Refugee Background

The purpose of this document is to inform the Court of published research, government reports and inquiries, and academic commentary in relation to challenges and disadvantages faced by individuals from a refugee background in Australia. It is noted that the experiences of people from refugee backgrounds are varied. This chapter should not be regarded as a comprehensive summary of the issues faced by these individuals. Rather, it aims to identify some of the recurring and prominent experiences that appear in published materials, and the effects these experiences may have on the behaviour, development, and physical, mental and social well-being of people from refugee backgrounds.

Terminology

1 Following the *Convention Relating to the Status of Refugees*, this chapter uses the term 'refugee' to refer to someone who,

> owing to a well-founded fear of being persecuted for reasons of race, religion, nationality or membership of a particular social group or political opinion, is outside the country of his/her nationality and is unable or, owing to such fear is unwilling to avail himself/herself to the protection of that country; or who, not having a nationality and being outside is unwilling to return to it'.[1]

2 This chapter also uses the term 'refugee' to refer to individuals who have been granted temporary or permanent visas to remain in Australia.

3 The term 'asylum seeker' is used to refer to an individual who has sought international protection and whose claim for refugee status has not yet been determined.[2]

4 Where necessary, this chapter identifies research that relates to specific racial or ethnic groups, rather than refugees generally.

Impacts

Difficulties integrating into Australian society

5 It is well established that refugees and asylum seekers face extensive challenges associated with integrating into Australian society, both upon arrival and for many years after arrival.[3] These difficulties include:

[1] *Convention Relating to the Status of Refugees*, opened for signature 28 July 1951, 189 UNTS 150 (entered into force 22 April 1954) art 1A(2).

[2] Janet Phillips, 'Asylum Seekers and Refugees: What Are the Facts?' (Research Paper, Parliamentary Library, Parliament of Australia, 2 March 2015) 3.

[3] Australian Institute of Family Studies, *Intimate Partner Violence in Australian Refugee Communities* (CFCA Paper No 50, December 2018) 4; Trauma and Grief Network, *Refugees and Asylum Seekers: Supporting Recovery from Trauma* (Information Sheet, Australian National University, 2013) 2; Stephane M Shepherd, Danielle Newton and Karen Farquharson, 'Pathways to Offending for Young Sudanese Australians' (2018) 51 *Australian & New Zealand Journal of Criminology* 481, 484; Kate E Murray, Graham R Davidson and

- language barriers;[4]
- obtaining stable housing;[5]
- financial hardship;[6]
- acquiring employment;[7]
- difficulties in accessing help and assistance;[8]
- encountering forms of institutional racism and discrimination;[9]
- feelings of loss of home, family and other connections;[10] and
- acculturative stressors.[11]

6 'Acculturative stress' has been defined as

> the unique stress individuals experience as they face cultural conflict between the native and host culture and is highly impacted by each of the ecological systems with which the child interacts, and their subsequent adaptation. Adaptation is the psychological or sociocultural change that occurs when in a new situation or culture, which may be impacted by an individual's desire to adjust to or withdraw from the new culture. The ease of adaptation may be impacted by cultural conflicts, including adjusting to a new language, values, norms, ethnic identity, experiences of discrimination, and unfamiliar social/behavioural expectations.[12]

7 The Australian Institute of Family Studies explains that acculturative stress can arise during periods of settlement in a new country:

> A post-migratory experience, acculturation is a two-dimensional process of concurrent involvement in a new culture while maintaining aspects of one's original cultural identity. This process may cause significant stress to individuals from refugee backgrounds.[13]

Robert D Schweitzer, *Psychological Wellbeing of Refugees Resettling in Australia: A Literature Review Prepared for the Australian Psychological Society* (August 2008); Marie Segrave, *Temporary Migration and Family Violence: An Analysis of Victimisation, Vulnerability and Support* (Report, Monash University, 2017); Refugee Council of Australia, *Intake Submission on Australia's 2015-2016 Refugee and Humanitarian Program*, cited in Fiona MacDonald, 'Positioning Young Refugees in Australia: Media Discourse and Social Exclusion' (2017) 21 *International Journal of Inclusive Education* 1182.

[4] Australian Institute of Family Studies, *Intimate Partner Violence in Australian Refugee Communities* (CFCA Paper No 50, December 2018) 4.

