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FROM DAHMARDA TO DANDENONG VIA DENPASSAR

Hazara stories of settlement,
success and separation

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The chapter draws on interviews conducted with three post-settlement refugee Hazaras living in Victoria who described their journeys from Afghanistan to Australia. These interview participants saw themselves as having overcome obstacles and hardships to arrive at a place of active participation in Australian life. All three interviewees described themselves as successful, having achieved their goals of escape, resettlement and – in most cases – family reunification. This last is significant as all three narratives highlight the importance of family, rather than simply being stories of individual effort. The driving motivation of each story's protagonist was clearly to bring their families to safety: individual success or happiness in each case is bound up with that of family and community. The narratives in this chapter reveal a shared humanity as the people in them describe resettlement experiences both as triumphs and difficulties.

Underlying each of these stories is the invisible hand of Australian immigration policy, which provides the legal context in which people seek asylum in Australia. The experience of coming to Australia is not just an experience of emergent immigrant identity, but also includes the

shattering encounter with immigration policy that indefinitely detains people and causes families to be heartbreakingly separated. Excerpts from Salmi's, Hassan's and Jahan's narratives give a sense of how policy frameworks manifest in the lived experiences of real people. To further emphasise the real-life impact of policy on human lives, their stories are framed here in the context of their embodied interviews, drawing attention not just to the events contained within the stories, but to the act of telling and sharing the stories as part of lived experience.

In 2011, I started making regular weekly visits to the Melbourne Immigration Transit Accommodation (MITA) facility, then used to indefinitely hold unaccompanied minors, young men under 18 years of age who had come alone by boat to Australia to seek asylum, while their refugee claims were processed. Along with other visitors, I met members of oppressed minority groups including Tamils from Sri Lanka, Banglas from Bangladesh, Rohingyas fleeing Burma, stateless Kurds, Syrian Palestinians, Afghan Hazaras, and others, including two teenage boys from Indonesia who had been picked up on suspicion of being people smugglers. These last two were not seeking asylum but were held there because there was nowhere else to send them – they were too young to be sent to Melbourne Immigration Detention Centre (MIDC), the higher-security facility reserved for immigration activities specifically defined under the Australian criminal code (including visa over-stayers). They are not the focus of this chapter – I mention them to illustrate the perceived lack of clarity around immigration policy within the detention system. Other manifestations of this included the inconsistent yet indefinite lengths of sentences, and the unclear processes that determined who was awarded visas and why. The two young fishermen were simply sent back to Indonesia after a few months.

The young men who remained had strong reasons not to want to be sent back to their countries of origin. A common thread ran through many of the stories we heard: frequently the head of the family had been killed or had vanished in suspicious circumstances, and the rest of the family had put their money together to send their eldest son to freedom. The hopes of their families rested on the shoulders of many of the young men we met – something that I came to appreciate more with repeated visits. Their concerns for the future were not just for their own survival, but their families and communities as well.

We took in gifts of food and coloured pencils, brought in musical instruments and board games, and conducted impromptu English classes. The kinds of support we were able to offer seemed futile at times. However, the young men detained at MITA told us that these small things helped to make them feel less isolated and more socially connected, as the processing of their claims dragged on interminably. This finding is reflected in research by British criminology researchers into prison and detention centre conditions Mary Bosworth and Blerina Kellezi, who recommend ‘greater communication and interaction with the local community’ as a strategy in mitigating the high levels of depression caused by isolation within immigration detention centres.¹

Over the next couple of years MITA changed. MIDC was nearing capacity, so MITA expanded to contain a larger population of inmates than just unaccompanied minors. Security was tightened, and higher fences were built. A friend and I took clarinet reeds to an Iranian grandfather and, with other activists and advocates, raised enough money to buy a computer for a Palestinian Syrian artist who drew political cartoons. One day I registered for a visit and went in by myself to meet a young Afghan Hazara man who had just arrived. He beat me at table tennis, and we watched the grey Melbourne sky transformed by a rainbow. I found myself buoyed by his optimism and sense of hope, the rainbow a perfect visual metaphor. Later that year, a friend and I held a celebration dinner when two other Hazara men were released from detention. They told us their stories, eloquently and passionately. Their stories comprised a complex mix of individual adventure, culturally specific references, narratives of persecution and flight, and elements of self-reflection that implied a conscious shift towards what it might mean to become Australian (rather than Afghan) Hazaras. The seeds of my interest in Hazara life stories, and the research project from which the interviews in this chapter are drawn, were sown.

1 Mary Bosworth and Blerina Kellezi, *Quality of Life in Detention: Results from the MQLD Questionnaire Data Collected in IRC Yarl's Wood, IRC Tinsley House and IRC Brook House, August 2010–June 2011* (Criminal Justice, Borders and Citizenship Research Paper No. 2448404, March 2012), available at: ssrn.com/abstract=2448404.

Dandenong: An emerging Hazara centre

In 2015, I knocked on the door of a comfortable house in suburban Dandenong. I had arranged to interview Salmi and Hassan, two Hazaras who had already expressed interest via email in taking part in my research on Hazara transitions from refugee to immigrant status. The interviewing stage of my research involved recording the life stories of Hazaras over 18 years of age, told in English, who had held a permanent visa in Australia for more than five years, as per the conditions agreed upon with my university's Human Research Ethics Committee.

