to the Annual Humanitarian Program and the additional 12,000 places for Syrians and Iraqis.

²Australian Government Department of Home Affairs (2017, p. 12). Figure includes 8,208 towards the additional one-off intake of 12,000 places for Syrians and Iraqis.

³Includes protection visas and onshore humanitarian visa grants that are countable under the Humanitarian Program.

⁴Data in this table is revised as at the end of the 2016-17 program year, and may differ from previously published figures.

Almost at the same time of the crisis in the Middle East and North African countries between the years 2009 and 2013, Australia had faced an influx of more than 50,000 asylum seekers arriving by boats. While some asylum seekers were processed onshore, many more are detained in processing centres within Australia and offshore in Papua New Guinea and Nauru. Other asylum seekers found to be non-genuine by the Government were repatriated or sent to alternative countries (DIBP, 2017). With a new Coalition Government (loosely termed Liberals) in late 2013 and the establishment of the Operation Sovereign Border and the Joint Agency Task Force, illegal maritime arrivals to Australia was curbed and ceased by 2014 as reported by the now disestablished Australian Customs and Border Protection Service, a unit of the Department of Immigration and Border Protection (DIBP, 2017). These are important developments that would set Australia's humanitarian response to the Middle East refugee crisis from 2012 onwards through the Australian Humanitarian Program, the main policy arm of the Government despite the changes in structure and function of the Department of Immigration and its allied units have changed drastically over the years. The abovementioned development also affects how the Australian Government delivers on the agreed planning levels for humanitarian intake whether offshore or onshore. The Department of Immigration and Citizenship with the Australian Customs and Protection Service was renamed under one portfolio, the Department of Immigration and Border Protection which evidently increased its scope and power to include protection of Australia's borders and managing lawful movement

of peoples through the Australian Border Force (DIBP, 2017). As mentioned earlier, the department is now called Department of Home Affairs (2018d) and the functions of multicultural affairs and settlement had been transferred to the Department of Social Services and the Adult Migrant English Program is now with the Department of Industry. Australia's Humanitarian Program has been the long-standing policy of Government that manages the refugee and asylum seeker intake through the Department of Home Affairs as its implementing arm.

The years 2012 to 2013 was an unprecedented milestone in Australia's refugee intake and onshore component of humanitarian visa grants as a result of the Middle East Crisis. Soon after, visa grants were restored to previous levels. 2013 to 2014 marked Australia's Humanitarian Program which focused on Women at Risk (16% of all visa grants for the year). Temporary visas were also increased during these years as Australia continued to manage its increasing number of overseas entrants. By the 2014 to 2015, the largest caseload for the Humanitarian Program were from Syria and Iraq. As a response to an increasing onshore processing of humanitarian visas, the Australian Government reintroduced the Temporary Protection Visas (TPVs) and introduced the Safe Haven visa (SHEV) for asylum seekers arriving by boats. While the Australian Government dealt with an increased illegal maritime arrival, it continued to process Humanitarian visas offshore for resettlement to Australia. In 2015 to 2016, the additional intake of 12,000 additional humanitarian places for displaced peoples from Syria and Iraq was delivered over several program years. These years also marked Australia's care and supervision response to eligible unaccompanied humanitarian minors, who were provided with assistance and services for welfare, wellbeing, settlement in the community and transition to adulthood. Various state and territory agencies and welfare and service providers were authorised by the Government to deliver these services to the unaccompanied minors. During 2015 – 2016, 33 unaccompanied minors entered the program while 84 left since they turned 18 years old at this time. The years 2016-2017 once again saw an increase in humanitarian visa grants, particularly in the Special Humanitarian Program stream. Of the 12,000 places specifically allocated to Syrian and Iraqi refugees, more than 8,000 visas were granted for the 2016 – 2017 fiscal year.

Table 2 summarizes the Australian Refugee and Humanitarian Program that provides refugees and asylum seekers specific visas and associated privileges of these visas along with conditions that need to be met for successful visa grant.

Table 2. Refugee and Humanitarian Visas

Visa Type		Stay	Visa Cost	Conditions	Privileges
Refugee Stream¹	Refugee Visa (Subclass 200)	Visas allow for permanent stay in Australia	Nil	-Must enter Australia on specified date by the Department of Home Affairs	-Can access Government services via Centrelink (agency delivers social security payments to eligible people in Australia)
	In-country Special Humanitarian (Subclass 201)			-Must obey all Australian laws	
	Emergency Rescue Visa (Subclass 203)				Can work & study
	Woman at Risk (Subclass 204)				-Can propose family members for permanent residency
Special Humanitarian Program Stream²	Global Special Humanitarian Program Visa (Subclass 202)	Permanent stay	Nil	-Applicant or a family member must engage Australia's protection obligation	-Can work & study
	Protection Visa (Subclass 866)	Permanent stay	AUD 35	-Must have arrived in Australia on a legal visa -Must meet visa requirements of health, character, identity & security -Must obey all Australian laws	-Can sponsor eligible family members via offshore Humanitarian Program
	Temporary Protection Visa (Subclass 785)	3 years	AUD 35	Illegal/ unauthorised arrival and must meet visa requirements of health, character, identity and security	-Can access Government services via Centrelink
	Safe Haven Enterprise Visa (Subclass 790)	5 years	AUD 35	-Must obey all Australian laws	-Can work & study

Source: Australian Government Department of Home Affairs (2017)

¹For refugees referred by the UNHCR and in need of resettlement. They may also self-refer and applications are lodged and processed at an Australian mission overseas.

² For refugees already in Australia. Applications must be lodged at the Special Humanitarian Processing Centres in Australia and be proposed by an Australian citizen, permanent resident or eligible New Zealand citizen, or an Australian organisation – for Special Humanitarian Program applications; or an Approved Proposing Organisation (APO) – for Community Support Program (CSP) applications. Applications assessed as eligible for further processing are referred to an Australian mission overseas.