[5] Trauma and Grief Network, *Refugees and Asylum Seekers: Supporting Recovery from Trauma* (Information Sheet, Australian National University, 2013) 2.

[6] Stephane M Shepherd, Danielle Newton and Karen Farquharson, 'Pathways to Offending for Young Sudanese Australians' (2018) 51 *Australian & New Zealand Journal of Criminology* 481, 484.

[7] Kate E Murray, Graham R Davidson and Robert D Schweitzer, *Psychological Wellbeing of Refugees Resettling in Australia: A Literature Review Prepared for the Australian Psychological Society* (August 2008) 28.

[8] Marie Segrave, *Temporary Migration and Family Violence: An Analysis of Victimisation, Vulnerability and Support* (Report, Monash University, 2017) 50.

[9] Refugee Council of Australia, *Intake Submission on Australia's 2015-2016 Refugee and Humanitarian Program*, cited in Fiona MacDonald, 'Positioning Young Refugees in Australia: Media Discourse and Social Exclusion' (2017) 21 *International Journal of Inclusive Education* 1182, 1184.

[10] Trauma and Grief Network, *Refugees and Asylum Seekers: Supporting Recovery from Trauma* (Information Sheet, Australian National University, 2013).

[11] Australian Institute of Family Studies, *Intimate Partner Violence in Australian Refugee Communities* (CFCA Paper No 50, December 2018) 8.

[12] Ana d'Abreu, Sara Castro-Olivo and Sarah K Ura, 'Understanding the Role of Acculturative Stress on Refugee Youth Mental Health: A Systematic Review and Ecological Approach to Assessment and Intervention' (2019) 40 *School of Psychology International* 107, 108 (citations omitted).

[13] Australian Institute of Family Studies, *Intimate Partner Violence in Australian Refugee Communities* (CFCA Paper No 50, December 2018) 8.

8 The Centre for Multicultural Youth has found:

> Often when young people from refugee backgrounds do arrive in Australia, they face a severe lack of social, economic and political opportunities and life choices, making integration into their new homes and new communities difficult.[14]

Racism and social exclusion

9 The Refugee Council of Australia states that '[n]egative perceptions of refugees have impacted on Australia's acceptance of difference and refugees report incidents of discrimination, racism and xenophobia'.[15]

10 The Centre for Multicultural Youth explains the implications of racial profiling on an individual's relationship to the justice system:

> Victims of racial profiling can experience a sense of alienation, social rejection, disengagement and lower levels of health and wellbeing than those who are not subjected to racial profiling. It also discourages minority groups from reporting crimes and seeking assistance from police, and generates high levels of distrust.[16]

11 A 2015 study of Sudanese refugees' experiences with the Queensland criminal justice system found that '[a]ll focus groups expressed concern about the skewed public perceptions that labelled them as being criminogenic and threats to law and order'.[17]

12 In respect of the impact of social exclusion on young refugees, the Victoria Institute concluded:

> For young refugees, the increased reporting of ethnic youth gangs as the perpetrators of public violence have merged with the 'fear' of refugees and asylum seekers, creating a complex landscape of social exclusion.[18]

13 A 2016 report by the Multicultural Youth Advocacy Network (Australia) and the Refugee Council of Australia noted that young refugees often report incidents of feeling 'socially isolated, disconnected, and lonely as a result of experiences of exclusion, rejection and mistrust'.[19]

14 A 2017 study by Shepherd, Newtown and Farquharson noted that many Sudanese-Australians 'report experiences of discrimination in the job market, whilst studying at educational institutions, interpersonally within the community, and during encounters with law enforcement'.[20] The researchers commented on the link between such challenges and integrating into Australian society and criminal offending:

> Financial hardship, initial reliance on government payments and the social challenges of residing in low-income jurisdictions, can produce unstable and discouraging environmental

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[14] Centre for Multicultural Youth, *Fair and Accurate? Migrant and Refugee Young People, Crime and the Media* (Issues Paper, November 2014) 4.

[15] Refugee Council of Australia, *Intake Submission on Australia's 2015-2016 Refugee and Humanitarian Program*, cited in Fiona MacDonald, 'Positioning Young Refugees in Australia: Media Discourse and Social Exclusion' (2017) 21 *International Journal of Inclusive Education* 1182, 1184.

