A Guide for Employers
Supporting access to employment for people from a refugee or asylum seeking background
Please note this guide provides general information and is not intended to and does not constitute legal advice regarding the employment of those with a refugee or asylum seeking background.

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

The authors disclaim any and all liability arising from reliance on the contents of this report however caused.
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Why do you need this guide?

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

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

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

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

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

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

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

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

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

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

Visa Categories

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

Temporary Visas

Temporary Protection Visa (TPV) (Subclass 785)

A TPV is a temporary visa and can be granted for a period of up to three years at one time. TPV holders have access to work rights, Medicare and Centrelink benefits. If a TPV holder wishes to stay in Australia and be granted a further TPV at the end of their visa period, it is necessary to conduct a reassessment of their protection claims. If it is determined that Australia’s protection obligations are still in force, a subsequent TPV may be granted, subject to meeting all other visa criteria.

Safe Haven Enterprise Visa (SHEV) (Subclass 790)

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

Permanent Visas

Protection visa (subclass 866)

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

Refugee visa (Subclass 200)

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

In-country special humanitarian programme visa (Subclass 201)

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

Global special humanitarian programme visa (Subclass 202)

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

Emergency rescue visa (Subclass 203)

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

Woman at risk visa (Subclass 204)

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

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

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

VEVO is a free online service for an individual or employer to check visa status and conditions. For an employer to check an individual’s work rights, they will need the person’s:

1. Passport; or
2. Immicard.

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

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

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

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

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

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

1. As a group, they are an overlooked pool of talent. They are often skilled and capable individuals who hold qualifications and practical experience in their home country. They are highly motivated to learn and build up practical experience in Australia.

2. Whilst people with a refugee background might still be improving their English language skills, they are already proficient in another language, and very possibly several languages. Could this enable you to expand, or better serve, your customer base?

3. People with a refugee background often bring new ideas and perspectives into an organisation. Research on diversity suggests that more diverse workplaces typically have higher levels of innovation, productivity and staff retention.

4. It is well documented that employees from a refugee background are loyal and have lower turnover rates than the general population. Such loyalty saves organisations training and hiring costs in the medium to long term.

5. Through their life experiences, people from a refugee background have attained many skills, quality attributes and knowledge, and demonstrate high levels of resourcefulness. Recent studies have shown them to be more entrepreneurial than the general population, and, in an increasingly competitive and diverse global marketplace, such capabilities only benefit organisations.

6. Finally, through helping them to integrate into the workplace and civil society as well as supporting them to re-establish their livelihood, employing people from a refugee background contributes to building a stronger community, locally and internationally.
Some current case studies

Ali, an Afghan male, MBA, from an asylum seeker background

Ali (a pseudonym) fled Afghanistan to Australia in 2013 and applied for protection. He was a boat arrival and is only eligible for temporary protection. He remains on a bridging visa with full work rights, as his application is yet to be assessed; however, he has applied for a Safe Haven Enterprise Visa. He lives in Australia with his wife and has an Australian-born daughter.

Ali previously completed a Bachelor of Computer Applications in Afghanistan and more recently an MBA in India. His past work experience spanned IT and Operations.

Since arriving in Australia the only employment he was able to secure was casual work in a small computer shop, owned by an Afghan community member. Whilst Ali made multiple applications for professional roles, he was never shortlisted for an interview, with common feedback that he had no local experience. Employers were also often uncertain about his legal right to work, as he was on a bridging visa.

Ali engaged Career Seekers, a non-profit organisation supporting refugees seeking professional careers, and secured a 12-week internship with a financial services company. The employer was happy with his performance and he was offered a further 12-week extension and then a 12-month contract.

"I am very lucky that I am in this great country and I feel very humbled to have been given this fantastic opportunity. I remember my first day... everyone was so fast. I was a bit stressed out and confused of how to learn everything. But thanks to all of your support and help, I have learned a lot and this makes me feel more confident."

