

# Refugees and migrants

The refugees and migrant's category are a diverse priority group, encompassing refugees that have escaped war and violence in their home country, through to skilled migrants who have entered Australia for work. As a result, the Law Council of Australia has identified that it can be difficult to establish a uniform picture about the legal needs of people who have recently arrived in Australia. They state that more research is required on the diversity of people recently arrived, their engagement with the legal system and overall outcomes.<sup>1</sup>

It should also be noted that this category does correlate with the Culturally and Linguistically Diverse priority group, therefore these two sections should be read concurrently.

The 2016 census reports a total of 1,015,875 (21.6%) of all Queenslanders were born overseas. For the one-year period 2015 to 2016, 66,975 people moved to Queensland from an overseas country.<sup>2</sup> The top five English and non-English speaking backgrounds for the refugee and migrant community in Queensland are:<sup>3</sup>

English speaking	Non-English speaking
New Zealand – 4.3%	India 1.0%
England – 3.8%	China (excluding special administrative regions and Taiwan) – 1.0%
South Africa – 0.9%	Philippines – 0.8%
Scotland – 0.5%	Germany – 0.4%
United States of America – 0.4%	Vietnam – 0.4%

564,196 people (12%) in Queensland speak a language other than English at home. The top five non-English languages spoken at home are:

1. Chinese languages 2.1%
2. Indo Aryan Languages 1.4%
3. Southeast Asian Austronesian languages 0.8%
4. Vietnamese 0.6%
5. Spanish 0.4%<sup>4</sup>

1 Law Council of Australia, *The Justice Project – Final Report: Introduction and Overview* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/Justice%20Project%20-%20Final%20Report%20in%20full.pdf>>.  
2 Queensland Government Statistician's Office, *Regional Profiles – Queensland* (2019) <<https://statistics.qgso.qld.gov.au/qld-regional-profiles>>.  
3 Ibid.  
4 Ibid.



For the period January – March 2019, most refugees and migrants settled in South East Queensland, with a small population settling in Cairns, Toowoomba and Townsville (see graph xx).<sup>5</sup>

There is a myriad of identified legal need for people newly arrived in Queensland, however it must be noted that most of the research focuses on the refugee community.<sup>6</sup> Many refugees may have faced persecution, war or adversity from the government in their home country. The provision of legal services to this group needs to be delivered through a trauma lens, acknowledging that it may take time to build trust.<sup>7</sup> This can also lead to many refugees and migrants seeking informal support from family, community or migrant resources centres rather than formally through legal services or government agencies. Strong connections to community and migrant services may increase access to legal support.<sup>8</sup>

The primary areas of legal need for this community have been identified as:

- Tenancy
- Workplace issues, including discrimination and harassment
- Family law
- Family and domestic violence
- Immigration and visa issues
- Consumer and debt<sup>9</sup>
- Car accidents, licensing and traffic fines.<sup>10</sup>

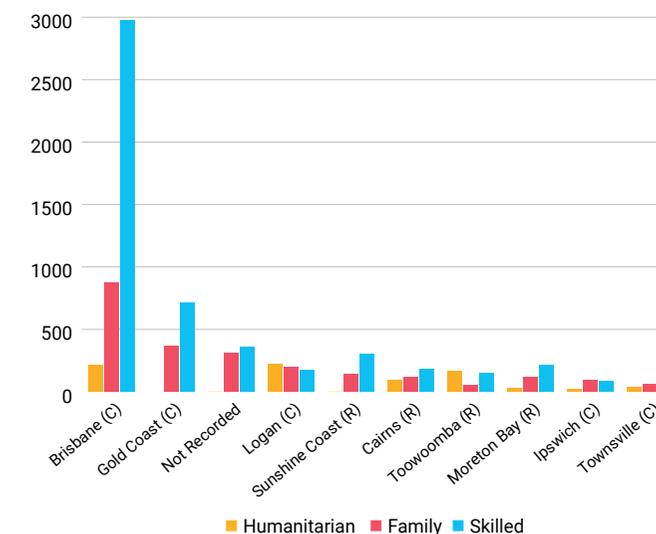
## Tenancy

Issues relating to tenancy have been identified as a key area of legal need for the refugee and migrant community. For refugees in particular, they may have spent years in camps, before coming to Australia. Others may come from countries that have different tenancy laws. Where English is not their first language, lease agreements and the rental process can be difficult to navigate.<sup>11</sup> This can lead to a range of legal problems including unfair lease arrangements, difficulties in arranging utilities or not understanding how to organise rental repairs.<sup>12</sup>