Figure 1 is a graphical representation of the top 5 countries of birth of humanitarian entrants from 2012 to 2017. Consistently over the past 4 years, refugees from Iraq, Syria and Afghanistan have been granted visas for resettlement to Australia. While many Syrian refugees have lodged applications for resettlement as early as 2011-12, it was only in 2013 that humanitarian visas were granted. Visa grants for Syrian and Iraqi refugees peaked in 2015 and as at March 2017, all the visas for the one-off intake of 12,000 Syrian and Iraqi refugees have been granted. Despite this, the Australian Government still falls short of its commitment targets although setting a new ceiling of 18,750 for 2018-19 (Refugee Council of Australia, 2018b). From 1 July 2015 to 3 June 2017, some 22,417 humanitarian visas were granted to displaced people from Syria and Iraq, and 21,673 people have been settled in Australia (Asylum Insight, 2018).

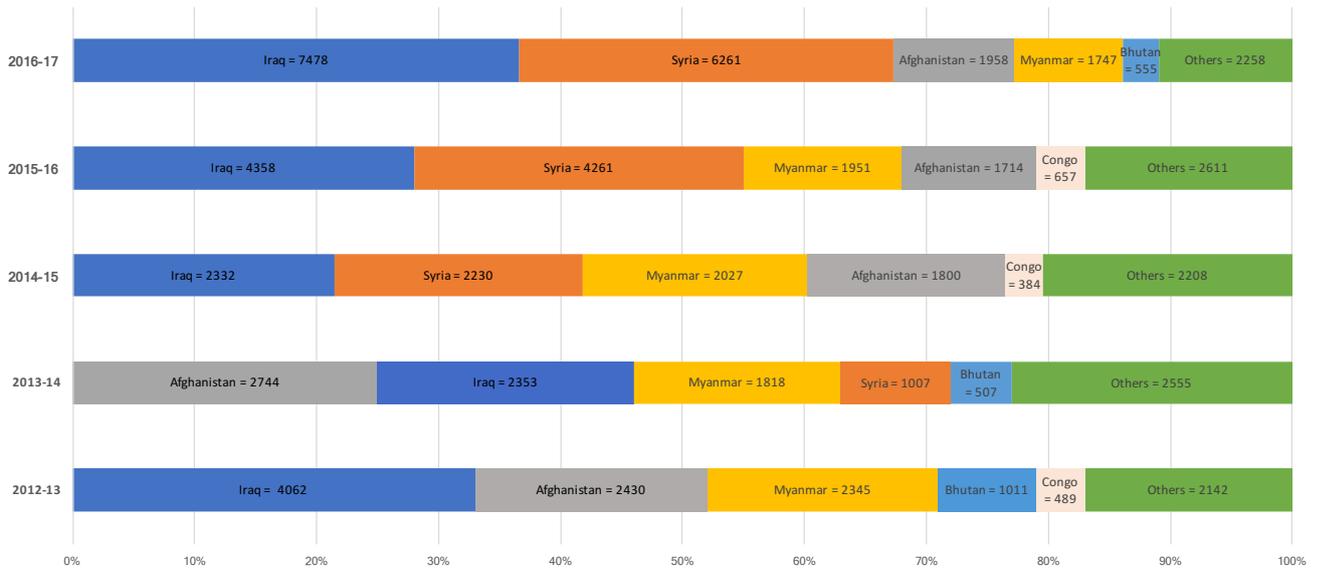


Figure 1. Top 5 countries of birth for humanitarian offshore visa grants (2011-2017)

Source: Australian Government Department of Home Affairs (2017)

NB: Data in the table may be revised at the end of 2017.

Children below 18 years of age still comprise close to half of refugee arrivals in Australia as at 2016 as shown in Figure 2. This has significant implications for the provision of education and child care for these children, which will be dealt with in a subsequent section.

