

Rethinking Social Inequality: the Case of 'Illegal Refugees'

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Abstract

Refugees living in Australia on temporary protection visas (TPVs) are forced to exist in a mental state of uncertainty and a material state of insecurity. This policy regime and its intolerable consequences raises important questions about the dialectical relationship between social and cultural (in) justice. The treatment of onshore refugees in Australia forces us to think more broadly about social inequality and the cross-cutting lines of differentiation that emerge in the intersections of recognition and redistribution. This paper draws on the case of refugees on TPVs to illustrate how we can expand our imaginary of social inequality in order to reconnect a politics of disadvantage with a respectful recognition of the claims and interests of these contested citizens.

Refugees on temporary protection visas (TPVs) living in Australia are legally, politically and morally positioned as conditional citizens. After eventually being released from a detention centre, refugees on TPVs are granted few settlement services and even fewer rights. As a consequence, this group of refugees survive on very limited incomes (principally relying on Centrelink Special Benefit, combined with some part-time and casual work in secondary areas of the labour market). Refugees on TPVs tend to live in insecure housing, they can have ongoing health problems and they experience limited access to educational opportunities (Marston, 2003, Mansouri and Bagdas, 2002, Mann, 2001). Despite these material deprivations, the dominant concern expressed by many refugees on TPVs is the psychological cost of continuing uncertainty and the unequal distribution of hope and other cultural resources, such as social respect and dignity (Marston, 2003). The situation faced by these refugees demands a rethink of the concept of social inequality and the connections between economic and cultural injustice.

Meeting the material needs of refugees on TPVs will not – by itself – transform these temporary citizens into members of the 'socially included'.

Improved access to the labour market and higher education, more secure housing and the provision of English language classes will undoubtedly assist a successful ‘integration’¹. However, these resettlement interventions will not address the ongoing uncertainty and precarious citizenship status of refugees on TPVs. The demonisation of ‘unauthorised arrivals’ by the mass media, social commentators and some prominent politicians has resulted in a scarcity of social respect. It is this lack of respect, tied up in the construction of national identity, which legitimates this harsh policy regime. In response, we need to rethink the connections between respect and inequality along the lines suggested by Richard Sennett (2003). The heart of Sennett’s (2003) thesis is that a key political issue for contemporary welfare states is not the continuing existence of social inequality per se, but how difference and autonomy are treated in everyday social relations between government agencies and citizens, between doctors and patients, between Centrelink officers and clients, between public housing managers and tenants.

Rethinking the relationship between social respect and equitable social relations raises important questions about what interventions are required to address continuing injustices. For example, how can refugees reclaim a respectful social identity in an impoverished and reactionary political discourse dominated by the policies of ‘border protection’? How can socially constructed divisions, based on a mix of fear and prejudice, be overcome? How do we respond to a situation where refugees fear the possible repercussions of ‘speaking out’ in terms of their continuing claims for permanent protection? These sets of issues relate as much to social and cultural processes and ontological insecurity as they do to socio-economic inequalities.

In the first section of the paper I review approaches to social inequality. The aim of this discussion is to illustrate how a dual account of patterned inequality is integral to developing more effective understandings of contemporary forms of citizenship, social relations and social divisions. The second and third part of the paper defines the temporary protection visa (TPV) policy regime and discusses the medium term settlement experiences of refugees living on temporary protection visas in Victoria. This discussion highlights how the identity of onshore arrivals in contemporary political

¹ The term ‘integration’ is used extensively in the refugee resettlement literature, which can be problematic if it is seen as being synonymous with assimilation, as this policy and ideology goes against the right to self-determination. In contrast, the term ‘integration’ is used here as a set of policy ideals that oppose the practices of segregation. In theory, integration differs from assimilation in that it is concerned with incorporating minorities into the mainstream so they can participate as equals, while maintaining their cultural identity (Fleras and Elliott, 2003).

discourse functions to legitimate policies and practices that are fundamentally inequitable and deeply damaging for the individuals and families concerned.

Rethinking inequality and social science inquiry

In this section of the paper I want to briefly focus on how we might expand a conception of social inequality with proper reference to a revitalised social science and the discursive politics of policy-making. I also want to draw attention to how the dominance of certain orientations in social policy research and inquiry has uncoupled the connection between cultural and redistributive justice.

In the social policy literature inequality is typically defined in regard to an egalitarian vision to reduce the unequal distribution of material resources in multiple areas of social life, such as income distribution, equality of work and educational opportunities, housing consumption and individual health standards. Empirical discussion about inequality is often raised in connection with the experience of poverty. However, the conceptual slippage often blurs the distinction between these two ideas. Dunn (2001:14) in trying to distinguish between ‘poverty’ and ‘inequality’ suggests that the basic distinction lies in the idea that ‘poverty is about not having enough and inequality is about not having as much as others’.