It is worth describing Dandenong, since it is the site of the largest population of Hazaras living in Australia. Dandenong is a primarily working-class suburb with a deep-rooted Labor (centre-left) tradition. Located 30 kilometres south-east of Melbourne's central business hub, on the outskirts of the city, the region has a highly multicultural population comprising a mix of different ethnic groups, especially from China and the Middle East. The City of Greater Dandenong calls itself the 'City of Opportunity', and identifies as a refugee welcome zone. The city has implemented anti-racism policies, and welcoming policies and practices including programs for asylum seekers and survivors of torture, language learning, cultural centres and more. The local council cites its goal as 'building a sustainable future for the community', and highlights themes of progress and inclusivity in its acknowledgement of both Indigenous and new migrant histories.² In one interview I conducted, Dandenong was called 'the place to be' for new Hazara arrivals: when given the choice of resettlement areas, Hazaras selected it based solely on recommendations from their social networks.³ In 2017, 2,000 of the 8,000 asylum-seeking refugees living in Victoria were located in Dandenong.⁴ It was described to me as the fourth largest Hazara city-based centre in the world, after Kabul, Tehran and Quetta.

2 'Asylum Seekers and Refugees: Greater Dandenong's Role', Greater Dandenong: City of Opportunity, 2017. Copy in author's possession.

3 Laurel Mackenzie and Olivia Guntarik, 'Rites of Passage: Experiences of Transition for Forced Hazara Migrants and Refugees in Australia', *Crossings: Journal of Migration & Culture* 6, no. 1 (2015): 59–80, doi.org/10.1386/cjmc.6.1.59_1.

4 'Asylum Seekers and Refugees: Greater Dandenong's Role'.

One interview participant had described the Greater Dandenong region as home to approximately 10,000 Hazaras. This number is somewhat higher than the 2016 Australian census suggests, where Afghanistan was selected as ‘country of birth’ by just 4,799 people in the Dandenong region (or 3.2 per cent of the local population).⁵ However, the census figure does not provide an accurate representation of the number of Hazaras living in Dandenong, for three reasons. Firstly, not all Hazaras would necessarily claim Afghanistan as their country of birth: Hazaras have been actively involved in fleeing persecution in Afghanistan since at least 1979, and members of the younger generations may have been born in Pakistan or Iran, or even in Australia. Secondly, people on temporary visas were excluded from taking part in the census, and the City of Dandenong proudly asserts that it is home to 2,000 asylum-seeking refugees. Any Hazaras within this category, living as members of the community while on temporary visas, would not have been counted in the census.⁶ Finally, the form of data collection used in the 2016 census caused concerns to be raised around privacy, which potentially affected the accuracy of data collected from households where trust was already low.⁷

Although not all Hazaras would have identified Afghanistan as their birthplace, it still gives some indication of Hazara numbers to look at the numbers of people who gave their birthplace as Afghanistan, since no specific data was provided regarding people who identified as being of Hazara ethnicity. Compared with other regions in Australia, the number of Afghan-born residents in Dandenong was relatively high: across the state of Victoria 18,116 people (or 0.3 per cent of the population) identified Afghanistan as their country of birth. Overall, 46,799 people across Australia (or 0.2 per cent of the overall population) identified Afghanistan as their country of birth.⁸ Linguistically, emerging scholar on Afghan languages Asya Pereltsvaig has noted that the number ‘one thousand’ in Hazaragi (the Hazara language in Afghanistan) is ‘Hazaar’, which also

5 ‘2016 Census Quickstats: Greater Dandenong’, Australian Bureau of Statistics, 23 October 2017, available at: quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/LGA22670.

6 ‘Microdata: Australian Census and Migrants Integrated Dataset, 2016’, Australian Bureau of Statistics, 17 July 2018, available at: www.abs.gov.au/Ausstats/abs@.nsf/0/889792D645A7CC7FCA2582CD0015C002?OpenDocument.

7 Senate Economics Reference Committee, *2016 Census: Issues of Trust* (Canberra: Commonwealth of Australia, 2016), available at: www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/2016Census/Report.

8 ‘2016 Census Quickstats’.

historically refers to a mountain tribal grouping in Afghanistan.⁹ Further, the number ‘ten thousand’ appears to serve as a colloquial term for a larger population group comprising several tribes, and as a cultural referent for a large population group. Despite a lack of clarity around exact numbers, it is clear that the Dandenong region is an emerging cultural centre for Hazaras.

Meeting Salmi and Hassan

A young woman opened the door to my knock and introduced herself as Salmi’s sister, followed by an older woman who Salmi later indicated was their (non–English speaking) grandmother. The younger women wore jeans, and headscarves in what I took to be a more modern style comprising a tube of stretchy fabric, rather than an artfully draped scarf. I followed the example set by the pile of shoes at the door and slipped mine off. Salmi offered me slippers to wear inside the house, and I followed her into a large room ringed with cushions.

Salmi introduced me to Hassan, her father’s business partner. In my visits to detention centres and in community contacts beyond, I had grown used to meeting Hazara men with refugee experiences who had shifted away from more conservative traditions and would shake hands, even exchange hugs with women to whom they were not related. Hassan, however, was from a generation that still held to the older values. I had forgotten my habit of approaching with hands folded at my heart and waiting for the other person to make the first move. I reached to shake his hand, and he backed away slightly, apologising. It was a slightly awkward start to our first meeting. Salmi and I had corresponded via email after my research outline had been forwarded to her, but we had not met in person before.

In my interviews, I would strive to indicate via my professional demeanour that, as a representative of an academic institution, I understood and respected the seriousness of the stories I was about to hear. The academic props I carried (papers, recording device and consent forms) were part of the performance through which I demonstrated my credibility. The familiar flow of carefully chosen words as I talked through the process

9 Asya Pereltsvaig, ‘Language of the “Mountain Tribe”: A Closer Look at Hazaragi’, *Languages of the World*, 12 December 2011, available at: www.languagesoftheworld.info/student-papers/language-of-the-mountain-tribe-a-closer-look-at-hazaragi.html.

describing the research aims and intended outcomes, the ethical guidelines that meant participants could withdraw from the research at any time, and my well-practised opening question that opened the unstructured interview into a space where the participant's stories took centre stage, all served to bolster the identities we were performing in that space. In every interview, both the interview participant and I shared a desire to record and publish their stories. My aim was to open the space I had access to as an early career researcher for more refugee stories to be told, bringing perspectives from my social justice activism to my academic work. The research participants desired to contribute to the narrative and media construction of Hazaras as desirable migrants in Australia. This shared goal gave us a common stake in the interviews being conducted and meant that social gaffes like my reaching to shake Hassan's hand were able to be overlooked, or reconstructed as an opportunity for education, in pursuit of our larger shared aim. Somewhat later in my interviewing process, another participant told me he always took part in research and surveys, as a way of helping the larger Hazara community, and of giving back to the wider Australian community. Similarly, Salmi and Hassan presented themselves as deeply invested in the future of the Hazara community in Australia.