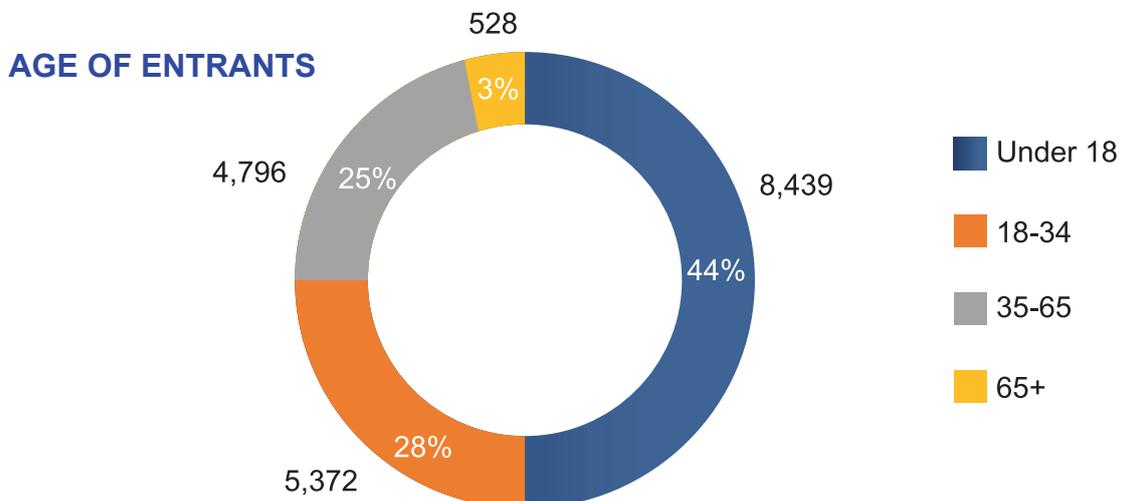
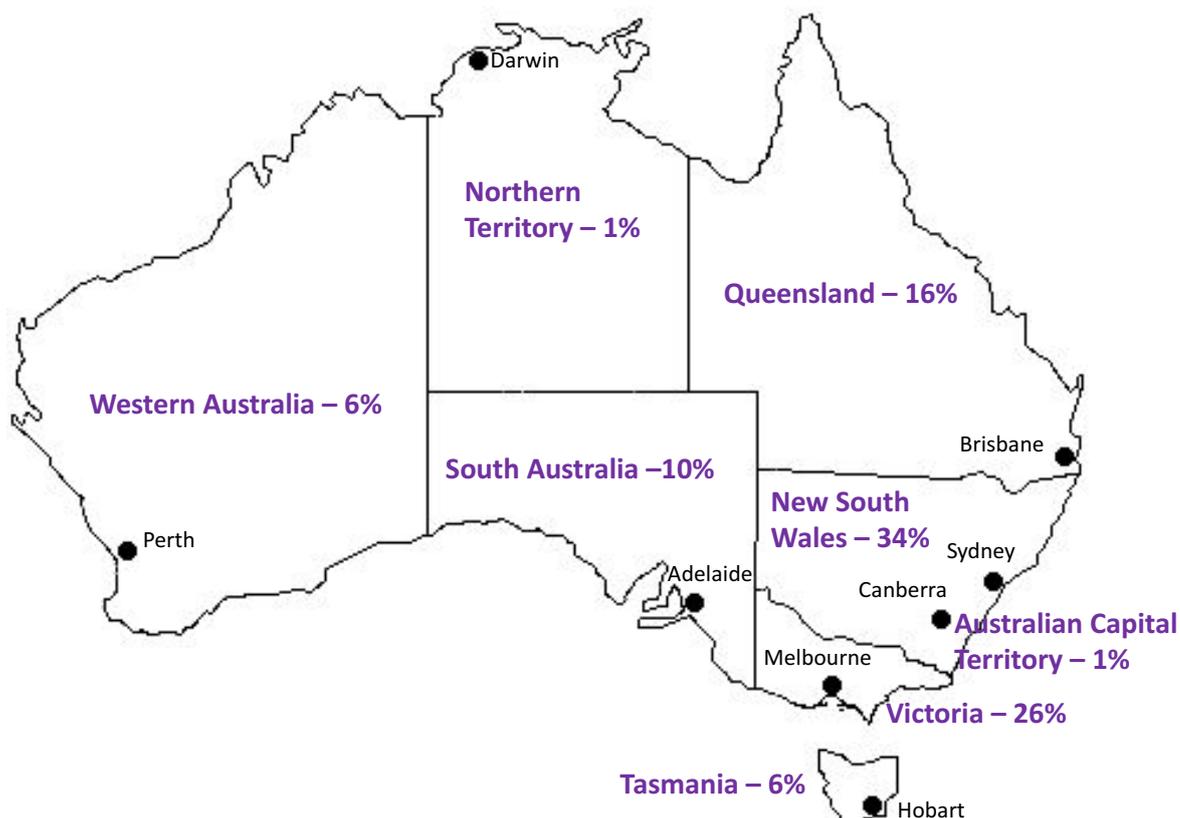


Figure 2. Age of humanitarian arrivals

Source: Settlement Council of Australia (2018b)



In an infographic presented by the Settlement Council of Australia (2018), more than one third of refugees have been resettled in New South Wales (NSW) and close to one third in the state of Victoria (VIC). Taken together, these two states have resettled 60% of the humanitarian refugees to Australia.

Figure 3. Settlement of humanitarian migrants in Australian states and territories

Source: Settlement Council of Australia (2018b)

This figure on the settlement of refugees by state and territories explains the reason behind the inclusion of four states in this current project, specifically, New South Wales (NSW), Victoria (VIC), Queensland (QLD) and South Australia (SA).

Chapter Two

Methodology

The examination of Australian refugee policy is undertaken in light of the UN 1951 Refugee Convention and its 1967 Protocol Relating to the Status of Refugees (Refugee Convention). This Refugee Convention is grounded in the 1948 Universal Declaration of Human Rights. Australia was one of the first countries to become a party to the Refugee Convention on 22 January 1954 and the 1967 Protocol on 13 December 1973 (UN Refugee Agency, 2007). The Refugee Convention recognises and upholds the rights of refugees including the right to travel documents and a number of fundamental human rights including freedom of religion, right to work and right to education. The Refugee Convention also entitles refugees to equal treatment in Australia as other foreign migrants. An important principle of the Refugee Convention that must be emphasised is Article 33: Non-Refoulement Obligations Under International Refugee Law, which refers to the protection of refugees from being expelled or returned (refouled) by a contracting state in whatever manner to the frontiers of territories where their lives and freedom may be threatened on account of their membership to particular social groups or political opinion (UN Refugee Agency, 2007). Thus, the Refugee Convention is “both a status and rights-based instrument” (UNHCR, 2010, p. 3).

A number of documents from government and non-government sectors have been included in the policy analysis. Reports (annual reports and other public documents) from various Federal government departments in Australia such as the Department of Social Services, the Department of Home Affairs and State government and education departments have been included in this analysis. Policy reviews from independent studies conducted by individuals and non-government organisations, as well as government-funded studies have been examined to comprehensively describe and explain how Australia responded to the current global humanitarian crisis. These reports from government and non-government institutions have been selected as the entities involved directly relate to working with refugees and provide refugees support. Furthermore, information published in reports and documents from relevant websites have been organised and filtered using a priori themes set by the lead investigators of this project. Key themes on government policy on settlement/resettlement of refugees, education of refugee children and settlement experience and challenges have been included. These main themes are further refined into sub-themes and categories, which include responses from the main Australian states involved in this study: New South Wales, Victoria, Queensland and South Australia. The framing of the analysis involves identification of policies on settlement and resettlement and the supporting provisions to refugees and asylum seekers, and a subsequent discussion of policies relating to education of children from refugee backgrounds. It is important emphasize that this present policy analysis is related to education. However, related policies such as employment, health and housing have been included as these have an impact on education enrollment and retention.