[16] Centre for Multicultural Youth, *Fair and Accurate? Migrant and Refugee Young People, Crime and the Media* (Issues Paper, November 2014) 10.

[17] Garry Coventry et al, *Sudanese Refugees' Experiences with the Queensland Criminal Justice System* (Final Report, June 2015) 8.

[18] Fiona MacDonald, 'Positioning Young Refugees in Australia: Media Discourse and Social Exclusion' (2017) 21 *International Journal of Inclusive Education* 1182, 1183.

[19] Multicultural Youth Advocacy Network (Australia) and Refugee Council of Australia, *Speaking Up: The Global Refugee Youth Consultations in Australia Report* (November 2016) 20.

[20] Stephane M Shepherd, Danielle Newton and Karen Farquharson, 'Pathways to Offending for Young Sudanese Australians' (2018) 51 *Australian & New Zealand Journal of Criminology* 481, 484.

> contexts with limited opportunities for upward mobility and the development of legitimate social capital. These issues are perhaps heightened when migration patterns consign disproportionate numbers of young males to such settings, which can be fertile grounds for boredom, frustration, alienation and law-breaking activity.[21]

Unemployment

15 The Australian Human Rights Commission identifies a range of barriers that asylum seekers may fact in seeking employment, including 'language barriers, lack of Australian work experience, limited access to employment support services and training, and ongoing mental health issues'.[22]

16 The Commission further found a reluctance on behalf of employers associated with uncertainty around the visa status of prospective employees.[23] All visas available to asylum seekers or refugees in Australia include conditions on employment that limit the type of work that is available and the number of hours that may be permitted.[24]

17 Asylum seekers and refugees may also experience a lack of recognition of relevant skills and qualifications. The Australian Psychological Society made the following observations regarding the challenges facing refugees seeking employment:

> Individuals who had higher levels of education in their home country or who had decreases in their socioeconomic status in resettlement have worse outcomes. Similarly, those who report a loss of meaningful social roles and loss of important life projects, report lower levels of daily activity, are unemployed or facing economic hardship and/or report being socially isolated, are all at risk of worse outcomes in resettlement.[25]

18 A 2015 report to the Criminology Research Advisory Council collating the outcomes of four interdependent studies in Queensland found:

> Adult male members identified that entering the workforce to obtain paid work was a major challenge when attempting to integrate into Australian society. There were a number of accounts from Sudanese males who experienced frustration when told that their formal qualifications and work experience obtained in Sudan could not be recognised in Australia. In many cases these men were forced to accept menial unskilled employment or had to enrol in Australian university courses without gaining any credit for their existing qualifications from Sudanese institutions.[26]

19 Similar findings were made by Shepherd, Newtown and Farquharson, who noted that 'a lack of recognised qualifications and local work experience reduce opportunities for employment. The unemployment rate for Sudanese-Australians is over 28% which is significantly higher than the national rate of approximately 5–6%'.[27]

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[21] Stephane M Shepherd, Danielle Newton and Karen Farquharson, 'Pathways to Offending for Young Sudanese Australians' (2018) 51 *Australian & New Zealand Journal of Criminology* 481, 484.

[22] Australian Human Rights Commission, *Lives on Hold: Refugees and Asylum Seekers in the 'Legacy Caseload'* (Report, 2019) 58.

[23] Ibid 59.

[24] Department of Home Affairs (Cth), 'Workers Rights and Restrictions', *Immigration and Citizenship* (Web Page, 20 November 2020).

[25] Kate E Murray, Graham R Davidson and Robert D Schweitzer, *Psychological Wellbeing of Refugees Resettling in Australia: A Literature Review Prepared for the Australian Psychological Society* (August 2008) 8.

[26] Garry Coventry et al, *Sudanese Refugees' Experiences with the Queensland Criminal Justice System* (Final Report, June 2015) 55.

[27] Stephane M Shepherd, Danielle Newton and Karen Farquharson, 'Pathways to Offending for Young Sudanese Australians' (2018) 51 *Australian & New Zealand Journal of Criminology* 481, 484.