## Employment

For refugees and migrants who do not speak English, or their knowledge of the English language is minimal, it can be difficult find work or they may secure lower paid jobs.<sup>13</sup> This can lead to a myriad of consumer law issues, as they struggle to make ends meet.<sup>14</sup>

## Local Government Areas



Graph 14: Top ten local government areas for recently arrived Queenslanders.  
Source: <https://data.gov.au/dataset/ds-dga-8d1b90a9-a4d7-4b10-ad6a-8273722c8628/distribution/dist-dga-9f1aa933-a514-4301-a74a-b6c5e4adacd9/details?q=Settlement>

5 Australian Government, *Settlement data reports January 2019 to March 2019* (2019) <<https://data.gov.au/dataset/ds-dga-8d1b90a9-a4d7-4b10-ad6a-8273722c8628/distribution/dist-dga-9f1aa933-a514-4301-a74a-b6c5e4adacd9/details?q=Settlement>>.

6 Law Council of Australia, *The Justice Project – Final Report: Introduction and Overview* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/Justice%20Project%20-%20Final%20Report%20in%20full.pdf>>.

7 Refugee Council of Australia, *Settling in Australia: The challenges* (2018) <<https://www.refugeecouncil.org.au/settlement-challenges/>>.

8 Law Council of Australia, *The Justice Project – Final Report: Introduction and Overview* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/Justice%20Project%20-%20Final%20Report%20in%20full.pdf>>.

9 Law Council of Australia, *The Justice Project – Final Report: Introduction and Overview* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/Justice%20Project%20-%20Final%20Report%20in%20full.pdf>>; Chief Justice Robert French AC, Judicial Council on Cultural Diversity National Roundtable – Access to Justice for Culturally and Linguistically Diverse Women – Opening Remarks (24 June 2015) <<http://www.hcourt.gov.au/assets/publications/speeches/current-justices/frenchcj/frenchcj24June2015.pdf>>.

10 African-Australian Multicultural Employment and Youth Services, *Refugees and Migrants Access to Justice* (2017) <<http://www.aameys.com.au/news/refugees-and-migrants-access-to-justice>>.

11 Refugee Council of Australia, *Settling in Australia: The challenges* (2018) <<https://www.refugeecouncil.org.au/settlement-challenges/>>.

12 Law Council of Australia, *The Justice Project – Final Report: Introduction and Overview* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/Justice%20Project%20-%20Final%20Report%20in%20full.pdf>>.

13 Refugee Council of Australia, *Settling in Australia: The challenges* (2018) <<https://www.refugeecouncil.org.au/settlement-challenges/>>.

14 Ibid.

Newly arrived refugees and migrants may also not be aware of workplace rights, such as employment conditions or minimum rates of pay. Without legal assistance, this can lead to issues of unfair working conditions or discrimination, and not knowing how to make a complaint.<sup>15</sup>

## Humanitarian visas

People who have recently arrived in Queensland on a humanitarian visa have been recognised by the Law Council of Australia as a priority group, because of the likelihood that they will experience greater legal need.<sup>16</sup> Language barriers, discrimination, lack of financial capacity, fear of deportation and trauma intersect to create significant barriers to seeking help from the legal system.<sup>17</sup>

The humanitarian visa stream includes the following sub-classes of refugee:

- in-country special humanitarian,
- global special humanitarian,
- emergency rescue,
- women at risk,
- territorial asylum,
- resolution of status and
- protection.<sup>18</sup>