This policy report argues that Australia can still do better in its response to the Syrian refugee crisis, particularly in the number of uptake of refugees and provision of targeted settlement and education services to refugees.

Chapter Three

Findings

Refugee legal status and settlement policy

An analysis by the Refugee Council of Australia (Refugee Council of Australia, 2018b) summarized the changes to refugee and asylum policies in recent years, particularly in the number of refugees and asylum-seekers taken in. In their analysis, the changes in policy were mostly driven by the federal government's response to boat arrivals, referred to as Illegal Maritime Arrivals (IMA) that caused hundreds of deaths at sea. Australia's major political parties that are in government at particular periods have blocked access to protection and penalized refugees and asylum-seekers coming by boat. To date, Australia operates refugee detention centres within Australia and outside Australia such as Nauru and Manus Island, Papua New Guinea. Thousands of people in offshore and many in detention centres, especially children, face an uncertain future of settling in Australia due to lack of travel documents and statelessness. However, those who have been processed offshore through the Humanitarian Settlement Program and have arrived in Australia, as well as those who are onshore with processed grants of Special Protection, enjoy legal status to stay in Australia as permanent residents and have access to a wide range of services, including housing, health and welfare, employment support and education. This remains the case only as long as these humanitarian entrants are supported to access these services in their early years of stay in the country.

In 2012-13, it was announced that 20,000 places would have been allotted to humanitarian settlement of refugees in Australia, however, this figure decreased with the change of government from Labor Government to Liberal Government in September 2013. Excluding the 12,000 people intake from Syria and Iraq in 2015 and the 13,750 humanitarian intakes from 2013 to 2017, this has been increased to 16,250 for 2017-18 and 18,750 for 2018-19 (Refugee Council of Australia, 2018b; Settlement Council of Australia, 2018b). This is now referred to as a "ceiling" to the Refugee and Humanitarian Program of Government. From November 2015, onward there was a steady stream of Syrian and Iraqi refugees coming in Australia and it continues to this day.

When considering a refugee for a protection visa granted under the Migration Act 1958, a set of criteria has been structured based on concepts and issues drawn from the Refugee Convention. These key criteria stipulate that: (1) the applicant must be outside his/her country of nationality (or former habitual residence); (2) the applicant must fear "persecution"; (3) the applicant must fear persecution "for reasons of race, religion, nationality, membership of particular social group or political opinion"; and (4) the applicant must have "well-founded" fear of persecution for a Convention reason" and unable or unwilling to return to his/her country. Consequently, this involves both a subjective and objective assessment of the applicant's claim and consideration of general conditions in his/her country (Administrative Appeals Tribunal, 2016). Each of these key criteria must be met along with health, character and security checks. All refugees and humanitarian entrants are required to undertake visa medical examination prior to arrival in Australia, and if found with health issues that may pose a threat to the Australian community (i.e., hepatitis, tuberculosis, etc.), the applicants are required to sign a health undertaking that requires them to present themselves for further health assessment upon arrival to Australia (DOH, 2014). As far as character and security checks are concerned, these are set out in the Migration Act 1958 section 501. Character and security checks necessitate that applicants

have no substantial criminal records and have no conviction of a committed criminal offence specified in the Act (i.e., trafficking of persons, crime against humanity, slavery, torture, and many more). As such, refugees are deemed genuine and granted a visa that will allow him/her legal status to live and stay in Australia.

The Department of Social Services (DSS) is a critically important agency providing social policy advice to the Australian Government. In partnership with other government agencies and non-government organisations, the DSS ensures that effective development, management and delivery of programs, policies and services respond to people's needs in Australia throughout their lives. As such the DSS is mandated to focus on improving the lifetime and wellbeing of people and families in Australia. When humanitarian refugees and people in refugee-like situations arrive in Australia, the DSS is responsible for providing them with settlement services through the Humanitarian Settlement Program (HSP), which focuses on enhancing social integration of refugees and assisting transition to a self-reliant life in their settlement communities. The settlement services for refugees are provided early, tailored and intensive. From 2016 to 2020, a budget of AU \$0.79 billion has been allocated to Settlement Services and AU \$1.65 billion for the Adult Migrant English Program.

The Australian Government's humanitarian settlement services and integration activities include:

- Humanitarian Settlement Program - HSP (Department of Social Services, 2018b)

The HSP replaced the Humanitarian Settlement Services (HSS) and Complex Case Support (CCS) programs on 30 October 2017. It is designed in coordination with other settlement and mainstream services. Its main focus is to assist refugees to learn English and gain the necessary education and skills for employment. Positive outcomes in these areas can help humanitarian entrants integrate into Australian life. Services are provided as immediate and foundational.

Immediate services provided to refugees include: airport reception; on-arrival accommodation and induction; food and essential items package; assistance in registering with Centrelink (social security payments provider), Medicare (health service provider) and a bank; immediate health and medical assistance; orientation to emergency and local community services and interpreting services. In terms of health care (Blythe, Clarke, Connell, Wallace, & Wood, 2018), the Australian Capital Territory (ACT), which is not included in this present project, performs the best in providing hospital and primary health care services for refugees and asylum-seekers. The worst performers are Western Australia and Northern Territory.