Exposure to, and experience of, trauma

20 According to the Trauma and Grief Network, experiences that refugees may encounter before and during fleeing their own country include:

- violence directed at themselves, their families and others around them;
- witnessing killings, rapes and other physical assaults, often inflicted on members of their families and neighbours;
- living in a state of fear prior to leaving their country; and
- an arduous and dangerous journey to leave the country. This may involve leaving behind family members that cannot make the journey or losing family members along the way due to death, violence or separation because of chaos.[28]

21 The deleterious impact of such experiences on mental health may also be exacerbated on arrival in Australia, where asylum seekers may be detained and face significant uncertainty about their future:

> A number of circumstances associated with prolonged detention contribute to poor mental health outcomes. These include deprivation of freedom, a sense of injustice and inhumanity, isolation, and growing feelings of demoralisation and hopelessness. These factors conflate to slowly, persistently corrode mental health, resulting in both psychological and physical deterioration.[29]

22 Traumatic experiences may lead to a range of psychological impacts, including post-traumatic stress disorder ('PTSD').[30] According to the *Diagnostic and Statistical Manual on Mental Disorders* ('*DSM-5*'), PTSD is a 'trauma- and stressor-related disorder' which may include the presence of:

- intrusion symptoms, including recurrent, involuntary, and intrusive distressing memories of the traumatic event(s);
- persistent avoidance of stimuli associated with the traumatic event(s);
- negative alterations in cognitions and mood associated with the traumatic event(s); and
- significant distress or impairment in social, occupational, or other important areas of functioning.[31]

23 Trauma can also impact adversely on memory functioning, raising particular challenges for asylum seekers and refugees in recounting their experiences.[32] In turn, such impacts can lead to a misevaluation of credibility where, commonly, 'sufficiency of detail and specificity is used in

[28] Trauma and Grief Network, *Refugees and Asylum Seekers: Supporting Recovery from Trauma* (Information Sheet, Australian National University, 2013) 1–2.

[29] Joint Select Committee on Australia's Immigration Detention Network, Parliament of Australia, *Final Report* (March 2012) 113.

[30] Julia Huemer et al, 'Mental Health Issues in Unaccompanied Refugee Minors' (2009) 3(13) *Child and Adolescent Psychiatry and Mental Health*; Stephane M Shepherd, Danielle Newton and Karen Farquharson, 'Pathways to Offending for Young Sudanese Australians' (2018) 51 *Australian & New Zealand Journal of Criminology* 481, 484; Australian Human Rights Commission, *The Forgotten Children: National Inquiry into Children in Immigration Detention* (Final Report, November 2014) 63; Kate E Murray, Graham R Davidson and Robert D Schweitzer, *Psychological Wellbeing of Refugees Resettling in Australia: A Literature Review Prepared for the Australian Psychological Society* (August 2008) 13–14; Australian Centre for Posttraumatic Mental Health, *Australian Guidelines for the Treatment of Acute Stress Disorder and Posttraumatic Stress Disorder* (2013) 139.

[31] American Psychiatric Association, *Diagnostic and Statistical Manual on Mental Disorders* (American Psychiatric Publishing, 5th ed, 2013) 265.

[32] See Belinda Graham, Jane Herlihy and Chris R Brewin 'Overgeneral Memory in Asylum Seekers and Refugees' (2014) 45 *Journal of Behavioural Therapy and Experimental Psychiatry* 375.

practice as an indicator [of credibility]'.[33] This phenomenon has been observed in the Australian context:

> [P]sychologists working with detainees posited that major depressive disorders had the potential to influence refugee status determination outcomes by compromising people's ability to present a coherent, fact-based protection claim at critical times during the assessment process.[34]

Immigration detention and temporary accommodation

24 Individuals from refugee and asylum seeker backgrounds may have had experiences living in immigration detention facilities and/or temporary accommodation such as refugee camps, or emergency and short-term accommodation in Australia.

25 According to the Trauma and Grief Network, living in refugee camps or temporary accommodation may involve experiences which continue to traumatise, including:

- Accommodation is often inadequate for families and unsafe for children;
- There are food shortages;
- Many children, as well as adults, are the victims of rape and physical violence in these camps. Many may witness this occurring to others and may also be witness to murder;
- Significant numbers of young people and children are unaccompanied and may have lost parents or carers;
- Parents find it difficult to parent their children effectively;
- Parents may be experiencing their own issues of grief, loss and trauma and may find it difficult to respond emotionally to the needs of their children;
- There is ongoing uncertainty about their future and their safety;
- They are often required to re-tell their story to several people in order to proceed through the process of seeking refugee status.[35]