Cultural and historical identity and persecution

We sat on the floor and Salmi placed a tray of wrapped chocolates and nuts and sweet tea between us. After I had asked my well-rehearsed introductory question, Hassan indicated my zoom recorder, which I had placed on the floor between us:

'It's going, is it?'

The gesture served to re-establish the context of our conversation and our roles as participant and interviewer with a shared aim. He introduced himself to the recording and proceeded to tell his story. 'In the name of God, I'm Hassan ... I was born in 1969. I'm from Kabul, Afghanistan.'

Hassan's narrative encompassed not just events from his own experiences, but also described the wider political situation, demonstrating links with the greater Hazara community. He described how, even when he was eight or nine years old, he was aware of the widespread social discrimination

against Hazaras. Hazaras were likened to a ‘sewer’, and the word ‘Hazara’ itself assumed derogatory meanings. Hazaras were not permitted to sit in buses or public cars and were excluded from political process. To become a politician or government minister was an unattainable dream for a Hazara.

This discrimination appeared as a cultural motif in other interviews I conducted, as a larger historical context also emerged, locating the Hazaras’ vulnerability as stretching back generations. In Salmi’s and other interviewees’ analysis, Hazaras had been positioned as second-class citizens since the late 1800s, through events brought to a crux by the genocidal attacks on the Hazaras wrought by Emir Shah Abdur Rahman Khan in 1891, whose rise to power with the aid of British finances meant he was now acting with key authorities of the state at his disposal.¹⁰

65 per cent of the Hazara people were killed during the Abdur Rahman Khan’s regime ... he wanted to get rid of the Hazara people. (Salmi)

She described how Khan sent over 100,000 Pashtun fighters on a religious crusade into the Hazara lands in mountainous central Afghanistan, and destroyed the Hazara villages, subjugating their inhabitants.

This event was a common motif reflecting a shared history and cultural identity. The previous year I had interviewed Jahan, a Hazara community leader in Dandenong. Jahan had also located the massacre as significantly interwoven into Hazara cultural memory.

People’s lands was grabbed by force, and given it to the other tribe, which was Pashtun tribe. People were forced out from their region. Hazaras were pushed in towards the central region, and blocked, cut off all their supply lines. And Hazaras was economically, they were suppressed. (Jahan)

Jahan had explained that, in the century or so following the massacre of 1891, Hazaras were socially vilified in Afghanistan, given work as farm labourers or menials, prohibited from entering university, restricted from general education by the limited number of schools in the mountains, and more heavily taxed than their Pashtun neighbours.

10 Niamatullah Ibrahim, *The Hazaras and the Afghan State: Rebellion, Exclusion and the Struggle for Recognition* (Oxford: Oxford University Press, 2017), 53–86.

[Since then, Hazaras] may not be accepted in any form of government. They are not allowed to study higher education. They are not even allowed to enrol in a school. They are not allowed to be in a higher ranking, they are not allowed to join the military. (Jahan)

Hazara revolts were quashed, and Hazaras were socially cast as second-class citizens. Until the Communist invasion of 1978, Hazara people had been excluded from the education system. Illiteracy had contributed to social exclusion and oppression for over 100 years and confirmed in majority minds the fitness of Hazaras only for menial labour. The Soviet invasion was the beginning of bloody and destructive war in Afghanistan. But from 1979 the Communists imposed strict rules around access to schools, and Afghan Hazaras had the opportunity again to attend school past the fourth grade. Hazara scholar Niamatullah Ibrahimy has argued that the power vacuum within Afghanistan that made the invasion possible, as the central government lost control of the country, also gave Hazaras the first opportunity for autonomy they had had in decades – a chance for self-determination that only ended when the Taliban had firmly established themselves across the country in 1998.¹¹ The Communists were finally expunged in 1989, in a war in which many Hazaras participated, privileging national, ethnic and religious allegiance over identification with the Communist invaders. But the ensuing civil war in Afghanistan, and subsequent seizure of power by the Taliban (with its fundamentalist Pashtun roots), meant that Hazaras again were targeted for persecution. It was in the context of this persecution by the Taliban that the interview participants in this chapter fled Afghanistan.

Leaving Afghanistan

Born in 1993, Salmi was three years old when the Taliban took Kabul. Two years later the Taliban were reported moving throughout the rest of the country, circuitously approaching Mazar-i-Sharif as they gathered strength in south-eastern villages. By 1998 they had entered her province. She did not understand the significance of the news, but her father did, and loaded up a truck with provisions – flour, rice and oil – the essentials of living. Salmi remembers the day her father heard that the Taliban were approaching their village. He sent a message to her mother that the line

11 Ibrahimy, *The Hazaras and the Afghan State*, 119.

of defence had broken and asked her to pack up the things they would need to live on. Salmi remembers hurried movement and her confusion. 'I could not understand what was happening. I was asking but they were not answering, because they were upset.' She remembers taking things out of their house, and people running on foot from the village – 'snapshots of things'.