In terms of housing accommodation, it has been reported that South Australia is the best performing state in providing access to social housing, which enables asylum-seekers and refugees to be eligible regardless of visa status, while Tasmania (not included in this present project) is the worst performing state in this regard as the Tasmanian State Government requires eligibility by permanent residency and Australian citizenship. This implies that refugees in Tasmania must have independent income to afford non-state provided housing accommodations. In terms of communicating housing policies, ACT and Victoria provide clear information in assessing eligibility of applicants, while South Australia and Northern Territory fall short in providing clear information about housing eligibility assessment (Blythe et al., 2018). These findings by Blythe et al. (2018) remains to be disputed or supported by this current research on the experiences of resettlement of refugees in Australia and how barriers to housing might impact the education of children from refugee backgrounds.

Foundation services include: orientation to the Australian way of life and values; assistance to securing long-term accommodation; support to access mainstream health and family support services; support to access community connections; registration for the Adult Migrant English Program; assistance to enroll in relevant education, training and employment services; and enrolment of children in schools.

Humanitarian entrants are provided with support through the HSP to build skills and knowledge needed to achieve self-sufficiency in order to become active members of the Australian community. Outcomes in the following areas are set as the foundation for successful settlement: Employment, Education and training, Housing, Physical and mental wellbeing, Managing money, Community participation and networking, Family functioning and social support, Justice and Language services.

- Humanitarian Settlement Program Service Provider Locations

The Australian Red Cross Society, Settlement Services International Limited (SSI Ltd), Adult Multicultural Education Services Australia (AMES Australia), Melaleuca Refugee Centre and Multicultural Development Australia Limited (MDA Ltd) are five service providers in 11 contract regions throughout Australia. These non-government agencies deliver the HSP on behalf of the Australian Government (Department of Social Services, 2018e). Table 2 identifies these settlement locations in the four states included in this current research.

Table 2. HSP Service Providers in Four Australian States

State	Contract Regions	Settlement locations	HSP Service Provider
New South Wales	Sydney Regional NSW	Sydney Newcastle, Coffs Harbour, Armidale	SSI Ltd
Victoria	Melbourne Regional Victoria	Melbourne, Mildura, Shepparton, Geelong, Wodonga	AMES Australia
Queensland	Brisbane and Surrounds North Queensland	Brisbane, Gold Coast, Logan, Toowoomba, Cairns, Townsville	MDA Ltd
South Australia	South Australia	Adelaide, Mount Gambier	AMES Australia

Humanitarian entrants' participation in activities delivered by the service providers are voluntary and follows a needs-based case management approach.

- The Australian Cultural Orientation (AUSCO) Program

Eligible Refugee and Special Humanitarian Program entrants in the first stage of their settlement are given pre-departure advice about their journey to Australia and post-arrival information. The program includes information on departure processes, settlement processes and how to access services, encouragement of learning English and information about Australia's laws and norms.

- Settlement Grants

In the 2015-16 Annual Report of the Department of Social Services, the Australian Government through the Department has claimed that 10,961 people or 93% of clients supported under the Settlement Grants Program have improved settlement outcomes in that the grants allowed refugees assistance from organizations toward programs supporting families, improve children wellbeing, parenting and financial management (Department of Social Services, 2017a). This rose to 94% of more than 20,000 refugees in the following year's Annual Report (Department of Social Services, 2018a). Settlement grants are provided in the first 5 years of settlement in Australia. Some of the areas of improvement include access to children and parenting services all over Australia, language, health, education and positive employment support. This outcome is supported by the United Nations Special Rapporteur, Mr Mutuma Ruteere (Australian Human Rights Commission, 2017, p.9):

I have noticed the relatively good integration of migrants into the Australian society, where numerous social programmes have been put in place at the various levels of Government particularly in areas such as housing, education, health, employment and welfare services. This is complemented by be a vibrant civil society and numerous multicultural ethnic organisations which help migrants and refugees settle in Australia and who provide a wide-range of programmes and initiatives of their own.

However, these positive outcomes remain to be validated in this present study.

- Adult Migrant English Program – AMEP (Department of Social Services, 2018e)

This English language course is provided for free for up to 510 hours. Flexible course times and child care are also provided to maximize the learning of English in the midst of demands from family, work and other commitments.

- Career Pathways Pilot for Humanitarian Entrants

This new initiative is aimed at helping new arrivals to use their professional or trade skills and qualifications in Australia. Career advisors are available to help plan a career pathway for adult refugees, as well as recognition of existing skills and qualifications for employment. Gaps are also identified for possible upskilling or reskilling. In terms of providing free instruction for students over 18 years old to finish high school, no other Australian jurisdiction has enshrined laws to this effect except Tasmania, which is not included in the present study. With regard to vocational training as a pathway to employment, the best performing state is New South Wales because it provides financial assistance to refugees and asylum-seekers. The worst performers are Queensland, Western Australia and Tasmania as these jurisdictions have not designed provisions to address the barriers to access (Blythe et al., 2018).

- Youth Transition Support Services – YTS

Targeting young refugees from age 15 to 25, this program has been funded \$42.8 million for four years to help young refugees and vulnerable migrants to participate in work and education (Department of Social Services, 2018e). Services are aimed at improving workplace readiness, access to vocational opportunities and creating strong social connections through education and sports. Service providers in various states in selected locations include The Community Migrant Resource Centre and Lebanese Muslim Association in NSW, Foundation House and Brotherhood of St Laurence in Victoria and Access Community Services and Multicultural Development Australia in Queensland.