Graph xx shows the number of people entering Queensland on a humanitarian visa in the period January – March 2019.<sup>19</sup>

The legal system is also complex, even for people whose first language is English. For Culturally and Linguistically Diverse refugees and migrants this can add to the complexity of understanding police directions, court matters, interpreting contracts or awareness of free legal assistance.<sup>20</sup> Graph xx shows the English language proficiency of people entering Queensland in the humanitarian visa stream from January to March 2019.<sup>21</sup>

## Barriers to accessing services

There are many barriers to accessing justice for a recently arrived Australian, including English language and literacy. Other barriers include:

- Cultural differences
- Unfamiliarity with the Australian legal environment and its complexities
- Prejudice, racism and discrimination
- Past trauma<sup>22</sup>
- Access to interpreters<sup>23</sup>

15 Settlement Council of Australia, *Access to Justice for People from Refugee and Migrant Backgrounds in Australia* (2019) <[http://scoa.org.au/wp-content/uploads/2019/02/SCoA-Policy-Focus--Access-to-justice-for-people-from-refugee-and-migrant-backgrounds-in-Australia\\_Feb-2019.pdf](http://scoa.org.au/wp-content/uploads/2019/02/SCoA-Policy-Focus--Access-to-justice-for-people-from-refugee-and-migrant-backgrounds-in-Australia_Feb-2019.pdf)>.

16 Law Council of Australia, *The Justice Project – Final Report: Introduction and Overview* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/Justice%20Project%20-%20Final%20Report%20in%20full.pdf>>.

17 Ibid.

18 Australian Government, *Settlement data reports January 2019 to March 2019* (2019) <<https://data.gov.au/dataset/ds-dga-8d1b90a9-a4d7-4b10-ad6a-8273722c8628/distribution/dist-dga-9f1aa933-a514-4301-a74a-b6c5e4adacd9/details?q=Settlement>>.

19 Ibid.

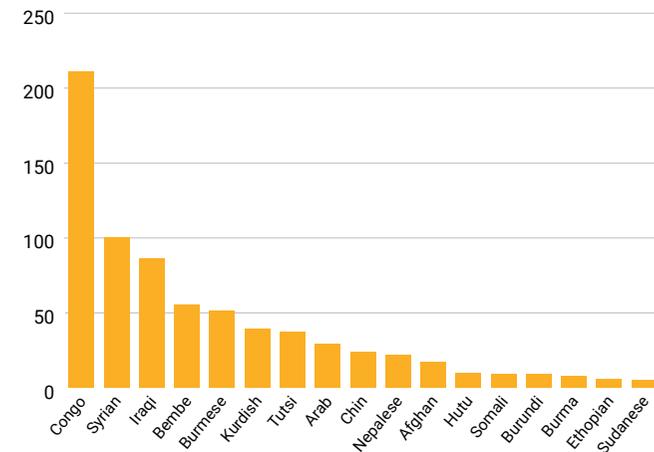
20 Settlement Council of Australia, *Access to Justice for People from Refugee and Migrant Backgrounds in Australia* (2019) <[http://scoa.org.au/wp-content/uploads/2019/02/SCoA-Policy-Focus--Access-to-justice-for-people-from-refugee-and-migrant-backgrounds-in-Australia\\_Feb-2019.pdf](http://scoa.org.au/wp-content/uploads/2019/02/SCoA-Policy-Focus--Access-to-justice-for-people-from-refugee-and-migrant-backgrounds-in-Australia_Feb-2019.pdf)>.

21 Australian Government, *Settlement data reports January 2019 to March 2019* (2019) <<https://data.gov.au/dataset/ds-dga-8d1b90a9-a4d7-4b10-ad6a-8273722c8628/distribution/dist-dga-9f1aa933-a514-4301-a74a-b6c5e4adacd9/details?q=Settlement>>.