They left that day with their truck loaded up with provisions, counting themselves among the fortunate because they had a car. Salmi remembers sitting in the cabin of the truck and looking back into the body of the truck space to see it full of people. People travelling on foot would ride in the truck for a distance and get out at the next village. Others would replace them. Salmi remembers her mother imploring her father not to take any more people in – there were too many, they were overcrowding the space, slowing the truck down, making it unsafe. Salmi remembers her father's response, which she presented as a kind of family lore, revealing the esteem she holds him in:

This is the only time you can show people who you really are. It's the hard times that you can show the true self of yours and show your humanity. We can't say anything to them. Just let them in and they will realise when it's too much and they'll stop coming in. (Salmi)

They reached Pakistan, but it became clear that her father was still in danger. In the most heartbreaking moment in her narrative, Salmi described her father's decision to try and make his way to Australia as a refugee. 'He decided that he'd come to Australia and he left us there in Pakistan.' At this point in her interview Salmi wept as she remembered the moment when her father left them behind. In Afghanistan, she had been a 'daddy's girl' – young and spoiled – he would do anything for her. In the evenings, he would tell her stories. Or there would be visitors, people talking late into the night, a feeling of community and life. 'In Pakistan, it was just too quiet for us. There was no Dad.' Her constructions of stability were based around him, and he had left them in Pakistan. Salmi remembered his absence keenly – she missed falling asleep to the safety of the sound of his voice when he was not there.

We were left on our own, my mum, my older brother was eight at the time. My two sisters, one of them was five, my younger one was one. We were on our own in Pakistan and life was really hard there as well, because in there you know, you need a male person to live with you.

The fact that my Dad wasn't with us was very hard for all of us. Now that I think of it, it would have been the hardest for my Mum, because she could understand everything. (Salmi)

The 'everything' encompassed the danger and fear that her mother worked to protect her children from, while Salmi's father made his way slowly to Australia, traversing a boat journey famous for its frequent fatalities, detention and other stages of the refugee determination process in Australia.

Jahan came from a small village in the mountains in Afghanistan where the villagers worked for seven or eight months of the year to store food for winter, and traded food with other villages – it was not so much a fiscal as a barter economy. Around 1995 the Taliban arrived in his area, bringing threats and violence.

[The] Taliban came, I can't recall the dates, it's like 30 years, 25 years ago ... But after '95, or during the '95 there was Talibans take most of regions, then they headed towards central region. (Jahan)

The urban centre of Kabul where Hassan was based was no safer than Jahan's small village in the mountains. By 1995 Hassan was married, with a family of his own. He feared for his and his family's safety, due to the ongoing persecution of the Hazara people in Kabul. Finally, he decided they would have to leave, and he sought out a people smuggler. With the assistance of the people smuggler, who provided documents and access to safe houses, Hassan and his family made their way overland to Pakistan, then via the people smugglers' routes to Indonesia.

Like Hassan, Jahan contacted a people smuggler – in our interview Jahan had explained, chuckling, that in Australia, in English, the term is 'people smuggler'; but in Pakistan it was just 'normal business'. Jahan and his father made their way to Indonesia on fake passports, travelling at night, waiting interminably for connections, not knowing where they were going. Finally, late at night, they were taken to a small boat that would bring them to Australia. About 36 people were crammed into the boat in complete darkness.

I didn't know whether I was going to make a life from the Dead Sea, you know, sea journey. Because our boat was so small, it was sort of, you know, flying on the water, sort of as people so many. In the end water was finished, there was no rations there you know, there was ... terrible, terrible condition. (Jahan)

In Indonesia, Hassan realised he did not have enough money to pay the passage for his family in the people smugglers' boats. He was forced to leave them in a refugee camp in Jakarta, where they lived for the next three years. He then endured a harrowing boat journey that he swore he would never repeat, not for half the land in Australia.

If now the government takes me there, gives me half of Australia for me, I never come back there [the boat journey]. It's too hard. It's too hard. I know, I had a big storm there and all of us, 99.9 per cent, we thought we're going to go and by luck, we are alive. In that time, no water, no food and the captain lost the way.

I don't know what they're using or they got navigation – I don't know actually. I was – under – down the stairs. Just the people talking like that and the captain says, yeah, they're lost. They went back to Indonesia and they took some more water and food and again came. It's all up, took us 14 days. (Hassan)

Reaching Australia: Curtin Detention Centre in 1999

On reaching Australia, Hassan and Jahan were both detained at Curtin Detention Centre. Jahan recalled how the guards seemed to delight in telling detainees stories of the dangers of the Australian outback, where crocodiles and carnivorous kangaroos abounded, and snakes whose bite would kill in two seconds. He related this to the policy changes at the time. He arrived in October 1999, when Temporary Protection Visas (TPVs) were being introduced to replace the Permanent Protection Visas (PPVs) that had previously been automatically granted once an applicant was identified legally as a refugee. TPVs provided far fewer rights – including work rights – than the older PPVs. They expired after three years, provoking criticisms of *refoulement*.¹² The shift exacerbated the already tense atmosphere inside Curtin. According to Jahan, the guards would try to scare the asylum seekers to deter escape if anyone was tempted to try their luck in the non-existent Australian underground instead of waiting for a limited and expiring visa.

12 Mary Crock, *Seeking Asylum Alone: A Study of Australian Law, Policy and Practice Regarding Unaccompanied and Separated Children* (Australia: Federation Press, 2006).

[In 1999], law was changing, and that's why they told us to not go out, never escape, otherwise you will be dead in jungle, you can't make it, and kangaroo might eat you off, and crocodile might you know grab your leg, you know, or snake might bite you – and they're so deadly you will be dead in two seconds. (Jahan)

Issues at Curtin at that time included overcrowding, indefinite detention, the extremely limited English classes that were offered to detainees, children in detention, delays in processing, including communicating the results of refugee determination hearings, and more. This had started to attract the attention of human rights groups. Busloads of protestors arrived from across the country to shout and wave placards outside the gates. Conditions continued to worsen, and Jahan recalled tents being used as a solution to overcrowding. In the Western Australian desert heat, this solution was potentially fatal.