At the same time, social policy scholars tell us that social inequality is increasing and that the gap between the rich and the poor is growing (Saunders, 2002). Much of the social inequality discourse in Australia operates at a structural level, comparing static indicators of income disparity, poverty measures, employment, household tenure and health inequalities. Consequently, policy researchers go on to identify the implications of these measures for the adequacy of social security benefits, for access to education programs, for the impact of high housing costs, or for the effectiveness of settlement programs for new immigrants and refugees (Fincher and Saunders, 2001). In the social sciences, poverty and inequality discourse is typically represented as a specialist area of analysis involving statisticians, empirical sociologists and economists.

The way these technical debates are conducted removes the processes that generate inequalities from the sphere of politics, values and voice. The recent public debate, for example, between the National Centre for Social and Economic Modelling and the Centre for Independent Studies over the prevalence of poverty in Australia was narrowly conducted as a ‘methodological war’ about the size of the population living in poverty (Centre for Independent Studies, 2003). Population based research and

surveys into the extent of social inequality and poverty have a place in the social sciences, but they need to be augmented by narratives and case studies that draw out the voices and values of those that are so often the silent objects of these studies (Flyvbjerg, 2001).

We need to move beyond a model of the social sciences that adopts the viewpoint of the spectator as a ‘pure and scientific’ position that accords no real initiative to the human actor/s, but considers their action or as the necessary effects of necessary causes. In this paradigm, social policy research becomes an exercise in instrumentally identifying and measuring taken for granted problems (such as unemployment) and then identifying a range of possible solutions (active labour market programs, for example, or the reduction of poverty traps). In extending this instrumental epistemology, poverty and social inclusion discourse in Australia is preoccupied by the promotion of paid work, which becomes the basis of inclusion in a singular moral community that upholds the ethic of paid work and self-reliance. These popular policy metaphors need to be thoroughly interrogated because their apparent universality may in practice be highly divisive. As Harris and Williams (2003: 211) have observed: “In Australia, the government espouses inclusion at the local level, while excluding asylum seekers nationally...our national identity functions to establish the qualities a person must have in order to be considered a ‘real’ citizen.” On this count, refugees who come here ‘illegally’ as ‘unauthorised arrivals’ are constructed by the Commonwealth Government as not earning the right to be a full a citizen and as such they must be treated punitively.

The homogenising tendencies built into government definitions of social inclusion² and exclusion (and similar social policy metaphors, such as social capital) means that we have to find more appropriate concepts and language that capture the multiple lines of difference that characterise contemporary social relations. It makes no practical or political sense, for example, to talk in general terms about social inequality or social exclusion, given that these terms lack conceptual specificity and people do not exist one-dimensionally as ‘poor people’, ‘black people’, as ‘women’ or as ‘people with disabilities’. The unequal distribution of wealth, income and cultural resources flows through a variety of social categories that make a difference to

² The popular conception of social inclusion tends to smooth over competing conceptions of what constitutes the social because it holds social goals and values are static, fixed and universal. The way social inclusion is framed in official policy discourse assumes that we all subscribe to a popularised ‘Australian way of life’ that encompasses home ownership aspirations, regular paid work and hetero-normative notions of care (Department of Families and Community Services, 2002).

the place of individuals (Clarke, 2000: 208). In recognising these multiple lines of distinction we need to move beyond universal conceptions of social inequality and social inclusion. We also need to acknowledge the centrality of questions about human ontology and the need for a temporal integration of past, present and future into the question about what it means to be included and valued. This conceptual shift requires greater attention to action, feeling and experience in social policy analysis.

Flyvbjerg (2001) argues that it is high time we redirected the orientation of the social sciences away from a universal and rational grounding and move towards a socio-historical foundation concerned with power relations, the production of exemplary case studies that get close to reality and which reconnect agency and structure. Along the same lines, Flyvbjerg (2001) encourages social scientists to pose questions about power, outcomes and inequality in terms of: Who gains and who loses? What possibilities are available to change existing power relations? What kinds of power relations are those asking these questions themselves a part? The emphasis here is on dynamic *how* questions, rather than structural *why* questions.

Giving a priority to *how* type questions include a focus on how social groups are constructed by discourses and constituted in practices. We need to recognise that the very idea of inequality is implicated in the politics of naming people and problems. The way people or problems are named is absolutely crucial because policy-making is an irreducibly linguistic and political process. ‘Problems’ or ‘issues’ only come to be that way when they have become part of a policy, or political discourse. At the same time this opens up the possibility of continuing debate and contest about what it is that is being defined as a problem worthy of the interest of the state or of becoming the object of state policy. This linguistic process is neither accidental nor random. Governments and policy communities (politicians, party officials, civil servants and experts and academics across various scientific and technical backgrounds) both constitute problems, and solutions to those problems.

