

Detention, Trauma, And Procedural Fairness: A Social Work Analysis Of Barriers To Humanitarian Protection For Non-Citizens In Australia.

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Abstract:

Background: This systematic review examines how Australia's immigration detention system affects the procedural fairness experienced by people seeking humanitarian protection. According to Elton et al. (2019), the conditions of detention, such as isolation, indefinite confinement, and restricted access to support, significantly undermine a person's ability to present a clear and credible asylum claim. Verghis et al. (2023) similarly note that these conditions limit opportunities for meaningful participation in refugee status determination processes. Kenny et al. (2024) asserts that trauma, psychological distress, and disrupted narrative coherence caused by detention weaken the effectiveness of legal representation and reduce the fairness of interviews and assessments.

Materials and Methods: Guided by PRISMA methods, this review synthesises evidence from peer-reviewed literature to examine how detention practices shape procedural fairness, wellbeing, and rights. This review also identifies systemic barriers, including limited access to interpreters, legal advice, and culturally safe services, which Kenny et al. (2024) advises are intensified by the carceral environment.

Results: Elton et al. (2019) further postulates that privative clauses and minimal judicial oversight restrict avenues for natural justice, leaving asylum seekers with few procedural safeguards. The findings show that detention conditions, trauma, and institutional barriers collectively compromise a person's ability to engage meaningfully in refugee status determination processes and weaken the fairness of legal assessments.

Conclusion: Overall, this review highlights how detention practices compromise fairness, wellbeing, and rights, demonstrating the need for systemic reform. The findings aim to inform a social work framework that strengthens advocacy, supports trauma-aware practice, and promotes more just and humane refugee status determination processes in Australia.

Key Word: Detention, asylum seekers, procedural fairness, trauma, social work, Australia.

Date of Submission: 16-03-2026

Date of Acceptance: 26-03-2026

I. Introduction

The Australian immigration detention system has been widely criticised for its strict policies and long periods of confinement, raising serious concerns about human rights and the wellbeing of asylum seekers. According to Kaldor et al. (2025), mandatory and often indefinite detention is exceptionally punitive, offering almost no independent judicial review and very limited pathways to release. The National Justice Project (2022) similarly notes that this system restricts basic freedoms and exposes people to ongoing harm. Steer and Edwards (2022) assert that such conditions cause severe psychological distress and make it harder for individuals to navigate complex legal processes. Kaldor et al. (2025) and Kenny et al. (2024) both advise that prolonged uncertainty and trauma can undermine an asylum seeker's ability to provide a consistent and credible account of persecution, which is essential for refugee status determination.

This systematic review examines the practical, psychosocial, and structural barriers within detention that undermine procedural fairness for people seeking humanitarian protection. Elton et al. (2019) postulate that the carceral environment disrupts narrative coherence and limits access to legal and psychosocial support, while Healey (2022) notes that these barriers weaken a person's capacity for self-advocacy. Kenny et al. (2024) ascribes a key role to social work in addressing these inequities and promoting more humane processes. The Refugee Council of Australia (2024) and Verghis et al. (2023) highlight the significant harm caused by deterrence policies, including detention and forced turnbacks, which have well-documented negative health impacts. The National Justice Project (2022) further advises that the lack of independent oversight and limited access to essential services perpetuate vulnerability and obstruct fair decision-making.

Guided by PRISMA methods, this review aims to analyse these systemic barriers to inform policy and practice reforms that uphold procedural fairness and human dignity (National Justice Project, 2022; Steer & Edwards, 2022). Morgan (2015) asserts that the securitised nature of detention restricts meaningful participation

in asylum claims, particularly when individuals must articulate traumatic experiences. Verghis et al. (2023) notes that restricted communication channels intensify isolation and impede effective legal representation, further weakening the ability to present a coherent protection narrative.