I vividly remember ... in the start there was some 100 people ... And they were feeding us well, because we were few people. Then they reached to 500 and 1,000 people, and everything went badly. And there was hardly much food provided, there was hardly no utilities, it was very hard you know. And after that people were transferred to the tents, and that in the 44, 45-degree heat of Western Australia – it was hard to survive there. (Jahan)

Jahan had come from a different kind of desert. In his mountainous village, rain was at least possible. Here he found himself in a place of red earth, poisonous animals and almost unendurable heat.

We were never exposed to this kind of heat, you know, this kind of country. I remember, when I was putting my feet first on the land, I remember that the land was very red. I've never seen such a red land, you know, I said what kind of land is that, you know, have I come in Mars or somewhere, you know. (Jahan)

In the year 2000 the Human Rights Commission conducted a review of Immigration Detention Centre facilities across the country, which was published the following year. Recommendations included the amendment of the *Migration Act 1958* (Cth) to guarantee rights to detainees including:

the right not to be arbitrarily detained, to have access to information and legal assistance, the right to humane treatment and the rights of children to special protection ... If detainees are deprived of their basic rights, a situation of distress, anxiety and grievance is created, which all too often results in the protests

and violence we have seen over the previous year ... I wish to emphasise that many of the problems in immigration detention facilities are significantly heightened by prolonged detention. The government must look seriously at a solution to long term detention as a matter of urgency.¹³

By the end of 1999 Jahan received the news that his refugee claim had been accepted, and he had been granted a TPV. At first, he didn't believe it – he had started to mistrust the system, as the guards at Curtin had enjoyed toying with the inmates, giving false information about, for instance, the dangers that waited outside:

I remember Christmas '99. When I was given the news that I was accepted as a refugee. As asylum seeker, as a refugee. That I'd be going out. First I didn't believe, I said, they're lying, they're trying to punish us here, you know, I don't know, let us rot in here, you know. (Jahan)

Once he was able to accept the news it became a high point of his narrative – he had surmounted the obstacles, he had been recognised as a refugee, and he was on his way to freedom.

And I was happy then! 25th, Christmas '99, it was good news for me. That's what sometimes I do. You know, like Christmas. It's lovely, you know. That was one of the good news, that my life was saved. (Jahan)

Policy in 1999: TPVs and family separation

In October 1999 immigration law changed to admit new classes of visas.¹⁴ Until then, if applicants were identified as refugees, then they were automatically given permanent visas. In 1999 the Howard Government introduced TPVs, which removed access to social services and the guarantee of attaining permanent residency. According to political scientist Don McMaster, TPVs were clearly a response to a political issue, the

13 Australian Human Rights Commission, *A Report on Visits to Immigration Detention Facilities by the Human Rights Commissioner 2001* (Australian Human Rights Commission, 2001), available at: www.humanrights.gov.au/publications/report-visits-immigration-detention-facilities-human-rights-commissioner-2001#major.

14 Crock, *Seeking Asylum Alone*.

arrival of refugees by boat directly to Australia.¹⁵ These arrivals, although numerically insignificant, were constructed as a problem, generating media hysteria and becoming a major electoral issue. People arriving in Australia by plane or people with expired visas were not subject to TPVs, but were usually granted Bridging Visas which included work rights and other benefits. TPVs granted their holders access to some medical and welfare services (not necessarily including English classes), no family reunification and no travel outside of Australia. TPV holders could work, however their immigration status excluded them from permanent jobs. TPV holders were eligible for a small Special Benefit from the Red Cross (an allowance later taken over and administered by social security benefits provider Centrelink), but not the slightly more substantive JobSeeker allowance. Despite the provision in the *1951 Refugee Convention* that explicitly prohibits refoulement, TPVs expired after three years and were not renewable: they could only be applied for afresh. This meant that TPV holders lived constantly in fear of their visas not being renewed and being sent back to the country they had fled. TPVs have thus been linked conclusively with mental illnesses such as stress and depression.¹⁶

Australia has a long tradition of enacting strictures on immigrants, based on its self-construction as white, which has bled into its restrictive refugee policies. Indigenous scholar and critical race theorist Aileen Moreton Robinson has written on the phenomenon of the ‘white possessive’ that is useful in unpacking this level of discrimination. Australia was classified as *Terra Nullius* on settlement; explicitly locating the assumption of white colonial ownership over the empty space – and, by implication, ownership over the Indigenous people already living there.¹⁷ This assumption of white ownership of the land and the constructed identity of Australia later extended to migration policies as well. The Immigration Restriction Act was one of a suite of policies that aimed to promulgate a concept of a white Australia between Federation and the start of World War II.¹⁸ As political scientist James Jupp has pointed out, non-British immigration

15 Don McMaster, ‘Resettled Refugees: Temporary Protection Visas: Obstructing Refugee Livelihoods’, *Refugee Survey Quarterly* 25, no. 2 (2006): 135–45, doi.org/10.1093/rsq/hdi0131.

16 Crock, *Seeking Asylum Alone*.

17 Aileen Moreton-Robinson, *The White Possessive: Property, Power, and Indigenous Sovereignty* (Minneapolis: University of Minnesota Press, 2015), 5, doi.org/10.5749/minnesota/9780816692149.001.0001.