- Free Interpreting Service (Department of Social Services, 2018e)

Refugees are able to access this service 24 hours a day, 7 days a week, whether planned (i.e. pre-booked) or unplanned. Aside from immediate or pre-booked telephone service, an onsite face-to-face interpreting service is also available. Interpreters are bound by a professional code of ethics that require them “to interpret information accurately and honestly, maintain confidentiality, impartiality and objectivity, and acting in professional manner at all times.”

- Free Translating Services

Accredited translators are available to non-English speaking refugees to support their participation in employment, education and community engagement (Department of Social Services, 2018e). Up to 10 eligible documents are translated into English for refugees living in Australia within two years of their eligible visa grant date.

- Volunteers (Department of Social Services, 2018e)

Volunteerism is greatly encouraged in Australia because it is considered a way for people to make a meaningful contribution to the community and Australian society. It allows migrants and refugees to connect with people, whether from their own cultural background or other cultures, and maintain community engagement. Volunteering one’s time to the community has been known to provide benefits such as personal satisfaction, skill development, friendships and contribution to community organisations.

Given all the services and activities mentioned above, people from refugee backgrounds are provided with enough economic and social support to live in Australia. The future of people from refugee backgrounds seems bright due to the permanent settlement policies in place. However, the path to this status is significantly arduous and entrants are but a few in relation to the huge numbers of refugees in need of humanitarian support and settlement.

There is a gap between when visas are granted and when they arrive, because of the time taken to complete checks and finalise travel arrangements. Before a visa is granted, applicants for resettlement in Australia are required to meet all criteria for a Refugee and Humanitarian visa, including health, character and security checks (Refugee Council of Australia, 2016b). For refugees applying onshore, adverse assessments of refugees are conducted by the Australian Security and Intelligence Organization (ASIO) and those who have failed security checks are not allowed to stay in the country. In a report by the Refugee Council of Australia (2018b), between 2010 and 2011, more than 50 refugees were held in indefinite detention and could not be repatriated to their country of origin. In 2013, the UN Human Rights Committee found this to be in breach of the International Covenant on Civil and Political Rights and as such in 2015, many of these people have been released to the community after ASIO reversed its adverse assessment.

Education

As soon as possible, school-aged children of a humanitarian entrant are enrolled in government schools where the family residence is zoned. Schools are contacted by parents often with the help of service providers or case workers from migrant resource centres where the families are located. Education is compulsory for all children regardless of background from age 5 or 6 in all Australian states and territories.

As an overarching principle to Australian government education policies, Federal or States and Territories, the Australian Education Act 2013 has been ratified and amended in 2018 and as such implemented as a framework for education providers (“Australian Education Act of 2013,” 2018). It acknowledges among others that education is “a foundation of a skilled workforce and creative community” and education playing a key role “in overcoming social and economic disadvantage.” The Australian Government, as a national policy leader for education works with States and Territories through the Council of Australian Governments and the Education Council. Education departments and authorities in States and Territories are required to deliver evidence-based reforms in schools. Commonwealth financial assistance for schools is provided in the Act to which States and Territories are required, as a condition of financial assistance, to: firstly, comply with intergovernmental agreements on school education; and secondly, implement nationally-agreed policy initiatives on school education.

An Overview of the Australian School System

Schooling in Australia is compulsory for children aged 6-16, from primary to secondary school years. This applies to children from refugee backgrounds as a matter of right to basic education for all. While the Federal Government provides funding to all Australian schools, government and non-government, State and Territory Governments are responsible for education policies. As such there are slight variations in the education system among Australian schools. Some of the differences include age of compulsory schooling, curricular requirements and school year (grade) divisions. Public schools - also referred to as government schools - are tuition-free and accessible to all students who meet zoning preferences. Some government schools require small fees that cover occasional excursions, sporting and other in-school activities. Children from refugee backgrounds, except for those holding Temporary Visas are afforded the same school fee privileges. School uniforms are required in most government and non-government schools. While government schools are tuition-free, independent and Catholic schools (non-government) require tuition fees from students. Despite this, the Australian government still provides some funding for non-government schools. Independent and Catholic schools have Religious Education as part of the curriculum.

The schooling system in New South Wales specifies that preschool enrolment is not compulsory and places are often subject to availability. Compulsory schooling starts from Kindergarten, when children are aged 5 or 6. Primary schooling is from Kindergarten to Year 6 and high school is from Year 7 to 12. Victorian schools have Foundation as the start of compulsory schooling until the student reaches 17 years of age. Primary schooling runs from Foundation to Year 6 (ages 5 to 12), secondary school from Year 7 to 10 (ages 13-16) and senior secondary school for Year 11 and 12 (ages 16-18). In Queensland, the first year of compulsory schooling is Preparatory or Prep. Primary school is from Year 1 to 6 and secondary school from Year 7 to 12. Preschool or kindergarten is not compulsory in South Australia but is strongly encouraged (Settlement Council of Australia, 2018a). At age 6, children must be attending school at Reception, which is the first year of compulsory

schooling. Junior primary school is from Reception to Year 2, primary school from Year 3 to 7 and secondary school middle years from Year 8 to 10 and senior secondary from Year 11 to 12.

The Australian Curriculum has been developed to help all “children in Australia to become successful learners, confident and creative individuals and active and informed citizens” (Australian Curriculum Assessment and Reporting Authority, 2014). Regardless of State and Territory education policies and requirements, the Australian Curriculum provides the framework for what students should learn as they progress through their school life. It sets the learning goals and competencies from Foundation/Reception/Preparatory to Year 10. Major learning areas include, English (and English as Additional Language/Dialect – EALD), Mathematics, Science, Health and Physical Education (HPE), Humanities and Social Sciences (HASS), The Arts, Technologies and Languages.