II. Literature Review

The current literature on Australia's immigration detention system consistently highlights the severe psychosocial impacts of prolonged confinement and the consequences this has for procedural fairness in refugee status determination. According to the Asylum Seeker Resource Centre (2025), mandatory detention and policies such as the "Fast Track" process have significantly undermined equitable outcomes. The Asylum Seeker Resource Centre (2025) also notes that these legal frameworks have enabled long-term detention with limited safeguards. However, a key gap remains in understanding the specific mechanisms through which detention environments disrupt narrative consistency and credibility, factors that are central to successful protection claims from both socio-legal and psychological perspectives.

Legal Frameworks, Procedural Fairness, and Australia's Obligations Under International Law:

The Migration Act 1958 (Cth) establishes a strict statutory framework that governs how officers identify and detain non-citizens. Under section 188, an officer who knows or reasonably suspects that a person is a non-citizen may require them to present evidence of their lawful status or identity, including personal identifiers, within a prescribed timeframe. Section 189 then imposes a mandatory duty: if an officer knows or reasonably suspects that a person in the migration zone is an unlawful non-citizen, the officer must detain them. This obligation extends to various geographical contexts, including excised offshore places, and applies even where the person is merely seeking to enter the migration zone. Together, these provisions create a system in which detention is automatic and non-discretionary once reasonable suspicion arises, leaving little room for contextual assessment of individual circumstances.

In contrast, the Australian Law Reform Commission (2016) emphasises that procedural fairness requires administrative decision-makers to act fairly in the processes leading to a decision, regardless of the substantive outcome. Procedural fairness involves two key inquiries: whether a duty to afford procedural fairness exists, and what the content of that duty requires in the circumstances. The High Court has held that a failure to observe procedural fairness, unless validly limited by statute, renders a decision jurisdictionally flawed, attracting constitutional remedies such as prohibition under s 75(v) of the Constitution. When viewed alongside the Migration Act's mandatory detention provisions, the ALRC's definition highlights a tension between statutory powers that enable immediate deprivation of liberty and the broader administrative law principles requiring fairness, transparency, and an opportunity to be heard.

Australia's non-refoulement obligations require the government not to send a person to a country where they face serious harm, and the Migration Act 1958 (Cth) explains this clearly. Section 5(1) states that non-refoulement obligations arise under the *Refugee Convention*, the *International Covenant on Civil and Political Rights*, the *Convention Against Torture*, and similar obligations under customary international law. These obligations are then linked to the protection visa framework in s 36 (2) (a), (aa), which says a person may receive protection if the Minister is satisfied they are a refugee, or if there are substantial grounds to believe that removing them from Australia would create a real risk of significant harm. Together, these provisions show that Australia must not return people to danger and must assess protection claims carefully before any removal action is taken (Migration Act 1958 (Cth) ss 5(1), 36(2) (a), (aa)).

Structural Barriers and Systemic Harm: How Detention Practices Disrupt Procedural Fairness for Asylum Seekers in Australia:

The National Justice Project (2022) notes that extended detention periods, sometimes lasting years, lead to psychological deterioration and inconsistent legal support, further weakening a person's ability to present their case. The Asylum Seeker Resource Centre (2025) and Kaldor et al. (2025) assert that policies restricting family reunification and enabling offshore transfers intensify mental distress and obstruct humanitarian protection pathways. Tarshish et al. (2024) posits that these structural deficiencies require a nuanced understanding of how systemic factors intersect with trauma and vulnerability to impede procedural fairness.

The literature also highlights that the geographical isolation of detention facilities severely limits access to legal aid, interpreters, and essential support services. According to the Royal Commission into Institutional Child Sexual Abuse (2017), this isolation makes it extremely difficult for asylum seekers to gather evidence and substantiate their claims. The National Justice Project (2022) argues that this remoteness, combined with opaque decision-making processes, deepens the power imbalance between the state and the asylum seeker, weakening the integrity of procedural fairness.

Furthermore, the Asylum Seeker Resource Centre (2025) notes that the use of coercive tactics and the reintroduction of temporary protection visas for people arriving by sea undermine fairness and place individuals

with credible claims at risk. Kaldor et al. (2025) asserts that these measures entrench insecurity and restrict access to durable protection. The Refugee Council of Australia (2024) advises that such policies contribute to inconsistent outcomes and expose asylum seekers to ongoing harm.