18 Ien Ang and Jon Stratton, ‘Multiculturalism in Crisis: The New Politics of Race and National Identity in Australia’, *TOPIA: Canadian Journal of Cultural Studies* 2 (1998): 22–41.

was strongly discouraged.¹⁹ La Trobe University lecturer in politics Gwenda Tavan has argued that, rather than being controversial, this policy direction had strong popular support.²⁰ It was finally dismantled following World War II due to increasing international and domestic pressure, but this underlying worldview that positioned a white ownership of the land has persisted into current immigration policies.²¹ These precedents can be seen to effect the political construction of non-white immigrants as a problem to be dealt with: local debates around whether immigrants should simply integrate or assimilate completely to Australian values are exacerbated in the case of undocumented migrants whose identity claims are tenuous to begin with.²²

Jahan and Hassan were released into the community on TPVs. It could have been worse. By 2001 TPVs were refused if an applicant had spent more than seven days in another country on their way to Australia, in Pakistan, say, or Indonesia. The Human Rights Commission's investigation in 2001 had also found that TPVs contribute to stress and post-traumatic stress disorder (PTSD).²³ In 2008 TPVs were abolished, partly because of human rights objections, and partly because they were found to be administratively inefficient and expensive, requiring a complete reappraisal of the applicant refugee status at their expiration every three years. TPVs were reintroduced in 2014.²⁴

Hassan was aware that the new class of visa did not guarantee him the security he had hoped for.

In that time I was a TPV and I had a lot of problems ... I stayed nine months in [detention] camp and when I was released I was working in a meat factory. (Hassan)

19 James Jupp, 'Politics, Public Policy and Multiculturalism', in *Multiculturalism and Integration: A Harmonious Relationship*, ed. Michael Clyne and James Jupp (Canberra: ANU E Press, 2011), 41–52, doi.org/10.22459/mi.07.2011.02.

20 Gwenda Tavan, 'The Dismantling of the White Australia Policy: Elite Conspiracy or Will of the Australian People?', *Australian Journal of Political Science* 39, no. 1 (2004): 109–25, doi.org/10.1080/1036114042000205678.

21 Moreton-Robinson, *The White Possessive*.

22 Jupp, 'Politics, Public Policy and Multiculturalism'.

23 Australian Human Rights Commission, *A Report on Visits to Immigration Detention Facilities*.

24 'Temporary Protection Visas', Asylum Seeker Resource Centre, 2018, available at: www.asrc.org.au/resources/fact-sheet/temporary-protection-visas/.

While Hassan worked through the three years of his TPV in an abattoir, his family in Jakarta were interviewed and identified as refugees, granted UNHCR refugee classification, and put on a waiting list to come to Australia. Hassan's TPV did not allow for family reunification, but his strategy was to earn enough to bring them to Australia – then, since they were already formally classified as refugees, his legal status would also change, under Australia's family reunification policy at the time. It was a good plan. It contained risks: his family's processing might take longer than he could stay in Australia on a TPV. His TPV might expire. He might fail the reapplication and get sent back to Afghanistan. But compared to what some individuals and families were able to organise, it was relatively secure.

I was working there for three years. Since my family [were going to] come here, I thought I have to start some business because I was sure in that time, when my family come here the lawyer told us if one of us be a refugee, directly all family will be refugees.
(Hassan)

This meant working 15-hour days in the abattoir to send money to his family, who still wanted more. The condition of his TPV that he found hardest was that it prevented him leaving Australia. He could not go to his family. While he was on a TPV he knew two men in similar visa situations who hanged themselves: it had become too hard, he explained, not having any power over their own lives, not being able to make decisions about the future, and not knowing if – or for how long – they would get to stay in Australia. With his family always on his mind, he sent money to Indonesia, as much as he could. His friends advised prudence, but he could not refuse his family.

I remember my son messaged me from Indonesia. 'Dad, the money's finished.' As much I had, I send to them. Even Salmi's father – he's my best friend – like not friend, like brother – and he said, 'don't teach them like that'. I said, 'the only thing I can do for them is the money, nothing else. I can't go see them. I can't do anything. It doesn't matter, they will be happy, I will be happy'.
(Hassan)

He worried about his family constantly. His own problems, uncertainty around his future, not knowing if he was going to get to stay in Australia or if he would be sent back to Afghanistan; if his visa would be refused, renewed or if he would attain permanent residency, all centred on his

family, waiting in Indonesia. He phoned them every week. But time continued to pass, and after a while, his youngest daughter did not know who he was when he phoned. More than once he got in his car and drove to a quiet place where he could cry, without adding to the strain and tension he knew his roommates were also experiencing.

My daughter was like five, six years old and when I was talking with her, it was hurt me, yeah. My wife, she crying at that time. I said, I can't do anything.

[Years later] my daughter when she came here – one day I remember. I was driving and she said, 'Dad, when I ...' she was in Jakarta and she thought she hasn't got any father. I told her, 'yeah, I was talking with you'. She said, 'yeah, I thought my Mum going to trick on me, give somebody else to talk like that'. It was very hard and I was crying that time. She said, 'why are you crying?' I said, 'don't say anything no more'. It hurt me seriously. (Hassan)

As in Salmi's story of being the daughter left behind, in Hassan's narrative the sadness came through clearly. The parallel narratives show both sides of the effects of the enforced family separation, as family members on both sides of the ocean waited hopefully for the TPV to expire, while dreading the other outcomes possible under the policy regulations.

On his release from Curtin, Jahan was put on a bus for a three-day journey across the country to Queensland. There he was able to take a 25-day English class donated to the newly arrived group of refugees by a private provider. The English teacher and his daughter found the refugees some paid work around their house, so they had some source of income. He stayed with a friend for a few months, and by March 2000 had found work in a factory as a process worker. Jahan was eager and excited for his life to begin – he could see so many possibilities, some of which were just about to become realities. He happily bought a Ford Festiva. He described his life as taking off. But his visa imposed limitations on him in terms of access to work and services – and the threatened penalties for breaching its conditions (being returned to detention) were very real.