The language of politics is not a neutral medium that conveys ideas independently formed. The idea of ‘temporariness’, for example, can be connected to a wider social policy context in Australia. There is a certain consistency at play between the practice of issuing temporary protection visas to ‘unauthorised arrivals’ and reforming the broader income support system in Australia towards the promotion of ‘self-reliant’ individuals and ‘active citizens’. In the context of welfare reform, the Commonwealth Government now prefers to see people as being “...reliant on income support temporarily” (DFACS, 2002: 2). Both policy areas are underpinned by a notion of social

protection as a transitional goal, as an instrumental pathway to escape state dependency.

The social relations between state and citizens are constantly being contested. Yeatman (1989: 160) reminds us that policy making is pre-eminently a politics of contest over meaning. This is because it: “...comprises the disputes, struggles and debates about how the identity of the participants should be named and thereby constituted, [and] how their relationships should be named and thereby constituted” (1989: 160). The naming of a person or group in a particular way situated them in regard to social, legal or economic practices and entitlements. van Dijk (1998), for example, argues that the term ‘illegal refugees’ is employed in political discourse to induce hostility towards a group that has supposedly ‘broken the law’, which militates against a compassionate concern for a person’s welfare. The construction of social identities shapes people’s capacities for mobility, for example, as the occupants of the ‘business class’, as ‘genuine refugees’, as ‘unwanted dependents’ and as ‘economic migrants’ (Clarke, 2001: 209).

The possibility of reflecting on and problematising the discursive politics of identity depends, in large part, on a public sphere and public spaces where respect for differences is encouraged. The social inequality literature is beginning to take account of the spatial and relational dimensions of social inequality (Fincher and Saunders, 2001). To date, however, this analysis has largely failed to encompass the public spaces and spheres of communicative action where the categories of ‘the poor’, ‘welfare dependents’ and the ‘illegal refugees’ are constructed and contested. This communicative space deserves more recognition, given that this is where legitimate action and inaction on the part of governments, community agencies, citizens and social scientists is constructed and contested.

My intention at this point is not to rehearse the history about the role of the public sphere in the modern liberal tradition. What I want to do is flag the relationship between material deprivation and participation in public and cultural life as an important, but often unrecognised dimension of social inequality. Recent social scientific interest in a democratic public sphere was sparked when the English version of Jurgen Habermas’s book *The Structural Transformation of the Public Sphere* was published in 1989 (Fraser, 1995). In this book and in his later works, Habermas has promoted the transforming and democratic potential embedded in a deliberative mode of communication between citizens. For Habermas, the public sphere is a site where differences are respected and where inequalities are bracketed as citizens participate as social equals in the practices of reasoned argument.

Habermas’s conception of a single public sphere, however, ends up sounding idealistic and utopian. As Fraser (1995: 289) argues:

Informal impediments to participatory parity can persist even after everyone is formally or legally licensed to participate. When this happens deliberation can mask domination... Even the language people use as they reason together usually favours one way of seeing things and discouraging others. Subordinate groups sometimes cannot find the right voice or words to express their thoughts, and when they do, they discover they are not heard. Thus, social inequalities tend to infect deliberation, even in the absence of formal exclusions.

This critique raises serious problems with the modern liberal conception of a public sphere and its potential to address social inequalities. Moreover, the emergence of new social movements challenges the possibility and utility of a single public sphere. In fact, it is the persistence of social inequalities that gives rise to counter public spheres as a space where claims are made by communities of interest for recognition and the redistribution of resources and services. With a conception of multiple publics we can comprehend the relations of dominance and resistance, participation and antagonism, and thereby explain the co-appearance of the labour movement in relation to the development of capitalism, free speech movements in relation to the control of information and feminism and gay and lesbian rights movements in relation to patriarchal hetero-sexism (Gagnier, 1991: 10). These developments recognise the multiple lines of struggle that characterise contemporary societies.

In sum, we need an analytics of social inequality that renders visible the ways in which social inequality taints deliberation and participation within existing public spheres and how inequality affects relations among different social groups in such societies (Fraser, 1995). This framework points to a need for a more expansive and encompassing approach to the relations of social inequality that recognises both the cultural and economic dimensions of injustice. Nancy Fraser (1997: 15) eloquently draws attention to the relationship between cultural and socio-economic justice:

Cultural norms that are unfairly biased against some are institutionalised in the state and the economy; meanwhile, economic disadvantage impedes equal participation in the making of culture, in public spheres and in everyday life. The result is often a vicious circle of cultural and economic subordination.

The thrust of this argument points to a conception of inequality that includes participation in public life, access to policy discourses and other cultural activities. The situation for refugees on temporary protection visas living in the Australian community presents a very clear case about why we need to reconnect a politics of recognition with a politics of redistribution. The legal status of refugees on TPVs is highly precarious. This group of refugees do not have the ontological and legal security to publicly criticise the government’s policies that affects their lives so deeply. The TPV policy not only constructs these subject-citizens as temporary, it also sets up an expectation of gratitude and compliance. Understandably, many refugees on TPVs fear that if they ‘speak out’ about the effects of the policy they may jeopardise their pending claim for permanent protection. This situation highlights the crucial importance of legal citizenship and ontological security as fundamental requirements for participation in cultural, economic and social life.