The Role of Social Workers in Safeguarding Procedural Fairness for Asylum Seekers:

The role of Social Workers in supporting asylum seekers through these complex and often traumatising processes is also under-examined. Kenny et al. (2024) asserts that trauma can severely affect a person's ability to articulate a coherent narrative, which is essential for credibility assessments. Kenny et al. (2024) further ascribes to Social Workers a unique capacity to advocate for trauma-informed approaches within refugee status determination processes. According to Kaldor et al. (2025), the absence of enforceable rights against arbitrary detention and restrictions on communication technologies significantly impede access to legal support. Petrie and Spinks (2020) similarly advise that limited communication access heightens vulnerability. Elton et al. (2019) and the National Justice Project (2022) both postulate that these restrictions hinder evidence gathering and undermine due process, often resulting in prolonged detention without timely resolution.

Social workers play a crucial role in this space because they advocate for both individual clients through case advocacy and for broader systemic change through cause advocacy. According to Tarshish et al. (2024), this dual role is essential for addressing rights, access to services, and the structural barriers faced by asylum seekers. Ife (2016) argues that social workers support individuals by helping them navigate complex legal and administrative systems while also pushing for policy reforms that uphold human rights and improve access to justice. This systematic review therefore aims to synthesise existing research to provide a clear understanding of the many barriers to procedural fairness within Australia's humanitarian protection system.

Such an understanding is essential for developing strong social work advocacy frameworks that integrate trauma-informed practice and challenge systemic barriers to justice. As Tarshish et al. (2024) advises, social work must centre human rights and social justice in responding to these issues. This systematic review therefore investigates how detention, trauma, and systemic limitations intersect to impede procedural fairness for people seeking humanitarian protection in Australia, highlighting the profound legal and social implications through a social work lens.

In conclusion, this review highlights the urgent need for a multi-theoretical approach to address the psychosocial and structural factors that undermine procedural fairness for non-citizens in Australian detention. Healey (2022) and Steer and Edwards (2022) note that this requires a deeper examination of how legal and policy frameworks, such as mandatory indefinite detention and limited judicial review, intersect with the lived experiences of asylum seekers to produce systemic injustice. Elton et al. (2019) argues that non-discretionary mandatory detention, which lacks the procedural safeguards found in other legal contexts, represents a significant departure from due process principles. This necessitates a critical evaluation of its human rights implications and a shift toward trauma-informed and rights-based practices.

III. Material And Methods

This systematic review follows the Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) guidelines to ensure transparency and methodological rigour in examining how detention affects procedural fairness (Page et al., 2021). This structured approach includes a comprehensive search strategy, clear selection criteria, and a consistent data extraction process designed to map the existing evidence base and identify key gaps in knowledge about the challenges faced by asylum seekers in Australian detention facilities. According to Kaldor et al. (2025), such systematic mapping is essential for understanding the complex interplay between detention practices, trauma, and legal processes.

Screening and data sources: A multi-database search was conducted across Google Scholar, Google Search, Informit, LegendCom and AustLII to locate studies on immigration detention, procedural fairness, trauma, and social work in Australia. The initial search produced (n=9,383) unique records, which were refined through staged screening based on relevance, geographic focus, and alignment with the research aims. The search strategy used Boolean operators and keywords such as "immigration detention," "procedural fairness," "asylum seekers," "refugee status determination," "trauma," "social work," and "Australia." Kaldor et al. (2025) notes that including both academic and grey literature, such as NGO reports and legal submissions, is crucial for capturing the full scope of issues affecting detainees.

Inclusion: This review included (n=45) studies published between 2010 and 2025 that examined how detention affects procedural fairness for people seeking humanitarian protection in Australia. Kenny et al. (2024) asserts that research on trauma, legal aid access, and narrative coherence is central to understanding fairness in asylum processes, and these areas were prioritised. Kenny et al. (2024) also advises that studies involving social workers and legal practitioners provide essential insights into practical barriers faced by detainees.