Um ... here government as well says that you're not entitled to nothing. Because your visa is TPV, 788 or something. No ... 785. Visa class. This is a piece of rubbish. You're not entitled to anything. So we might as well chuck it somewhere, somewhere in all the surf. (Jahan)

In 2003, Jahan ran into a legal quagmire. He had been on a TPV for three years and needed to submit an entirely new application. He had been given to believe that after three years his subclass 785 TPV would be automatically upgraded to a subclass 866 PPV – whether this was based on his arrival exactly coinciding with the shift from TPVs to PPVs is not clear. But the process dragged in time. He waited for his PPV to arrive – at first hopefully, since with it he would be able to live properly, which to him entailed enrolling in more English classes, finding longer-term employment and starting the family reunification process to bring his family over. The significance of these elements of a life properly lived came from the historical exclusion of Hazaras from education and work rights in Afghanistan. He had hoped that in Australia he would be able to live fully with the human rights of a recognised member of society. But time passed, and his visa did not appear. He waited more and more anxiously.

2003, I was very anxious. You know, waiting for that visa, you know, to come. It never came. Because, that 785 visa, it's preventing me from everything. I'm in Australia, but I'm sort of lost. I'm in Australia but I can't do anything. I'm in Australia but I can't study English. So that's everything is blocked here. I wanted to go to school to learn. Why I want to learn? Because in Afghanistan we've been suppressed, we've been depressed, we've been deprived of our rights, you know, to study higher education. (Jahan)

Finally, a letter arrived. Immigration had written to inform him that his entire claim for ongoing protection had been rejected, because he had missed an interview. He protested that he had never received the interview letter. Immigration insisted that it had been sent. Someone suggested that it may have been eaten by snails – which Jahan now, years later, has built into his story. Similar to the wild animals that had circled Curtin, this newest threat that might result in him being sent back to Afghanistan was represented by an animal force. The language in which he framed this threat locates it as a random, unpredictable event – even within the policy strictures that he had to follow, there was still room for the inexplicable and unexpected to happen.

I don't know, [maybe] it's been eaten by a mouse, it's been eaten by snails, you know? (Jahan)

From here Jahan was required to lodge an appeal against the decision with the Refugee Review Tribunal (RRT). The complications facing asylum seekers lodging appeals with the RRT (and other versions of this

tribunal in Europe and the UK) have been investigated and documented by numerous international scholars in refugee policy studies, including University of Geneva refugee specialist Michel-Acatl Monnier, Sri Lankan academic Professor E Valentine Daniel, John Knudsen at the University of Bergen and Professor Michael Welch in the Criminal Justice program at Rutgers University. Some of the issues facing refugees in these situations involve different cultural notions of credibility, where the different cultural meanings between looking someone in the eye and looking at the ground can have life and death implications.²⁵

Jahan had a lawyer, who had helped him prepare a 25-page dossier documenting his protection claim. His documents were in order, his story checked out, and he won his case.

Okay. When I went to RRT there was, a lawyer was representing my case as well. RRT generally – they say that they're impartial. But I can see that they're working straight under the hand of the government. Because that is another body set up from the government, by the government. They think that they are independent, but I don't think they are independent. Because all their words are so negative towards asylum seekers. Because many of the things they said is just people lying, you know. I don't know.

And in fact there was a twenty-five page statement from my side, presented, sent on my behalf, to the RRT. Twenty-five pages. Am I here on murder trial on what? (Jahan)

The assumptions around credibility can be seen in the general disbelief towards refugee narratives that Jahan had felt in his tribunal hearing. He knew he was in the right, that he had come to Australia legally, his life in danger, and that it was a bureaucratic error that his claim had been rescinded. But there were mixed messages everywhere. The legal system declared first that he was a refugee and then that he was not. And the Australian Government's position around Afghanistan as a safe destination also changed. In 2003 the Australian Government had signed a memorandum of understanding with Afghanistan stating that Hazaras

25 E Valentine Daniel and John Chr Knudsen, *Mistrusting Refugees* (California: University of California Press Berkeley, 1995); Michel-Acatl Monnier, 'The Hidden Part of Asylum Seekers' Interviews in Geneva, Switzerland: Some Observations about the Socio-Political Construction of Interviews Between Gatekeepers and the Powerless', *Journal of Refugee Studies* 8, no. 3 (January 1, 1995): 305–25, doi.org/10.1093/jrs/8.3.305; Michael Welch, 'The Sonics of Crimmigration in Australia: Wall of Noise and Quiet Manoeuvring', *British Journal of Criminology* 52, no. 2 (2012): 324–44, doi.org/10.1093/bjc/azr068.

could now return safely to Afghanistan. But this formal agreement about Afghanistan's safety was not reflected in the reality that Jahan perceived. Thousands of Hazaras still held valid TPVs, which he saw as implicitly contradicting the government's position around Afghanistan's safety. And in this political context, where Hazaras were assured that they would be safe in Afghanistan, his case before the RRT was successful. His need for protection had been found to be legitimate. He was again classified as a refugee, which meant that he was – again – in the position of waiting for the PPV to arrive that would replace his TPV.

And in fact the next day they sent me a letter that says, 'congratulations, you have been accepted as a refugee', you know? 'Your case is still valid.' (Jahan)

But by 2005 Jahan was still on a TPV. By now he had waited more than four years, and the prohibition on leaving Australia while on a TPV grew harder to bear as the years passed. He worried about his family left behind, and did what he could to send them money, and plan for their eventual reunion in Australia when he was granted a permanent visa. He had learned how Australian migration law worked – there was a time limit of five years in which he could apply for family reunification. But he could not apply for this while still on a TPV. He needed to wait until he was upgraded to a different visa. He had won his case at the RRT and should have been granted a PPV. His anxiety grew. The five years passed. It was too late.