Much of the writing about refugees on temporary protection focuses on the material inequities of being treated as ‘second-class’ citizens (Mansouri and Bagdas, 2001; Mann, 2001). We should not forget that this situation extends to the silencing effects of the TPV regime and the limitations and risks it creates for cultural and political participation. Refugee voices are often represented through lawyers, advocates, the government, but rarely do refugees get to speak in their own voice, in their own language and on their own terms. Of course, there are exceptions. In Victoria, for example, refugees on TPVs have formed their own association (Al-Amel TPV Holders Association) as a way of providing practical and emotional support, as well as providing a forum for articulating a collective voice that can make demands for change and to challenge the disrespectful ‘othering’ embedded in official policy discourse. It is precisely this kind of action and intervention that helps to problematise the rationale of the temporary protection visas policy regime that was introduced by the Commonwealth Government in 1999.

The introduction of the temporary protection visa

Since 1999, all asylum seekers arriving in Australia without authorisation and who are determined to be refugees are granted temporary protection visas³

³ Internationally, the concept of temporary protection is not new; various versions of temporary protection were codified during the 1970s and 1980s in response to mass flows from South-East Asia and in the context of flight from Central American civil wars (Fitzpatrick, 2000). Temporary protection for refugees was a recurring topic on the European agenda during the 1990s, following the mass outflow from Bosnia Herzegovina during 1992-93 (Brekke, 2001). When the UN’s High Commissioner recommended the use of temporary protection, it was considered the best practical solution to this acute situation (Joly, 1998). The real issue is whether formalisation of temporary protection is either legal or advisable,

(TPVs). The visa is generally granted for a period of three years, but in some cases for five years. At the end of this period, and in many cases, refugees on TPVs may apply for a permanent protection visa (which grants them Australian residency status). The Commonwealth Government argues that the introduction of the TPV policy was necessary because of increasing misuse of Australia’s onshore protection arrangements by organised people smugglers (Catholic Commission for Justice, Development and Peace, 2001). As a result of this policy, there are now thousands of refugees on temporary protection visas living in the Australian community. As at 29 December 2002, 8,589 TPVs (Subclass 785) have been issued. Many of the visas that have been issued to date have either expired or are soon due to expire⁴.

The temporary protection visa regime owes its continuing existence to the political belief that it discourages the ‘illegal’ entry of asylum seekers into Australia (Einfeld, 2000: 312). The Australian Government’s wide-ranging ‘border protection’ policies provide the moral and legal justification for continuing with temporary protection. In defending the TPV policy the then Immigration Minister, Phillip Ruddock (2003) argued that:

What we are saying is there was a right way to come and a wrong way to come and the temporary visa is about saying yes, we honour our obligations but if things change at home, and you can go back, then you’ll be going back.

The Prime Minister has echoed similar sentiments stating that: “we will decide who comes to this country and the circumstances in which they come” (Lateline, 10/11/2001). The ‘we’ is used to invoke an image of a strong and determined government backed by the Australian people, where a contrast between ‘us’ and ‘them’ positions refugees as a threat to Australia’s sovereignty and the formation of a nationalistic community of identity. Within this construction of a national identity, the Australian Government accuses onshore asylum seekers of being ‘queue jumpers’ and they are dealt with in terms of ‘border protection’ policy, rather than the protection of their

particularly in cases where temporary protection becomes part of a strategy of relocating refugee protection from the legal field into the realm of politics (Fitzpatrick, 2000).

⁴ Since September 27, 2001, immigration law now states that ‘unauthorised arrivals’ assessed as meeting refugee classification, who, since leaving their home country, have resided for at least seven days in a country where they could have sought and obtained effective protection (for, example, Indonesia), will not be able to seek a permanent protection visa. Many unauthorised arrivals entering Australia after 2001 will have only have the right to seek another TPV (DIMIA, 2002). In other words, some refugees granted TPVs since 2001 will never have the right to apply for permanent protection.

human rights under the 1951 UN Refugee Convention and the 1967 Protocol, both of which Australia has signed.

Crock and Saul (2002) argue that the Australian Government’s justification for the temporary protection visa is fundamentally flawed, morally questionable and most probably illegal. They point out that an early 1990s attempt to introduce four-year temporary protection visas for all refugees was abandoned by the Commonwealth Government – not only did it not deter asylum seekers, it was considered unworkable. Crock and Saul (2002) suggest that one of the effects of the changes may have been to encourage asylum seeking men to bring their families with them, rather than acting as an anchor for the later (legal) migration of dependents. In 1999, children made up only 13 per cent of asylum seekers arriving by boat. After the introduction of the temporary protection visa in 2001, the proportion of children on boats rose to 30 per cent (Crock and Saul, 2002).