Some children from non-English speaking backgrounds (NESBs) take English as Additional Language or Dialect (EALD) classes. This includes children from refugee backgrounds. The EALD is a component of the Australian Curriculum specifically developed to allow NESB and Culturally and Linguistically Diverse (CALD) students to equitably access Standard Australian English. As such, even students from migrant backgrounds and some Australian-born children and Aboriginal and Torres Strait Islander students, whose first language is not English, are able to access this English language program. In some States and Territories, before joining mainstream schools, there are state government-run Schools of Languages that offer transition and support services for students whose first language is English and could barely communicate in English (School of Languages, 2018; Victorian School of Languages, 2018).

For Years 11 to 12, each State and Territory provides their own senior secondary curriculum to meet the qualifications needed for further university or vocational education or employment pathways. These same provisions are applied to children from refugee backgrounds in whatever state or territory they belong. For NSW, it is referred to as the High School Certificate (HSC). The Australian Tertiary Admission Rank (ATAR) allows students straight access to universities upon meeting the required standard scores. In Victoria, it is the Victorian Certificate of Education which allows students straight access to universities (with ATAR) and Victorian Certificate of Applied Learning (non-ATAR). In Queensland, students who graduate in Year 12 are awarded a Queensland Certificate of Education (QCE). Unlike in other states and territories, Queensland does not use the ATAR system but the Overall Position (OP) which determines students’ eligibility to universities. In South Australia, the South Australian Certificate of Education (SACE) is awarded to students finishing Year 12. The state follows the ATAR system so that students can access opportunities to go to a university. Apart from the universities, Year 12 graduates in Australia also have access to a wide range of vocational education programs provided by Technical and Further Education (TAFE) institutions. Most qualifying courses from TAFE are recognised under the Australian Qualifications Framework (AQF). Many refugee students access TAFE to learn English through the Adult Migrant English Program (AMEP) and as a pathway to employment.

As mentioned, once in Australia, children from refugee backgrounds are required by law to attend basic schooling until 16 years of age. As part of the schooling system, they are included in all aspects of schooling in Government school as per the Australian Curriculum is concerned, with slight differences in the Independent and Catholic Schools, which allows the study of religion.

Despite the invoking the Freedom of Information, data on enrolments as per classification of children from refugee backgrounds is not accessible, as well as enrolment to educational institutions.

The Australian Education System and Children from Refugee Backgrounds

In the main, children from refugee backgrounds have access to high quality schools and related services in Australia. All children from refugee backgrounds enjoy the same schooling privileges as the local students. They have access to the Australian Curriculum and support is available from both the Commonwealth and State and Territory governments as well as various non-government agencies catering to the education of refugee background students. They have rights to non-discrimination on the basis of gender, race, color, national or ethnic origin when accessing education and support mechanisms as provided.

Under the Multicultural Education policy, the Australian Government is tied to the Australian Multicultural Advisory Council statement on cultural diversity and recommendations. This statement noted the enduring reality and necessity of multiculturalism to Australia. The policy is based on participation and inclusion that benefits all Australians. Additionally, other supporting education policies have been enshrined in legislation to ensure that practical barriers to education are addressed (Blythe et al., 2018). For this reason, all children in Australia including children from refugee backgrounds enjoy the benefits of attending schools and they are supported at all levels, particularly their language development. Children enter schools based on their age and no demotion occur based on the child's intellectual ability. Australian schools are inclusive.

In New South Wales (NSW Department of Education, 2017), more than 8,000 students from refugee backgrounds in government schools have been identified. Schools enroll approximately 1,500 newly arrived refugee students each and this number is expected to increase as the additional 12,000 humanitarian entrants from Syria and Iraq start to arrive. Students from refugee backgrounds are mainly enrolled in metropolitan Sydney and its surrounds, and schools in Wollongong, Newcastle, Coffs Harbour and Albury. The NSW Government has partnered with the University of NSW and Centre for Refugee Research and established a website, Roads to Refuge (NSW Department of Education, Centre for Refugee Research, & University of New South Wales, 2015b), with the aim to provide Australian teachers, students and members of the community learning opportunities, links and resources specifically on the experiences of refugees in Australia and around the world, and to promote awareness on refugee issues to better support students from refugee backgrounds.

The website provides links to programs, initiatives and activities to support refugee students including English as Second Language programs from providers such as Intensive English Centres, homework and tutorial support such as after-school program for refugee students, Refugee Action (RAS) partnerships, Macquarie University Refugee Mentoring through its Learning, Education, Aspiration, Participation (LEAP) program, Multicultural Youth Affairs Network (MYAN) NSW, and various Migrant Resource Centres. Among many others, these support programs have been active even prior to 2012 and continue to provide services to students from refugee backgrounds. Multicultural education is at the heart of the NSW curriculum, teaching and learning. Intercultural understanding in schools means supporting English language learners, refugees and newly arrived students in that their English language proficiency is developed to achieve positive outcomes. However, given these policies, the NSW Government leaves it open to refugees and asylum-seekers to

access these services and provisions, and the lack of clear and available guidelines for access remains a challenge.

In Victoria, students from refugee backgrounds are able to access services from government and non-government agencies through the Refugee Education Support Program (RESP). This program is funded by the Victorian Department of Education in partnership with the Foundation House, the Centre for Multicultural Youth (CMY), the Catholic Education Commission Victoria (CECV) and Independent Schools Victoria (ISV). RESP aims to provide students from refugee backgrounds with positive educational achievement outcomes, wellbeing and engagement in learning. Schools in Victoria participating in this program are grouped into clusters of 6-8 primary and secondary schools that operate for two years according to geographical region. As a whole-school approach, this program engages refugee families, the community and government and non-government agencies. The program through the Foundation House and independent research groups from University of Melbourne (2011) and NOUS Group (2015) have reported that since 2007, participating schools which changed their practices in response to refugee background students have generated significant improvements in school enrollment, transition processes, improved use of interpreters and better knowledge and use of local support services (The Foundation House, 2018).