26 The Australian Human Rights Commission's National Inquiry into Children in Immigration Detention found:

> Parents in detention are suffering from high rates of mental distress, mental ill-health and trauma according to evidence provided to the Inquiry. According to the Regional Director of Medical Services for International Health and Medical Services, 30 percent of adults have a mental health problem and the severity and rates of these problems increase with the length of time in detention.[36]

Impacts specific to women

27 A 2018 research paper by the Australian Institute of Family Studies ('AIFS') found that, due to intersecting factors such as migration pathways and traumatic pre-arrival experiences, as well as settlement issues such as acculturation stress and social isolation, 'women from refugee

[33] United Nations High Commissioner for Refugees, *Beyond Proof: Credibility Assessment in EU Asylum Systems* (Report, May 2013) 139.

[34] Joint Select Committee on Australia's Immigration Detention Network, Parliament of Australia, *Final Report* (March 2012) 109 [5.27].

[35] Trauma and Grief Network, *Refugees and Asylum Seekers: Supporting Recovery from Trauma* (Information Sheet, Australian National University, 2013) 2.

[36] Australian Human Rights Commission, *The Forgotten Children: National Inquiry into Children in Immigration Detention* (Final Report, November 2014) 63.

backgrounds are particularly vulnerable to financial abuse, reproductive coercion and immigration-related violence'.[37] Further,

> it has been found that [culturally and linguistically diverse] women are particularly vulnerable to family violence due to factors such as social isolation, language and cultural barriers, and lack of knowledge about rights and available services.[38]

28 The AIFS cites studies which establish:

- Pre-arrival experiences of physical and sexual violence can have harmful, lasting effects and negatively impact on settlement experiences.[39]
- Women from refugee backgrounds face multiple threats to their health and wellbeing in transit, including during their time spent in refugee camps and/or detention centres.[40]
- Immigration status can contribute to and worsen intimate partner violence by creating an unequal power dynamic between spouses.[41] Their visa category can increase women's vulnerability and the risk of violence, particularly when immigration status can limit eligibility for employment and access to health and education services.[42]

Impacts specific to children

29 The Australian Human Rights Commission has stated that the 'evidence shows immigration detention is a dangerous place for children'.[43] The *National Inquiry into Children in Immigration Detention* found that data from the Department of Immigration and Border Protection described numerous incidents of assault, sexual assault and self-harm in the detention environment.[44]

30 According to the Australian Psychological Society, although symptoms vary across age groups, common symptoms exhibited by children who have lived in immigration detention include:

- very high anxiety;
- social withdrawal;
- regressive behaviours;
- flashbacks;
- exaggerated startle responses;
- poor concentration;
- sleep disturbance;
- complaints of physical discomfort;
- conduct problems;
- acting out;
- aggressive behaviours;

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[37] Australian Institute of Family Studies, *Intimate Partner Violence in Australian Refugee Communities* (CFCA Paper No 50, December 2018) 4.

[38] Ibid.

[39] Ibid 5, citing Jessica Taylor and Greer Lamaro Haintz, 'Influence of the Social Determinants of Health on Access to Healthcare Services Among Refugees in Australia' (2019) 24 *Australian Journal of Primary Health* 14.

[40] Ibid 5 (citations omitted).

[41] Ibid 6 (citations omitted).

[42] Ibid 6, citing Marie Segrave, *Temporary Migration and Family Violence: An Analysis of Victimisation, Vulnerability and Support* (Report, Monash University, 2017) 4.

[43] Australian Human Rights Commission, *The Forgotten Children: National Inquiry into Children in Immigration Detention* (Final Report, November 2014) 10.

[44] Ibid 62.

- delinquency;
- nightmares; and
- trauma and guilt over one's own survival.[45]

31 The Australian Human Rights Commission reported: 'While children show noticeable improvements in social and emotional wellbeing once released from detention, significant numbers of children experience negative and ongoing emotional impacts after prolonged detention.'[46]

32 A 2009 study found that unaccompanied refugee minors are a vulnerable group who have greater psychiatric morbidity than the general population: [47]

> Unaccompanied refugee minors (63%) were more likely to have been victim to four or more traumatic events than children and adolescents with families (16%). [Unaccompanied refugee minors] showed a significantly higher prevalent of depressive disorder (47% vs 27%), borderline personality disorder (22% vs 9%), and psychosis (15% vs 1%) when being compared to minors with families.[48]