While the UN Refugee Convention does not give refugees the right to permanent relocation, Article 31(1) of the Refugee Convention does specify that refugees should not be discriminated against by reason of illegal entry to a country of asylum. The introduction of a temporary protection visa regime and limited social entitlements constitutes a form of punishment for those who did not apply offshore through formal immigration channels (Crock and Saul, 2002: 106). The Australian Government argues that temporary protection is not a punishment for refugees, but a permissible alternative. In practice, however, Australia now distinguishes between refugees based entirely on mode of entry. As a consequence of how people arrive in Australia, refugees on a temporary protection visa receive limited entitlements and experience deep and continuing uncertainty. The following table provides a snapshot of the entitlements that refugees on TPVs are eligible for:

Entitlements of TPV compared with PPV

<i>Entitlement</i>	<i>Permanent Protection Visa</i>	<i>Temporary Protection Visa</i>
Commonwealth Income Support	Immediate access to the full range of social security benefits	Access only to Special Benefit for which eligibility criteria apply.
Education	Same access to education as other permanent residents	Access to primary, secondary and TAFE education subject to state policy (access granted in Victoria).

		Effective exclusion from tertiary study due to imposition of full fees.
Settlement Support	Access to full DIMIA settlement services, including Migrant Resource Centres and ethno specific agencies, interpreter service and integration assistance.	Not eligible for most DIMIA funded services, except for health screening and referral.
Family Reunion	Ability to bring immediate family members.	No family reunion rights, even for spouse and children.
Travel	Same ability to leave the country and return as other permanent residents.	Travel, even if permitted, voids the protection submission.
Work rights	Permission to work.	Permission to work but job search severely restricted by TPV.
English classes⁵	Access to 510 hours of English language training through AMEP.	Until recently, not eligible for federally funded English language programs or translating and interpreting services.
Medical Benefits	Same eligibility for Medicare and Health Care Card as other permanent residents.	Eligible for Medicare and Health Care Cards.
Housing	Assistance with public housing included within settlement services.	Not entitled to on-arrival accomm. Limited access to public housing.

The above table highlights the access and equity barriers created by the

⁵ There have been some changes to these areas of eligibility in light of recent amendments to social security legislation that will see some refugees on TPVs (those that apply for Special Benefit after January 2003) being able to access the Language, Literacy and Numeracy Program provided through Department of Employment Services and Training. The above table was adapted from the Ecumenical Migration Centre's and the Brotherhood of St Lawrence's *Changing Pressures Bulletin* 'Seeking asylum: Living with fear, uncertainty and exclusion', November 2002, [available online]: <http://www.bsl.org.au/catalogue/33.html>

temporary protection visa. A successful resettlement experience is contingent on developing language skills, securing employment, re-establishing family relationships, accessing educational opportunities and securing affordable and appropriate housing. Access to settlement services and networks helps to create the sense of belonging that is crucial to successful integration into the host society. Many of these resources are denied to refugees on temporary protection visas because the Australian Government does not believe this group of refugees should be treated the same way as ‘authorised refugees’.

The Australian Government treats one group of refugees as less ‘deserving’ than the other (Mann, 2001). Frank Brennan (2002: 13) argues that this position is not sustainable on the grounds of equity: “Once asylum seekers are found to be refugees, they should have the same rights as all other refugees, regardless of whether they arrived with or without a visa”. The failure to recognise the humanitarian needs of refugees on TPVs is a barrier to resettlement that shapes many aspects of integration, from practical needs to the symbolic valuing of people’s past and present circumstances.

The lived experience of temporary citizenship

In the final section of the paper I want to draw out how we might think about inequality and injustice in a way that recognises the complex interconnections between economic, social and cultural subordination. The voices that are used to inform this discussion are the result of an action research project that was undertaken in 2002-03 and involved in-depth interviews with refugees on temporary protection visas living in Victoria. The purpose of the research was to develop a more informed understanding of the experiences of refugees on TPVs and their attempts to access the paid labour market and health services while living in a state of conditional and temporary citizenship, without secure rights or permanent residency. The study was funded through a coalition of community organizations consisting of The Victorian Social Programme Consultancy Unit and Melbourne Central Division (Salvation Army), Employment Plus (Salvation Army), Melbourne City Mission, St Vincent de Paul, North Yarra Community Health, World Vision Australia and Uniting Care Victoria and Tasmania.

The study involved 51 in-depth interviews with refugees and 15 interviews with service providers working in the area of refugee support and resettlement. Interviewees were drawn from both the wider Melbourne metropolitan area and regional centres of Victoria. Most of the research participants had been living in the Australian community (post-detention) for more than two years. The research participants came from a range of cultural backgrounds and age groups. The majority of participants in the study were

refugees from Iraq and Afghanistan (35 in total). Refugees from these two countries constitute the largest proportion of the world’s refugee population and the largest proportion of refugees living on temporary protection visas. Over 90% of the recipients of TPVs have been Iraqis (43%) and 49% have been from Afghanistan (RCOA, 2003). There were 39 men in the study and 12 women (this gender imbalance partly reflects the focus of the study on experiences of paid employment). Twenty-seven of the research participants were aged between 18-29, while the remaining 24 were aged between 30 and 50 years.

