From women's rights lawyer in Pakistan to a precarious life in Australia: Learning from lived experience

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Introduction

Internationally the number of people displaced is at an historical high. The United Nations High Commissioner for Refugees (UNHCR) estimated that there were more than 79.5 million people displaced by conflict or persecution at the end of 2019 (UNHCR 2019). Australia is one of a relatively small number of countries that annually resettles refugees from overseas. In accordance with its international obligations under the UN Convention Relating to the Status of Refugees, Australia also provides protection to people who arrive in Australia seeking asylum. Historically, however, Australia's policy response to people seeking asylum has been particularly punitive, including the re-introduction of temporary forms of protection for those found to be refugees.

The choice to participate in higher education is an important factor for many people seeking asylum in Australia (Hartley, Fleay, Baker, Burke, & Field, 2018). Further education can provide asylum seekers with important opportunities to develop and enhance capacities and knowledge to sustain their livelihoods; aiding resettlement, social inclusion, and personal life fulfilment (Fleay, Lumbus & Hartley, 2016). Despite this, access to Australian higher education remains a persistently difficult problem for people seeking asylum who are effectively locked out because of the temporary nature of their visas (Burke, Fleay, Baker, Hartley, & Field, 2020). Because of their visa status, people seeking asylum and refugees living on temporary visas are classified as international students and are therefore pushed to pay full fees. Further, these people lose the only welfare payment they are eligible to collect if they enrol in a program of study of over 12 months duration. This has created a subclass of asylum seekers and refugees who are effectively denied access further education in Australia, unless they are able to access one of the few fee-waiver scholarships offered by some Australian universities (Hartley et al., 2018).

While the gendered issues that women refugees face in accessing education have been documented (Hatoss & Huijser, 2010; Harris, Chi & Spark; 2013; Watkins, Razee & Richters, 2012), there is little known about how women from asylum seeking backgrounds access, or participate in, higher education in Australia.

Overview of article

The discussion in this article focuses on the lived experience of a mature-aged woman living in Australia from an asylum-seeking background who is living on a temporary visa while her claims for refugee status are processed. Her discussion focuses on reflections of her educational experience and passions in her homeland of Pakistan and her aspirations and barriers to

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engaging in higher education and employment in Australian society. This discussion comes from a broader collaborative research project with women from asylum-seeking backgrounds in Perth, Western Australia and four academics, all who identify as women. Through the broader collaborative project, the women seeking asylum discussed at length a range of issues relating to accessing higher education in their country of origin and in Australia. These conversations cut a range of issues including how gender identity intersected to shape experiences of accessing higher education in a pre- and post-migration context, and the conditions leading to their precarious experience in Australia. Mrs Babar[2], the first author of this article, is a woman of lived experience of seeking asylum and Lisa, the second author, is a human rights academic and practitioner. The third author, Rachel is an applied linguist and Rebecca, the fourth author, is a social work and human rights teacher and researcher.

My life in Pakistan: "How can I help these women?".

In north-west Pakistan where I grew up, women don't often pursue education, and many come from very disadvantaged backgrounds. In one country, we have a two-type society: one in which people are living a very hard life, and on the other side, they are living a life with the full luxuries. I was lucky to come from a privileged family and I think often about the first time I knew I wanted to be a lawyer. We had a maid who worked in our house during my childhood. When I was about six or seven years old, I remember her coming to our house with bruises on her face because her husband had beaten her so much. I couldn't understand this because in our home my dad was very polite, very cooperative with my mum, and sharing the housework with my mum. I couldn't understand how men could behave like this to hurt their wife. When I saw these bruises, I asked my dad, "How can I help these women?". My dad told me that if you want to do something you have to become a lawyer and fight for them.

From that moment, I was driven to become a lawyer to help women who are underprivileged and facing domestic violence and abuse. My parents and brothers helped me a lot during my studies which was a difficult profession to study because it was male dominated. But I was successful. I even appeared at a judiciary exam to work as a judge. Although I passed the exam, I didn't end up becoming a judge because when you become a judge, you can't help the women I wanted to help. So, I started working as a lawyer and worked with an NGO helping women facing abuse. Not long after this, however, I got married and needed to escape Pakistan to find safety. My husband and I ended up in Australia, and our lives have changed forever.