Exclusion: Studies were excluded if they focused solely on policy frameworks without empirical data, or if they examined detention systems outside Australia. A total of (n=9,338) records were excluded for lacking relevance to the intersection of detention, trauma, and procedural fairness. Verghis et al. (2023) notes that research centred only on general health impacts was also unsuitable for this review, which required a specific focus on fairness within legal processes.

This rigorous screening process resulted in (n=45) sources forming the final dataset. Extracted data underwent thematic analysis to identify recurring patterns and key issues related to procedural fairness and the psychosocial impacts of detention. This careful selection and analysis ensure that the review's findings are grounded in robust evidence, enabling a nuanced examination of how detention conditions undermine fair and just outcomes for asylum seekers in Australia.

Theoretical Framework:

This systematic review uses a multi-theoretical framework that draws on critical social work, trauma-informed approaches, and human rights discourse to examine how different factors interact to affect procedural fairness in Australian immigration detention. According to Elton et al. (2019), this combined lens helps explain how carceral environments, when layered with trauma, systematically undermine due process and natural justice for people seeking humanitarian protection.

Critical Realism: Critical realism provides an ontological foundation for examining the deeper causal mechanisms shaping experiences within detention (Stutchbury, 2022; Zhang, 2023). Atak et al. (2023) argues that this perspective moves beyond surface-level description to uncover the structural forces that impede fairness, including power imbalances and institutional vulnerabilities. Croucher (2019) similarly notes that critical realism helps identify how hidden mechanisms shape observable outcomes. Kenny et al. (2024) states that this approach, originally propounded by Roy Bhaskar, posits that what we see in detention settings reflects underlying structures that significantly influence procedural fairness.

Intersectionality: Intersectionality recognises that overlapping forms of oppression, such as race, gender, class, and refugee status, combine to intensify vulnerability in detention (Taha, 2019). Wilkie (2022) asserts that these intersecting identities complicate access to fair processes. Elton et al. (2019) notes that intersectionality is essential for understanding how discrimination shapes access to justice. A trauma-informed lens further acknowledges that trauma affects memory, cognition, and narrative coherence, all of which are crucial for participating effectively in asylum processes.

Human Rights Social Work: Human rights social work offers a normative framework for assessing whether detention practices align with international human rights obligations. Elton et al. (2019) and Asylum Seeker Resource Centre (2025) argue that this lens highlights gaps in access to justice and fair hearings. Gueta (2020) asserts that social workers have an ethical duty to advocate for systemic change that protects dignity and rights regardless of migration status. Ife (2016) advises that human rights social work moves beyond legal definitions, emphasising practical action to address structural inequality and promote substantive fairness.

Together, these three ontological frameworks, critical realism, intersectionality, and human rights social work, are essential because they allow this review to examine not only what happens in detention, but why it happens and how it affects fairness in asylum processes. According to Stutchbury (2022), critical realism helps uncover the hidden structures and mechanisms that shape people's experiences, making it possible to understand how detention environments systematically limit fair participation. Reid et al. (2011) notes that intersectionality exposes how overlapping disadvantages intensify these harms, while a human rights social work lens ensures the analysis stays grounded in dignity, justice, and ethical responsibility. Using these frameworks together strengthens the methodological approach by linking structural causes, lived experiences, and rights-based obligations, providing a clearer and more comprehensive understanding of how detention undermines procedural fairness.

IV. Result

Five key findings were identified in this review. These findings included the following:

1. The findings show that macro-level securitisation policies combine with institutional practices and individual vulnerabilities to undermine procedural fairness, creating structural barriers that limit meaningful participation in legal processes (Royal Commission into Institutional Child Sexual Abuse, 2017; Tarshish et al., 2024).
2. An intersectional analysis reveals that overlapping oppressions, such as gender, race, and socioeconomic status, compound the disadvantages faced by people in detention, further restricting access to justice and intensifying harm (Elton et al., 2019; Kaldor et al., 2025).

