

CENTRE FOR HUMAN RIGHTS EDUCATION, CURTIN UNIVERSITY

Submission to Joint Standing Committee on Migration

Inquiry into Multiculturalism in Australia

Introduction

The Centre for Human Rights Education (CHRE) is a multi-disciplinary centre located within the Faculty of Humanities at Curtin University, Perth. Primarily a research centre, staff and associates also engage in teaching (Master of Human Rights), PhD supervision and public advocacy. We are interested in the topic of multiculturalism as much of our scholarly research and public engagement is in the area of asylum seeker rights. Our depth of experience in this contentious policy arena, including concerns about the status of multicultural Australia, has been the main prompt for this submission. We also incorporate the area of disability rights and how these might impact on multiculturalism as this is an area of neglect in public discourse and is another area of expertise of the CHRE. We congratulate the Federal Government on conducting an inquiry into multiculturalism in Australia as this is long overdue. The demise of the concept of multiculturalism for more than a decade has meant that the reality of the composition of the Australian population has been masked by endeavours to build an unrealistically homogeneous society premised on the Judeo-Christian foundations of Australia and tenets associated with British heritage alone. Furthermore, the absence of a strong multicultural policy has diminished Australia's reputation and we hope that the new approaches will go some way to restoring Australia's reputation as a human rights nation.

The re-engagement with the concept of multiculturalism has evoked some criticism as demonstrated by media articles and debates. We urge the government to continue to show the leadership that led to the policy revival and to avoid capitulation to populist sentiment.

The Inquiry is focused on 'economic, social and cultural impacts of migration' and our submission focuses on the latter two impacts as these reflect our areas of research and advocacy.

Comments

Although we agree that multiculturalism is an essential component of the government's social inclusion agenda, it needs to extend beyond the social inclusion paradigm, which in the context of the emerging policy appears to be limited to the contribution that immigrant communities can make to Australia's interests. Australia's history since British settlement is full of examples of immigration policies that have overwhelmingly focused on the perceived interests of Australia rather than the needs of immigrants. Australia's responses to refugees is a case in point – decisions on whose cases for asylum are accepted by Australian governments have too often reflected considerations on who should be excluded from entering Australia, rather than the desperate needs for safe asylum of refugees. Furthermore, the contribution of migrants and refugees to Australia has been demonstrated time and time again with evidence clearly established in research, reports and statistical data.

Additionally, the limited focus on contribution to Australia has resulted in the separation of families, particularly those families with members who have disabilities. This limited understanding of multiculturalism has resulted in the Migration Act exemptions under the Disability Discrimination Act 1992 (DDA). In turn, over the years, many families have separated by being forced to leave their disabled family member behind so that other family members can benefit from the migration process. As noted by the recent Inquiry into the Migration Treatment of Disability, children with disabilities have been especially disadvantaged by the migration exemptions under the DDA due to the erroneous assumptions made within the cost-benefit health framework which underpins immigration in Australia. It is with great disappointment that the Australian Government's Inquiry into the Migration Treatment of Disability did not result in the removal of this exemption within the DDA, especially given Australia's recent ratification of the United Nations Convention on the Rights of Persons with Disabilities (July 2008).

The question of settlement programs for new migrants that is raised in the terms of reference is welcome in ensuring full participation in Australian society. At face value the notion of integration into the broader Australian society may appear unproblematic but care needs to be taken that there is not a implied assimilationist intent. We have observed in some community attitudes a dislike for the cultural rights of some communities and rugged debates about the need to adapt to Australian lifestyles. This has been particularly focused on visible cultural practices such as dress, food and religious observance. The Australian government needs to ensure that any multiculturalism policy it adopts does not further encourage such community attitudes that prefer to see immigrants accepted by Australia who reflect the dominant white able-bodied culture.

We would also like to highlight that an explicit focus on skilled migration programs to Australia ignores the potential contributions that other immigrants can make. For example, there are currently thousands of asylum seekers held in immigration detention centres throughout Australia while their refugee claims are being processed. While many of these people are being held indefinitely, with the resulting emotional and physical trauma that such detention clearly generates, Australia is denying these potential immigrants the opportunity to contribute to 'national productive capacity'. There are highly skilled people currently detained, as well as highly motivated potential employees who could fill less skilled positions. Lengthy periods in detention for asylum seekers, many of whom are likely to be found to be refugees, means that Australia is not fully utilising the skills of all migrants and further damaging many of these already-traumatised people. Most importantly, beyond arguments in relation to missed opportunities to build Australia's productive capacity, the ongoing detention of asylum seekers is inhumane and contravenes Australia's international human rights obligations.

Further, the Migration exemptions as specified within the DDA, denies skilled migrants with disabilities from playing a key role in Australia's development. Recent cases, such as Dr Moeller (2008), in which Australia ruled in the favour of disability migration have only be awarded based upon the parent's contribution. Dr Moeller, whose young son had Down Syndrome, was initially denied

residency status; however, after Ministerial intervention Mr Moeller and his family were granted residency. Unfortunately, this case was initially denied as it was determined that Dr Moeller's son would be an expensive burden upon Australian society. After extensive political lobbying and media pressure, Dr Moeller and his family were granted Australian residency, purely upon the medical skills of Dr Moeller, directly undermining the potential contribution of Mr Moeller's son with Down Syndrome to Australian society in later life.

Conclusion

In our reading of Minister Bowen's speech, *The Genius of Multiculturalism* it is apparent that there are implied limits to the concept. In the Challenges for the Future section of the speech there are questions raised about extremism, particularly Islamic extremism, and that intolerant interpretations of religion do not align with Australia's values, principles or laws. Although the Minister couches this section of his speech in inclusive terms and in recognition of the reasons for why people leave their home countries to come to Australia, there is a danger that it can continue to evoke irrational fear in the community. Fear of Muslims, terrorists and asylum seekers regrettably converge in the public discourse and it is only through vibrant leadership by government that we can overcome the ensuing racism that is evident in some sections of the media and responses from the general public. We believe that multicultural policies need to be strengthened by robust community education campaigns to diminish prejudice and racism which, although not as overt as in some countries, is arguably manifest in Australian society. We therefore welcome the proposed establishment of the *National Anti-Racism Partnership and Strategy* which must be well-resourced and have strong links to the range of civil society organisations which exist in Australia. Human rights education, appropriately designed for primary and secondary school students, is an essential component. Despite some misgivings about whether the policy will substantially challenge areas of deep concern to many professional groups and human rights advocates, we are heartened by comments within the speech that proclaim that Australia has benefited from immigration but we have also benefited from the cultures that immigrants have brought and sustained.

In summary, we welcome the re-introduction of the policy of multiculturalism but wish to see legislative and policy changes directed at the two vulnerable groups referred to in this submission – asylum seekers and people with disabilities. There remains a large gap between rhetoric and policy and practice for both groups. We would like to see greater policy emphasis, as global citizens, on responsibilities to the migrant and less on the benefits to Australia as experience has shown that the benefits automatically flow to the nation. We particularly support anti-racism approaches targeted at the general Australian community including through human rights education in schools.

Our Centre hopes to be part of ongoing debates and we would welcome the opportunity to contribute to ongoing policy formulation.