In Queensland, action plans for targeted support and outcomes for asylum-seeker and refugee support are set out in the Queensland Multicultural Action Plan, which specifically stipulates the Queensland Government's long tradition of welcoming and supporting refugees and asylum-seekers. The Queensland Government has shown support for Syrian refugees by opting in to the Safe Haven Enterprise Visa Arrangement (SHEV), a visa option that can lead to permanent residency. Support for refugees and asylum-seekers has been aimed at reducing barriers and creating opportunities so that refugees are encouraged to participate in and contribute to Australian society. Education for children of refugees and asylum-seekers focuses on improving access to playgroups for preschool children of refugees, access to kindergarten programs and equipping teachers and principals to deliver effective support for refugee students. Possible activities and opportunities for support include language tuition, homework assistance, counselling, interpreter services, job preparation, intensive teaching or teacher aide support and development of supporting educational materials (Queensland Government, 2018). All these are ongoing programs funded by the Queensland Government in partnership with schools with refugee students. Schools work with each other or independently to provide support to students with refugee and asylum-seeking backgrounds. Access to the Queensland Program of Assistance to Survivors of Torture and Trauma (QPASTT) is also available to refugee students and their families. QPASTT developed a handbook and a school counselling guide in 2001 and this was updated in 2007, in which "practical strategies for all members of the school community to understand and respond to the needs of refugee students" (van Kooten-Prasad, 2007). Refugee students are given support kits and these kits are available in the Brotherhood of St Lawrence and Refugee Claimants Support Centre (RCSC).

In South Australia, the Department for Education in partnership with the Australian Migrant Resource Centre (AMRC) has set up in recent times the program Backpacks for Refugee Children to provide school welcome packs for children from refugee backgrounds. While the Department and AMRC initiated the program, schools are encouraged to provide supplies and organise the school bags that may or may not bear the school's logo. This was first trialed in one primary school in Adelaide (Fedorowysch, 2016, 26 August). The AMRC is often one of the first points of contact for refugee families and hence, it has the ability and responsibility to give the backpacks to refugee children and as conversation pieces, explain to them some information about the schools and schooling in Australia. Another important feature of South Australia's response to educating children from refugee backgrounds is linked to the Government's multicultural programs "designed to demonstrate the benefits of multiculturalism to the wider community" (Department of the Premier and Cabinet, 2018). Through these multicultural programs, students from diverse backgrounds, especially refugees have opportunities to access their own ethnic community's cultural activities and festivals, and connect with other members of the community. Grants and funding are available to those community groups who are interested in participating in multicultural events. Schools often showcase events that celebrate cultural diversity and promote intercultural understanding such as Harmony Day.

Specialist government schools catering to students from refugee backgrounds and are regularly accessed from the time of their arrival and initial days spent in Australia, are the School of Languages (SOL) and the Secondary School of English (SSOE). The SOL has been founded to promote children's first language maintenance and sustain interest in learning languages. Courses are offered from Reception to Year 12 and beyond the age of 18 for adult learners. The Adelaide SSOE educates students from culturally diverse backgrounds. Often some refugee students opt to come to the school to learn intensive English and eventually transition to other mainstream schools or participate in tertiary education or employment.

What can be surmised from the cases for each State presented above is that education policies for students from refugee backgrounds are well established. The States' education departments have a wide range of programs and support mechanisms for students from refugee backgrounds. As stated previously, most refugee students enjoy the same privileges as the local students. They have to go to school from Monday to Friday and spend at least 25 hours a week in school. However, apart from the implementation of a national curriculum and multicultural education that recognizes a culturally diverse and inclusive Australia, there is no overarching Australian government policy for students from refugee and asylum-seeking backgrounds (Hirsch & Maylea, 2016; Mulkerin, 2017; Taylor & Sidhu, 2012). States and Territories have the autonomy to deliver a range of policies, programs and activities for refugee education.

With reference to implementing Education in Emergencies, this does not apply to children from refugee backgrounds who have been granted permanent visas and are studying in Australian school. These students are treated in the same way as school-aged children who have to be in school as a matter of compulsory free basic education. However, wellbeing and psychosocial needs of refugee students are addressed by support services provided by the Humanitarian Settlement Program and partner agencies and service providers.

Chapter Four

Conclusion

The Australian Refugees and Humanitarian Program allows eligible entrants permanent residency in Australia and hence they have access to most government services provided to permanent residents. They have the right to work and study in Australia and even access certain payments through the main social security payments provider, the Centrelink. Children from refugee and asylum seeking backgrounds join Australian schools based on their age. They are provided with school support, off-school support from non-government organizations on top of services they are eligible to and can rightfully access as permanent residents including free basic education.

On paper, the Australian Humanitarian Settlement Program (HSP) and related policies that address the education and employment needs of refugees in general and student refugees in particular seem well entrenched considering that Australia is a highly-regarded destination of permanent settlement for refugees. Despite the fact that there are regular changes in the names of programs and visas granted to refugee applicants to the country, as well as changes in government, the principle of permanently resettling refugees in Australia is a global obligation in which Australia tries to meet as part of its commitment to the Refugee Convention. With the HSP, Australia has reason to be proud of providing quality resettlement experiences to humanitarian entrants. However, Australia can still do better in its intake of more refugees seeking resettlement. The settlement policies likewise set provisions for refugee education albeit the States and Territories have free agency to design their own policies and procedures. While refugee education policies developed by each State seem to provide support services to refugee students and some degree of success is claimed in improving educational outcomes for students, it remains to be seen whether these programs and provisions work for particular refugee communities. Furthermore, such schemes can only work if they are not subsumed under a 'one-size-fits all' State policy for refugee education.

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