A psychological war

In the first part of this empirical discussion I want to draw out the major themes from the research interviews, focusing in particular on the impact that a temporary citizenship identity has on material and mental wellbeing. The legal conditions attached to the TPV and the implications of living with uncertainty were dominant and recurring themes in the research interviews. Many participants in the study described the TPV as a ‘secondary form of punishment’, similar to living like ‘an island cut off from the mainland’. The sense of limited freedom and isolation far outweighed material concerns about access to resettlement services. Access and equity concerns were considered by most research participants to be second-order problems compared with the ongoing and deep uncertainty associated with a temporary protection visa.

Access issues relating to housing, health, language classes and employment are critically important issues for refugees on TPVs and they have been well documented elsewhere (see Marston, 2003; Mansouri and Bagdas, 2002; and Mann, 2001). Less well documented are the effects of this enforced state of continuing uncertainty on social identity and mental well-being. The deep uncertainty associated with the temporary protection visa severely restricts the capacity of refugees to recover from a traumatic past, as well as to dream and hope for a better future. This dominant interview theme should not be underestimated in what it says about the personal cost of living with a TPV, given that the refugees involved in the study were struggling to survive on a limited income, often living in insecure housing and some had significant health needs. Despite these difficulties, the most significant barrier to resettlement was the psychological suffering and distress resulting from the TPV policy and the ongoing legacy of detention:

The Temporary Protection Visa is a different stage of the psychological war. First of all we are discriminated as a group of people who are not equal to the others, and at the same time,

we have the same condition as the others – they got refugee status and a whole right (Mohammed, from Iraq).

The above quote illustrates how the TPV is perceived as fundamentally inequitable because of the way it makes a false distinction between people in similar circumstances. The quote also points to the continuity between pre and post-detention experience. Australian research suggests that between 20% and 60% of refugees have undergone severe trauma and suffer from Post Traumatic Stress Disorder, anxiety and/or depression, which can appear in somatic pains, sleep disorders and flashbacks (Aggett, 1996). Addressing pre-existing mental health conditions and psychosomatic illness is a clear and pressing need.

General Practitioners working with refugees on TPVs in Victoria provided numerous examples of the trauma associated with detention and temporary protection. As one General Practitioner stated in her reflections on working with this group over the past two years: “I can think of three men who have been through detention and still have no determination”. One of them has been incredibly traumatised. He claims that he was beaten up and ate light globes. He was released because of his psychological state. He’s one of the most traumatised people I have ever met”. This account implicates the policies of mandatory detention and temporary protection as important determinants of mental health.

Focusing on the psychological dimensions of displacement does not suggest that refugees are unable to adjust to their new environment as a result of their previous suffering and trauma (Bihi, cited by Gray and Elliot, 2001). There were many people involved in our study, both refugees and service providers, who suggested that ill-adjustment and psychological distress is the direct result of a serious policy failure, not individual failure. Service providers and health specialists working closely with refugees have observed the effects of the TPV on people’s capacity to recover from past trauma and re-establish hope and a belief in a better future. The Victorian Foundation for Survivors of Torture and Trauma (VFST) is an organisation that was established in 1987 to assist the emotional and physical recovery of refugees from the traumatic events they experienced prior to arrival in Australia. In attempting to give their clients a sense of hope for the future VFST works on the assumption that a) the client has the assurance of permanent protection from the Commonwealth Government and b) the Commonwealth Government has not played an active role in prolong their persecution once on Australian soil. Neither of these assumptions holds when working with refugees on temporary protection visas.

Trauma and political repression lead to a destabilisation of previously held assumptions and the loss of meaning, identity and trust (Martin, 2002). In their experience of working with this group of refugees the VFST argues that there is an immediate and obvious link between these conditions and the onset of chronic depression and anxiety. Beiser (1999) also argues that the stresses of resettlement jeopardise previously healthy individuals and exacerbate pre-existing mental disorders. All of the refugees interviewed for this project made a direct connection between their ‘temporary’ visa status and their level of stress, anxiety, hopelessness and uncertainty:

But all of these things result from the very important matter, which is really affecting the situation of TPV holders, the psychology of the situation, resulting from the temporary living situation. Okay, yeah, all of these other things, um the services that we are not eligible for, produce a very bad environment, a psychological environment. So this is the thing that we have to focus on, which is why we are always talking about the temporary protection visa (refugee women’s group interview).

The uncertainty associated with temporary citizenship status was experienced as a constant cloud: “I just think about it and I feel depressed, you know, a lot of pressure, thinking about everything”. In part, the pressure relates to “waiting three long years for judgement day, and then it’s either get out or here’s your permanent visa”. The policy creates a great deal of anguish and anxiety and in some cases deep fears about forcibly being deported to the country they have fled: “Three years, and what’s next, deportation, back to detention centres, or back to our country to the serious death or jail”. The very future of the refugees as permanent residents and everything that flows from this state of ontological and legal security is subject to an external decision of a governmental authority.