Sharnaz, a Syrian female, Bachelor of English Language and Literature, from a refugee background

Sharnaz (a pseudonym) is originally from Syria. She holds a bachelor degree in English Language and Literature from Syria. Upon graduation, she worked for four years as an English teacher at a local primary school, before having the opportunity to work as a librarian for two years.

Along with her husband and two children Sharnaz arrived to Australia in December 2016 after waiting for two years in Lebanon for a humanitarian visa. She engaged with Career Seekers in May 2017 and attended their five-day work readiness program.

She secured a 12-week internship via Career Seekers with a top tier law firm, working in their knowledge library. This was extended for a further 12 weeks in another team, and Sharnaz has since been offered a six-month contract.

In both cases, the company took a conservative approach to hiring a refugee, starting with a single employee on a three-month contract and leveraging the support of an external specialist. Ultimately, both were hired on long-term contracts due to good performance. The employees secured roles for which they would have ordinarily been overlooked and each employer secured a committed, skilled and experience employee, whilst increasing diversity in their workforce.
How can business organisations support refugee employment?

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

1. Consider rethinking your hiring practices to support the employment of refugees. As many traditional recruitment strategies do not reach refugees, consider working with specialist refugee employment agencies, such as Career Seekers and Refugee Talent, as well as support groups, such as the Deakin Centre for Refugee Employment, Advocacy, Training and Education (CREATE), the Asylum Seeker Resource Centre (ASRC) or the Brotherhood of St. Laurence’s Given the Chance Program. Organizations have stated that working through such agencies and support groups have allowed them to better integrate people from a refugee background into their workforce.

2. In advertisements, use phrasing that encourages individuals from diverse backgrounds to apply.


4. Consider internships or apprenticeships as a way of building familiarity between the two parties and providing refugees with a realistic job preview. These can be organized through refugee employment agencies, such as Career Seekers.

5. Provide a supportive environment and allow time for your new hire to acclimatise to the workplace, which could look and feel vastly different to the workplace in their country of origin. Agile work environments and flexible work arrangements are likely to be unfamiliar concepts. A comprehensive onboarding program is highly recommended.

6. Educate management in your organisations about the benefits of employing people from a refugee background.

Communication tips and what is appropriate to ask?

Be direct

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

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

Provide feedback and explain “the why”

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

For example:

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

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

(Feedback)

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

(Reason)

Confident understanding

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

Don’t introduce the employee as a refugee

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

Ask rather than assume

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

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

Generally speaking, exercise caution when asking

About the person’s refugee experience.

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

Questions about family.

Many refugees have lost loved ones.

About grounds for protection/how they sought refuge,

especially if they are from a country not typically associated with refugees. Persecution takes various forms and probing questions can be offensive.
How to go about employing someone from a refugee background

You might consider partnering with a specialist agency, such as Career Seekers, the Deakin Centre for Refugee Employment, Advocacy, Training and Education (CREATE), the ASRC, or Refugee Talent. This option is often appealing to those organisations who are keen to offer internships to university students during the semester breaks or to aid in re-establishing the careers of those mid-career professionals with overseas qualifications and experience. Alternatively contact the authors of this guide and we will work with you to ensure you are directed to an appropriate supporting organisation.

How to get your management team and organisation on board

Include people from a refugee background in your diversity strategy and communicate it accordingly.

Encourage colleagues to consider the benefits of employing someone with a refugee background.
Where to go to get further information and support

Professor Alex Newman
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Deakin Centre for Refugee Employment, Advocacy, Training and Education (CREATE)
degincreate@deakin.edu.au

Refugee Council of Australia:
refugeecouncil.org.au

Career Seekers:
careerseekers.org.au

Australian Department of Home Affairs
Visa Entitlement Verification Online (VEVO):
homeaffairs.gov.au/busi/visas-and-migration/
visa-entitlement-verification-online-(vevo)