3. A human-rights perspective demonstrates that prolonged and indefinite detention breaches international legal standards and erodes dignity, with evidence showing severe psychological and physical harm resulting from Australia's punitive detention regime (Morgan, 2015; Verghis et al., 2023; National Justice Project, 2022).
4. Despite Australia's formal non-refoulement obligations, offshore processing and mandatory detention expose asylum seekers to conditions that risk refoulement, including violence, medical neglect, and coercive returns (Akal, 2023; Bostock & Cabarrus, 2021).
5. The evidence shows that securitisation, criminalisation, and secrecy within the detention system heighten vulnerability and restrict opportunities to challenge detention, transforming an administrative process into one resembling punishment (Elton et al., 2019; Kaldor et al., 2025; Refugee Council of Australia, 2024).

Primary Research Question: How do the conditions of immigration detention in Australia specifically impede access to procedural fairness for individuals seeking humanitarian protection?

The conditions of immigration detention significantly erode procedural fairness by creating an environment that prevents effective participation in complex legal processes. According to Elton et al. (2019) and Kaldor et al. (2025), prolonged isolation, limited access to legal counsel, and systemic opacity intensify existing vulnerabilities. Verghis et al. (2023) notes that trauma and mental health deterioration caused by confinement further weaken a person's ability to articulate their claims. Elton et al. (2019) argues that mandatory detention treats asylum seekers as criminals rather than people seeking protection, undermining their legal standing and access to fair treatment.

This punitive approach also contravenes international human rights obligations. Kaldor et al. (2025) asserts that such practices worsen psychosocial disabilities, making it even harder for detainees to engage with protection processes. Fairness (2025) mentions that the government's power to reassess protection findings adds another layer of uncertainty. Elton et al. (2019) and the Refugee Council of Australia (2024) note that long periods of detention cause severe mental health decline, which directly affects a person's capacity to participate in refugee status determination.

Fairness (2025) states that extensive delays in processing protection visas, sometimes lasting years, further destabilise asylum seekers. Elton et al. (2019) argues that this uncertainty undermines a person's ability to present a coherent and credible account of persecution. Healey (2022) and Steer and Edwards (2022) advise that the lack of adequate legal and social support in detention compounds these challenges, leaving individuals without the resources needed to navigate complex legal frameworks.

Compounding these issues are secrecy provisions that limit public scrutiny and restrict access to external legal advice. Elton et al. (2019) and Kaldor et al. (2025) note that these restrictions entrench systemic abuses. Elton et al. (2019) also argues that the dehumanising nature of incarceration criminalises people despite their administrative status. Healey (2022) and the Refugee Council of Australia (2024) postulate that arbitrary and prolonged detention inflicts severe psychological harm, directly undermining procedural fairness.

Kaldor et al. (2025) states that limited legal aid makes it extremely difficult for detainees to gather evidence, especially in complex visa cancellation cases. Healey (2022) notes that mandatory detention applies regardless of individual risk, often resulting in indefinite confinement. Sampson et al. (2015) argues that people become "lost in the system" due to opaque and poorly managed processes, which prevents them from understanding or engaging with their own case.

This lack of transparency and accountability creates major barriers for individuals trying to assert their rights. Kaldor et al. (2025) notes that limited access to communication technologies further isolates detainees and restricts contact with legal representatives. Sampson et al. (2015) advises that early legal counsel is essential for understanding legal processes, yet access is frequently curtailed.

In summary, Elton et al. (2019), Kaldor et al. (2025), and the National Justice Project (2022) argue that punitive detention practices and inadequate support systems severely compromise procedural fairness. Steer and Edwards (2022) states that this contradicts Article 31 of the Refugee Convention, while Healey (2022) notes that mandatory detention has applied to all non-citizens without visas since 1992. Therefore, social workers must use their expertise to advocate for due process and humane conditions, as Elton et al. (2019), Healey (2022), and Verghis et al. (2023) emphasise.

Research Question 1: What psychosocial, cultural and structural factors within detention influence a person's capacity to disclose persecution narratives?

An important finding in this review is that the prolonged and often arbitrary nature of immigration detention, combined with poor access to legal and social support, significantly limits the ability of people seeking asylum to clearly articulate their persecution narratives. Elton et al. (2019), Healey (2022), Morgan (2015), and Steer and Edwards (2022) all argue that these conditions make it extremely difficult for individuals to participate meaningfully in their protection claims. Healey (2022) and Morgan (2015) advise that targeted, trauma-aware interventions are essential to support accurate and full disclosure during refugee status determination. Kenny et

al. (2024) notes that constant legal and policy changes further destabilise asylum seekers and complicate the advice they receive.