Having a sense of control depends on being able to influence the direction of one’s life, which can be defined as the capacity to express autonomy and agency in regard to securing residency, family reunion, employment, health and education or participation in cultural and public activities. In most of the research interviews the pressing issue that refugees kept returning to was the urgent need to have a sense of psychological security and material stability so that they could plan for a future free from political persecution, torture and trauma. The pivotal hope for research participants centred on attaining permanent residency, a state of being that most Australians take for granted:

Once we came here to Australia we were hoping that we

would be stable after a very long time of unstable and moving from place to another place. So if there is any organization which can make more pressure on the government to help us, to get rid of this thing and then we get the permanent residency, I think no more problem would be had, no more issues will be priority (Women’s refugee group interview).

On the question of hope, Ghassan Hage (2003: 16) argues “...the key to a decent society is this capacity to distribute opportunities for self-realisation, which are what we might call societal hope.” Hage’s point about distribution of hope illustrates the importance of cultural resources and the relevance of hope to sociological studies about dignity and respect. For many refugees in contemporary Australia, ‘societal hope’ and personal wellbeing are crucial cultural resources that are distributed unequally, as the following interview quote from a young Afghani refugee illustrates:

We seek asylum in Australia, we were looking for safety, for security, for our families, and ourselves but unfortunately we didn’t find it here. The problem is we still living in the same circle of uncertainty and unfairness and we are afraid, we don’t know what’s going to happen to us.

Many of the research participants involved in the study presented a narrative of high expectations, followed by confusion, sadness, fear and shattered hopes. While the emotional, spiritual and mental resilience among the refugee research participants was inspiring, the reality of living with a TPV on a day to day basis represented the final straw: “Everyone of us has had a long journey before we reached Australia, so we want our suffering to finish here. It’s like we have been assisted and they have found we are refugees, why should we still suffer?” Another interviewee describes the experience of shrinking hope: “Once we got to Australia we thought we would be safe and protected...and then we came to this...and then we got this Temporary Protection Visa, we thought we were slowly dying again because we started a new form of suffering”. The term ‘suffering’ was used by many of the refugees to describe the immediate impact or realisation of living with a temporary protection visa.

The politics of recognition

The capacity for mobility and the opportunity to engage in cultural activities and vocational interests was severely limited for refugees on TPVs. For some, the TPV is an identity category associated with personal shame. This sense of shame impacts on people’s capacity to engage in public activities. One young

Iranian refugee describes this process in the following way: “I feel I’m not equal or normal person like others here, unusual in this community. Sometimes I try to hide my identity as a TPV because I feel ashamed” (Hussein from Iran). This response draws attention to the relationship between recognition and redistribution, which are central to public and political debates about immigration and refugee policy in this country. ‘Queue jumpers’ and ‘illegals’, for example, are labels drawn from a devaluing discourse that denies refugees and asylum seekers basic human rights, personal dignity and social service entitlements. These relations of inequality and comparing oneself to the ‘normal person’ create feelings of inadequacy. As Sennett (2003: 117) argues: “...inequality eats into respect, invidious comparison takes the place of sheer neediness, and true shame begins”.

The politics of national identity play a large part in a successful integration in a host country. The policies of ‘border protection’ and mandatory detention do not send a welcoming message to those arriving on our shores. Underpinned by apparent political concern about the integrity of the nation state, ‘unauthorised arrivals’ have been cast as a ‘deviant’ problem that should be expelled from our national borders. Pickering (2001: 171) argues that: “Deviance has been underpinned by the language and politics of exclusion and the dichotomous construction of normality as being whatever refugees and asylum seekers are not”. In this account, there is an ‘ideal’ refugee – one who doesn’t jump queues, arrive illegally, bring disease, harm themselves or their children. These refugees would stand a better chance at inclusion. But there is another kind – “people of that type” – who are threatening because, by their actions, they most obviously do not share a commitment to our Australian values, will not adopt an Australian way of life and can never assume an Australian identity (Harris and Williams, 2003). The construction of this division has had a very profound and personal impact on refugees with TPVs:

You don’t feel like you’re welcome here...not so much by the people, but by the government. Even they put more pressure on you, they say we’re going to decide your future, and it’s three years, it’s too much. Like if you put the Australian citizen in this situation, can he be patient for this? Can he stay three years without seeing his family? Can he be detained in one place? (Refugee women’s group interview)

One interviewee believed that the demonisation of refugees is a convenient way of denying people any claim for justice: “If we succeed that means we are good people, but the government wants to keep us as bad people so that they

can do what they like with us. They treat us badly because they think we are not good people”. The politics of identity construction are very apparent in this interpretation and it illustrates how identities and the attendant ideologies of legitimacy relate to social relations of power (Brah, 1996). Other participants were justifiably angry about their treatment by the Commonwealth Government and felt they were living in a state of permanent persecution, while continually being exposed to ‘lies’ and media myths:

The Minister of Immigration, whenever he comes to the media, he created bad image or serious type of propaganda against us, that's all he did for us. He never mentioned anything about our suffering and the way that the Iraqi regime, how bad they've been treating the Iraqi people, and our stories, why we are here, individual or in general...they forgot everything about that. (Usama, from Afghanistan).