22 Settlement Council of Australia, *Access to Justice for People from Refugee and Migrant Backgrounds in Australia* (2019) <[http://scoa.org.au/wp-content/uploads/2019/02/SCoA-Policy-Focus--Access-to-justice-for-people-from-refugee-and-migrant-backgrounds-in-Australia\\_Feb-2019.pdf](http://scoa.org.au/wp-content/uploads/2019/02/SCoA-Policy-Focus--Access-to-justice-for-people-from-refugee-and-migrant-backgrounds-in-Australia_Feb-2019.pdf)>.

23 Australian Government, *A Strategic Framework for Access to Justice in the Federal Civil Justice System* (2009) <<https://www.ag.gov.au/LegalSystem/Documents/A%20Strategic%20Framework%20for%20Access%20to%20Justice%20in%20the%20Federal%20Civil%20Justice%20System.pdf>>.

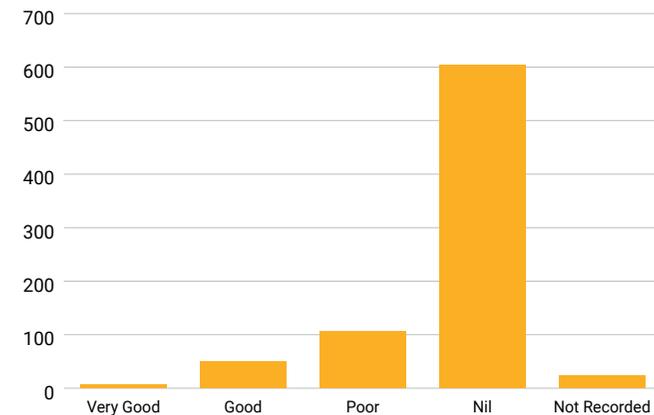
## Humanitarian visa arrivals



Graph 15: Humanitarian visa arrivals to Queensland January – March 2019.

Source: <https://data.gov.au/dataset/ds-dga-8d1b90a9-a4d7-4b10-ad6a-8273722c8628/distribution/dist-dga-9f1aa933-a514-4301-a74a-b6c5e4adacd9/details?q=Settlement>

## English language proficiency in the Humanitarian stream



Graph 16: English language proficiency in the Humanitarian stream Jan – March 2019.

Source: <https://data.gov.au/dataset/ds-dga-8d1b90a9-a4d7-4b10-ad6a-8273722c8628/distribution/dist-dga-9f1aa933-a514-4301-a74a-b6c5e4adacd9/details?q=Settlement>

## Making services more appropriate for refugee and migrant communities

### Pathways and problem noticers

- Migrant resource centres
- Multicultural services e.g. individual community networks and services

### Technology

- Low use

### Service delivery

- Engaging a cultural or community liaison officer<sup>24</sup>
- Culturally competent service delivery, including face-to-face appointments<sup>25</sup>
- Outreach services into community<sup>26</sup>
- Joined-up service delivery<sup>27</sup>
- Access to qualified and highly skilled interpreters<sup>28</sup>
- Warm referrals and a no wrong number approach<sup>29</sup>
- Legal information and education programs tailored to specific communities.<sup>30</sup>

24 Law Council of Australia, *The Justice Project – Final Report: Introduction and Overview* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/Justice%20Project%20-%20Final%20Report%20in%20full.pdf>>.

25 Ibid; Australian Government, *A Strategic Framework for Access to Justice in the Federal Civil Justice System* (2009) <<https://www.ag.gov.au/LegalSystem/Documents/A%20Strategic%20Framework%20for%20Access%20to%20Justice%20in%20the%20Federal%20Civil%20Justice%20System.pdf>>.

26 Law Council of Australia, *The Justice Project – Final Report: Introduction and Overview* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/Justice%20Project%20-%20Final%20Report%20in%20full.pdf>>.

27 Ibid.

28 Ibid.

29 Australian Government, *A Strategic Framework for Access to Justice in the Federal Civil Justice System* (2009) <<https://www.ag.gov.au/LegalSystem/Documents/A%20Strategic%20Framework%20for%20Access%20to%20Justice%20in%20the%20Federal%20Civil%20Justice%20System.pdf>>.

30 Ibid.