33 The study also found that

> unaccompanied refugee adolescents had been affected by greater war trauma and losses and had elevated posttraumatic stress symptoms … [They] reported exceptionally (statistically significant) high levels of exposure to physical and sexual maltreatment compared with the other groups. The authors also found that stressful life events were the strongest predictor of internalizing behaviour and traumatic stress reactions.[49]

34 As schools are often closed by governments or simply cease to operate during times of war or civil unrest, many children from refugee backgrounds have experienced major disruptions to their education. A fact sheet by the NSW Department of Education states:

> As a result of serious disruption to their education, refugee students may have significant gaps in their literacy and numeracy development or limited skills in expressing academic concepts in their first language. Limited or non-existent educational opportunities and restricted intellectual stimulation over many years may leave some refugee students ill-equipped for the broader learning demands and expectations of schooling in Australia.[50]

35 A 2008 literature review prepared for the Australian Psychological Society found that navigating the education system was another systemic issue faced by refugees:

> Despite high numbers of refugee children coming to Australia with little to no formal schooling, there are no standardised interventions for these children when they enter the Australian school systems and the experiences of children will be highly variable across teachers and schools. Most children are entered into age-appropriate classrooms, regardless of their prior schooling experience, knowledge or educational performance. This results in

[45] Kate E Murray, Graham R Davidson and Robert D Schweitzer, *Psychological Wellbeing of Refugees Resettling in Australia: A Literature Review Prepared for the Australian Psychological Society* (August 2008) 13–14.

[46] Australian Human Rights Commission, *The Forgotten Children: National Inquiry into Children in Immigration Detention* (Final Report, November 2014) 37.

[47] Julia Huemer et al, 'Mental Health Issues in Unaccompanied Refugee Minors' (2009) 3(13) *Child and Adolescent Psychiatry and Mental Health* 4.

[48] Ibid

[49] Ibid 3.

[50] NSW Department of Education, *The Impact of Refugee Experiences* 4.

> major obstacles for students, particularly those entering at higher levels of the school system.[51]

36 Shepherd, Newton and Farquharson's 2017 study found that education disruption often continues when refugees are resettled in Australia: of the eight male participants from Parkville Youth Justice Precinct and Malmsbury Youth Justice Centre, '[a]ll but one participant reported a history of disrupted primary and secondary schooling. Expulsions, suspensions and regular truancy were common across the sample.'[52]

Links to Contact with the Criminal Justice System

37 The Centre for Multicultural Youth has observed:

> The inadequacy of available data makes it challenging to obtain an accurate picture of precisely how young people from migrant and refugee backgrounds are faring in regard to offending. Overall, migrant and refugee young people appear to be under-represented in police and Youth Justice data, particularly when compared with the level of negative media attention they sometime attract … Ultimately, increased accuracy, consistency and availability of data is essential in order to build a more precise understanding of offending amongst young people from migrant and refugee backgrounds. Without more accurate data, it will be difficult to tailor evidence-based and culturally relevant community interventions and/or responses for particular groups of young people from migrant and refugee backgrounds in order to decrease offending rates.[53]

Negative relations with police

38 Research suggests that individuals from refugee and asylum seeker backgrounds are more likely to have negative relations with police. A survey of 120 young people from refugee backgrounds in Melbourne by the Centre for Multicultural Youth found that 13% had experienced discrimination at the hands of police:[54]

> There are several factors which have been identified as contributing to higher levels of police interaction with migrant and refugee young people. These include:
>
> 1) The extent to which the young people are new arrivals as opposed to established groups;
> 2) The degree to which they seek to preserve specific cultural and religious identities and practices which differ from the Anglo Australian mainstream;
> 3) Their socio-economic status; and
> 4) Their level of visibility within the public streetscape.[55]

[51] Kate E Murray, Graham R Davidson and Robert D Schweitzer, *Psychological Wellbeing of Refugees Resettling in Australia: A Literature Review Prepared for the Australian Psychological Society* (August 2008) 13–14.

[52] Stephane M Shepherd, Danielle Newton and Karen Farquharson, 'Pathways to Offending for Young Sudanese Australians' (2018) 51 *Australian & New Zealand Journal of Criminology* 481, 488.