The TPV policy is a hurdle the refugees involved in the study did not expect to face when they arrived in Australia, as the following statement from a young refugee from Somalia illustrates: “They said Australia is a free country. But there is no freedom!”.

The concrete and symbolic meaning of freedom was a common theme in the research interviews:

We are like a bird comes into this room...if you get in custody ok, if you open the window for this bird it will be free. So we are like this bird and we came to Australia, if they open the door for us to be free that will be ok for us, so I don't know why the government is treating us this way? Instead of keeping us suffering, it wouldn't hurt the government if it lets us to feel free, to live our normal lives especially when we came from places, from environment, from circumstances which were really severe and full of problems and trauma (Bahir, a refugee from Iraq).

After living through extraordinary circumstances, refugees have an obvious desire to obtain a sense of ‘normality’ and personal freedom. Yet, the uncertainty created by the TPV policy results in a situation where there is no political freedom for refugees to reunite with family, plan a secure future or recover from a traumatic past. The voice of refugees illustrates the contested nature of freedom as a policy practice and as a form of power that governs the capacity for hope. This concept of freedom goes beyond a simple state of domination and liberation, as Rose (2000: 97) suggests: “Freedom does not

arise in the absence of power; it is a mobile historical possibility arising from the lines of force within which human being is assembled, and the relations into which human beings are enfolded”.

These interview accounts illustrate the extent to which a political discourse of refugee rejection, which is regularised and ritualised, has as much capacity to oppress and to exclude as the material barriers that people face in their everyday lives (Corker, 2000: 447). In countering these practices and discourses there is a pressing need to re-couple cultural and social justice. We need an approach to justice that makes it possible to consider the relative autonomy of symbolic and cultural systems without giving up the political-economic focus of critical social science. On this point I agree with Nancy Fraser (1997: 7) that both a ‘cultural politics of recognition/identity’ and a ‘social politics of redistribution’ must be re-coupled, both practically and intellectually if we are to conceive of provisional alternatives to the policies of ‘border protection’. A critical approach must be ‘bivalent’, integrating the social and the cultural, the economic and the discursive (Fraser, 1997: 7).

Conclusion

A central theme that can be drawn from the research interviews is the ongoing implications of conditionality and temporary citizenship. Participants were engaged in temporary employment, they had temporary legal rights; many lived in insecure housing and most had access to conditional and discretionary income support. As one refugee said during our interview: “everything is temporary”. The experience described by many refugees suggests that the TPV exacerbates pre-existing trauma, distress and anxiety; it results in feelings of depression and despair; and it severely restricts the possibility of recovery and re-establishing a sense of personal, social and material security. While access and equity concerns were critically important, participants in the study emphasised that their overriding concern was the continuing uncertainty and mental suffering associated with the policy of temporary protection.

Research participants felt that the negative portrayal of refugees and asylum seekers by some politicians and sections of the mass media legitimises the continuing practices of discrimination, inequity and socio-cultural injustice. Ultimately, the temporary protection visa regime is a poor reflection on how Australia treats asylum seekers that have met United Nations refugee criteria, but whom the Australian Government treats as second-class citizens – a situation that Peter Mares (2002) aptly refers to as ‘the absent embrace’.

In this area of social policy, it is not enough to argue for equitable redistribution of settlement services and other social goods, without demanding – at the same time – a politics of respectful recognition. Interventions are required on both the economic and cultural dimensions of injustice if we are to seriously address the injuries and inequities arising from Australia’s policies in regard to onshore arrivals. We require more encompassing language about the nature, extent and consequences of social inequality and injustice, an analytics of inequality that encompasses measurement and meaning, rationality and values, processes and structures. The need for respectful recognition is in itself not enough to deal with the ambiguous legal status of refugees on TPVs; however, it remains an important strategy in addressing an ongoing socio-cultural injustice.

Addressing the multi-dimensional concerns of refugees on TPVs requires an expanded ‘social policy imaginary’ (Lewis, 2001) and a regenerated public sphere – as a means of reclaiming disrespected identities and revaluing a more encompassing definition of social citizenship. Treating people with respect, however, cannot simply be commanded. As Sennett (2003: 260) concludes: “Mutual recognition has to be negotiated; this recognition engages the complexities of personal character as much as social structure”. Such negotiations need to occur at a macro and micro level, in everyday interactions and at the level of political discourse. These objectives, will of course, remain a challenge in Australia’s welfare regime where the idea of social citizenship is increasingly understood as a temporary status that must be continually earned.

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