Coming to Australia: "I'm wasting my life and skills"

I arrived in Australia a few years ago and am still waiting for my refugee claims to be processed. While I wait, I am forced to live on a temporary bridging visa. This visa allows me to live in the Australian community but to gain access to higher education, I need to pay full-international student fees. There are some Australian universities that offer fee-waiving scholarships for people in my situation, but where I am in Perth only Curtin University offers these, and it is very competitive with only a few offered a year. To study a law degree as an international student is

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[2] Mrs Babar is the pseudonym of the first author. A pseudonym has been used for the purpose of her safety in a hostile environment.

very expensive and impossible for me as being mother of two children on my husband's income. As an asylum seeker, I don't receive any government assistance for childcare to place my two children in day-care while I work or study. My husband says, "Whatever you are getting from your job, you will pay for the kids to be in day-care, so where will you leave the kids?". So, I am caught.

If I try to apply for recognition of my Pakistani law qualification, I need to pass the International English Language Testing System (IELTS) with a very high score of 8.0[3] and then submit my degree to the local bar for assessment. If I get a positive assessment, then I am eligible to attend a one-year legal training program. So, it's a long process and to achieve the high IELTS score requires professional coaching which costs a lot of money.

Sometimes I feel very depressed and I feel like I'm wasting my life and skills. If I were back in Pakistan at least I could do work in my field, but I can't go back to my country, it is not safe. This situation not only affects my physical health but my mental health. Although my husband is very helpful in our family life, as a woman I have to look after my children. But as an educated woman it is very important for me to start work in my field and to continue to help other women not as fortunate as me.

If the Australian government gave asylum seekers and refugees on temporary visas the chance to work on themselves when they first arrive in Australia, it would mean they would be more likely to be able to support themselves and they won't be a big burden on the government. And it would help with the mental and physical health issues caused by the stress of sitting home and worrying about our future. As a woman, I worry 24 hours a day about the details of our situation and about our children. My husband, he speaks a little bit about our problems, but he goes to work and gets it out of his head. My husband has the same problems, but he sleeps. I want to sleep, but I cannot.

I wish the Australian government could help make it easier for me to contribute to our life here. We are living here, my kids are here, they go to school here, my husband works and pays tax. This is our society now and I want to contribute. But I am not doing anything, I just sit at home and I am just wasting my life in terms of my field and to be helping others.

Conclusion

Mrs Babar's lived experiences echoes previous research which finds people seeking asylum as one of the most educationally disadvantaged populations in the Australian community (Hartley et al., 2018). This disadvantage includes barriers created from ones' temporary visa status, including needing to pay prohibitive international fees to gain entry, but also the very often unobtainable English language requirements for admission into a degree or for overseas qualification recognition (Burke et. al 2020). In Mrs Babar's case, despite strong English levels,

[3] The Australian federal government requires student visa applicants to achieve at least a 5.5 on the test. Alternatively, they can get a 5.0 and do at least 10 weeks of intensive English language learning, or a 4.5 and do at least 20 weeks of intensive English language learning. The highest a person can achieve is a 9.0.

achieving a score of 8.0 on the IELTS test is unobtainable due to the costs involved in undertaking the extensive training required, and inability to access childcare to do this in the first place. It also is important to note the IELTS being criticised by university academic and administrative staff for being a poor predictor of performance (Hyatt, 2013).

Mrs Babar's experiences offer important insights into the gendered forms of exclusion facing women asylum seekers in the Australian context, including the lack of government funded childcare subsidy given to people on temporary visas in Australia and the pressures of assuming family responsibilities while her husband works full-time. Her experience also speaks to the gendered mental load in terms of the worry she holds for her family's future and the uncertainty surrounding their temporary visa status.

In sharing the various complexities of her current circumstances, Mrs Babar offers important insights into the need for research that focuses specifically on issues of gender and access to higher education for people seeking asylum. Exploring how sociocultural attitudes to gender interact with the unique circumstances and restraints imposed on people seeking asylum will provide greater insight into the complexities of accessing and successfully completing higher education for this vulnerable group. Research may also identify current attempts by institutions and community agencies to support pathways into education for women seeking asylum, and possibilities for expanding these supports. Mrs Babar, like so many other people around the world, just wants to contribute to her host society but has been rendered excluded from meaningful societal participation due to her temporary visa status.

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