There is a migration clause that says that when you come here as refugee, within first five years you have to sponsor your family. After five years then you lose that privilege, you may no longer sponsor your family. So first five years you have the right to family reunion, after the first five years you forfeit that right. So from – I was initially told that within three years, you will be able to get your permanent visa. Then is stretched to four years, four and a half years.

I did apply for family reunion, but under the TPV you got to understand, you don't have the right to apply for family reunion. It's only under the permanent 866 visa, that you have the right to apply for family reunion. So I lost the family reunion there. By the time when I become citizen it was already 2007. I got my citizenship, when I went to apply, they say, 'sorry, this no longer applies to you. Because you've forfeited that five years term'. And I could say nothing. But I think this is a discriminatory policy.

Because whenever you make a policy, you make sure that the people who is being affected by that policy, it is fair, it is just, and it is catering to the people who is a minority in this society. (Jahan)

In 2007 he applied for citizenship and became an Australian citizen – but he had been unable to apply for family reunification. The snails and sharks of policy had got him. But he kept going. He could now work legally too, so he could send more money back to his family. His family were now living in Pakistan, since it hadn't been safe for them any longer back in the village. However, having his citizenship, which meant that he could both work and, now, study, was also the beginning of a time of exhaustion for Jahan. Working during the day and studying at night, his teachers would ask him, 'what's wrong with you?' He would show up exhausted, and sleep in lectures. But after two years he was awarded his diploma in business management.

Even though Jahan endured the five-year wait to bring his family over and was ultimately unable to, he presently locates himself as an immigrant success story. He has married in Australia, lives in Dandenong, owns a business and is involved in politics – he is happy and successful. But he also campaigns nonstop for the rights of refugees, particularly Hazaras. He has willingly shouldered the responsibilities of community advocacy that seem to accompany being a first-generation Hazara refugee migrant in Australia. His story, told with grace, humour and verve, illustrates the passion and intelligence he has brought to his own transition to an Australian Hazara identity. But underlying this is the responsibility, the Hazara need to give back, and the assumed responsibility for his people that characterises all the Hazara narratives in this piece. A communitarian sense of self prevents true happiness while other members of one's community are still suffering or in danger, which shows in Jahan's continual efforts on behalf of Hazara people.

Like Hassan's, Salmi's story ended more happily – after the five years of waiting in Pakistan, her family was reunited in Australia. This infused her construction of Australia as safe – both in terms of Australia itself, but also associated with the presence of her father:

The feeling was really good and it was reassuring that we don't have to live away from my dad anymore and that we don't have to worry about anything else anymore. We are safe and everything is good and we're living with my dad. (Salmi)

Years later her father has continued to be a guiding presence in her life. He had always told her stories, a habit he had continued in their weekly phone conversations when she waited in Pakistan. When they were finally reunited, his stories spanned larger than his time in Australia, going back to the history of the Hazara people since the time of Abdur Khan; the social persecution and isolation of the Hazaras in Afghanistan, the exclusion of Hazaras from good schools, preventing their education; stories of Hazara women being sold for 20 paisa (less than one rupee); and other narratives that form part of modern Hazara political and cultural identity. In the context of her father's narrative, she was able to construct a political reading of her own forced abandonment by her father when she was six. This traumatic event, which scarred both father and daughter, would also become formative in Salmi's idea of herself as a force for change, influencing the choices she would make as she started to emerge as a community leader herself.

Hassan also described Australia as safe; though he longingly described Afghanistan as an absent mother. But it wasn't any longer a place where he could imagine raising a family. Hassan also framed his narrative as one of success, as he described the opportunities available to his children in Australia that there would not have been in Kabul.

My country is like my mum. I can't change my mum with like a pretty girl because my mum is my mum. I know I love Australia for a lot of things. [There are] facilities here and it's safe here and I got a job here – everything is all right.

I'm very happy, not only for myself, of course more for my family. My daughter, she is 18 years old now. She finished the school now. My son is around 25 and just last week he finished Uni and he studied as a civil engineer. If they had been in Afghanistan, no chance to study. (Hassan)

Conclusion: Lived effects of policy

Salmi, Hassan and Jahan all actively contribute to the creation of a popular understanding and social construction of Hazaras as one of Australia's newest migrant communities. This was a key motivation for all of them to speak with me – they are all invested in creating an image of Hazaras as desirable migrants in Australia. As part of this, and as part of their emergent migrant identity, they are also involved in the creation

of a new migrant space within the Australian imaginary for Hazaras. This was demonstrated through their stories, but also through the embodied settings in which our interviews took place: the living room of Salmi's father's house, and in the various cafes around Dandenong where Jahan's social capital was demonstrated through his connections with his community. The embodied description of the interviewing process gives a sense of the relationships within the particular space of the interview: impelled by the shared motivation to communicate, their stories became a way of contributing to a more multicultural Australia as relationships and cultural differences were implicitly negotiated within the space of the interviews themselves.

All three interview participants described themselves as successful members of the Hazara community living in Dandenong. They all evinced a great deal of pride in Hazara culture in their narratives. But there was hardship in the narratives as well. Although both Hassan's and Salmi's fathers were able to reunite their families, they had to endure years of heartbreaking separation and backbreaking labour to do so. And Jahan was not able to achieve this goal. The limitations on his visa and the timeframe in which he was able to apply for family reunification clashed – and he was not able to reunite his family, which is a key desire that underscores many Hazara narratives.

These stories are also stories of the lived effects of policy. In all of these stories the Australian policy context provides an invisible structure that guides the course of their narratives. The trials the interview participants had to face were not just in the form of fleeing from their oppressors, negotiating with people smugglers and surviving the journeys over the sea. Australian immigration policy forms the context within which these narratives unfold. The progression of legal statuses attained by Hassan, Salmi's father, Salmi and Jahan describe the barriers and strictures that defined the choices available to them. In this way, the lived experiences described in this piece provide examples of the effects of policy on peoples' lives.

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