[53] Centre for Multicultural Youth, *Fair and Accurate? Migrant and Refugee Young People, Crime and the Media* (Issues Paper, November 2014) 14.

[54] Ibid 9.

[55] Ibid 10.

39 Shepherd, Newton and Farquharson also found evidence that

> young men of African descent are more likely to be arbitrarily stopped and searched by Victorian police and are more likely to report negative interactions and/or discriminatory treatment compared to Australian born young men.[56]

40 A 2015 study found that Sudanese people reported that they:

- perceived that they were unfairly targeted by police as the perpetrators of crime;[57]
- were the subjects of police harassment;[58]
- felt that police were less likely to listen to their account of events;[59] and
- were often the victims of verbal and/or physical abuse.[60]

Treatment and Healing*

41 Strategic responses to support individuals from refugee backgrounds 'must be culturally relevant, and must include a whole of community approach'.[61]

42 Research into the psychological health of child and adolescent refugees and asylum seekers has identified the apparent existence of certain risk and protective factors that 'temper or aggravate poor psychological health':

- family cohesion, family support and parental psychological health;
- individual dispositional factors such as adaptability, temperament and positive esteem; and
- environmental factors such as peer and community support.[62]

43 The Trauma and Grief Network has recognised that treatments 'for trauma related symptoms need to be acceptable to different cultural groups and be developed in partnership with refugee communities and based on an understanding of different models of mental health and recovery'.[63] Factors important in refugee wellbeing and recovery include:

- Rebuilding a sense of safety and security
- Development of attachments and social groups
- Support in developing plans and goals for the future
- Maintaining a sense of cultural identity
- Developing a safe way of communicating traumatic experiences.[64]

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[56] Stephane M Shepherd, Danielle Newton and Karen Farquharson, 'Pathways to Offending for Young Sudanese Australians' (2018) 51 *Australian & New Zealand Journal of Criminology* 481, 483.

[57] Garry Coventry et al, *Sudanese Refugees' Experiences with the Queensland Criminal Justice System* (Final Report, June 2015) 63.

[58] Ibid 111.

[59] Ibid.

[60] Ibid.

* The research contained in relation to treatment and healing does not attempt to prescribe or recommend what is required for any individual. This will be determined by factors such as the individual's personal experience or condition, the advice of any relevant experts, health providers or other supports, and the availability of treatment and opportunities to recover and heal.

[61] Centre for Multicultural Youth, *Fair and Accurate? Migrant and Refugee Young People, Crime and the Media* (Issues Paper, November 2014) 14.

[62] Australian Human Rights Commission, 'Psychological Well Being of Child as Adolescent Refugee and Asylum Seekers', *National Inquiry into Children in Immigration Detention* (Web Page, 2002).

[63] Trauma and Grief Network, *Refugees and Asylum Seekers: Supporting Recovery from Trauma* (Information Sheet, Australian National University, 2013).

[64] Ibid.

44 The Australian Guidelines for the Treatment of Adults with Acute Stress Disorder and Post-Traumatic Stress Disorder state:

> The traumatic experiences of refugees need to be understood … in the context of socio-political factors in their country of origin. It is helpful for the practitioner to have an understanding of these factors at both the macro level – the nature and history of the conflict and its impact on the individual, their family, and community over time – as well as at the level of the individual's experience.[65]

45 The Australian Institute of Family Studies has further observed:

> In order to address complex trauma, services working with refugee communities use principles of trauma-informed care, which prioritise client safety and apply empowering, strength-based modes of practice … Mental ill-health can be difficult for service providers to identify and manage in individuals from refugee backgrounds due to language barriers and cultural differences. For this reason, service providers must take in to account traumatic pre-arrival experiences and the stressors associated with the settlement experience in their service delivery models and programming …[66]

[65] Australian Centre for Posttraumatic Mental Health, *Australian Guidelines for the Treatment of Acute Stress Disorder and Posttraumatic Stress Disorder* (2013) 139. See also Phoenix Australia, *Australian Guidelines for the Treatment of ASD and PTSD: Specific Populations and Trauma Types – Refugees, Asylum Seekers and PTSD* (Fact Sheet, 2019).

[66] Australian Institute of Family Studies, *Intimate Partner Violence in Australian Refugee Communities* (CFCA Paper No 50, December 2018) 7–8 (citations omitted).