The compounded effects of this unstable environment heighten anxiety and psychological distress. Healey (2022) and Kenny et al. (2024) assert that this distress weakens narrative coherence and reduces a person's ability to engage with complex legal processes. Elton et al. (2019) and the National Justice Project (2022) state that fear and uncertainty can lead to self-censorship or reluctance to disclose sensitive information. Kenny et al. (2024) argues that this climate fosters a sense of powerlessness, where individuals worry their testimony will be dismissed. Kenny et al. (2024) also notes that without a psychologically safe environment and consistent professional support, trust cannot form, making disclosure even more difficult.

This erosion of trust, combined with the punitive nature of detention, often leads to reluctance among asylum seekers to fully engage with authorities. Kenny et al. (2024) and Sampson et al. (2015) state that many fear their disclosures could result in prolonged detention or deportation. The Royal Commission into Institutional Child Sexual Abuse (2017) mentions that fear of retribution from staff or other detainees also discourages disclosure. Nicholson et al. (2017) argues that shame and stigma, especially for those who have experienced age- or gender-based persecution, further inhibit communication. Kenny et al. (2024) and Nicholson et al. (2017) note that recalling traumatic memories is extremely difficult, and a lack of rapport with officials can worsen this challenge.

The lack of culturally sensitive and trauma-informed interviewing practices further contributes to incomplete or fragmented testimonies. Kenny et al. (2024) states that these practices often fail to recognise diverse communication styles or the cognitive impacts of trauma. This leads to credibility assessments based on perceived inconsistencies rather than trauma-informed understanding. The Royal Commission into Institutional Child Sexual Abuse (2017) notes that when immigration staff are perceived as hostile, fear of negative consequences outweighs the need to disclose sensitive information. The Royal Commission into Institutional Child Sexual Abuse (2017) also argues that individuals may avoid reporting abuse because they fear it could harm their asylum claims or result in deportation or transfer offshore.

In conclusion, the power imbalances within detention, combined with widespread distrust of authorities and limited access to independent support, systematically undermine the ability of asylum seekers to participate genuinely in their protection claims. The Royal Commission into Institutional Child Sexual Abuse (2017) and Sampson et al. (2015) both state that these conditions create significant barriers to fair engagement. Elton et al. (2019) argues that prison-like conditions restrict access to legal and community support, shielding the realities of detention from public and judicial oversight. Kenny et al. (2024) and the Royal Commission into Institutional Child Sexual Abuse (2017) advise that Social Work scholarship and practice must urgently address these systemic barriers by advocating for trauma-informed approaches and stronger procedural safeguards within the Australian asylum system.

Research Question 2: How do detainees experience access to legal advice, interpreters, and support services during the protection process?

This question explores the practical difficulties non-citizens face when trying to secure legal representation and understand complex legal processes. According to Kaldor et al. (2025), these challenges are intensified by the carceral environment of detention, which often prevents people from presenting a full and coherent case for protection. Kaldor et al. (2025) also notes that detention restricts both the frequency and confidentiality of meetings with lawyers, while Verghis et al. (2023) argues that this erosion of trust weakens a person's ability to build a strong asylum claim. The Royal Commission into Institutional Child Sexual Abuse (2017) states that the geographical isolation of many detention centres further limits access to legal advocates, interpreters, and support organisations.

According to the National Justice Project (2022), the use of "on-water" assessments for people intercepted at sea further restricts access to legal representation and independent review. Elton et al. (2019) argues that these truncated processes risk returning people to harm without proper assessment, breaching non-refoulement obligations. Kaldor et al. (2025) notes that such expedited procedures undermine due process and fair hearing rights, especially given the heightened vulnerability of asylum seekers in maritime settings.

Kenny et al. (2024) asserts that these practices also limit the ability of legal professionals to help asylum seekers recount traumatic experiences and meet the burden of proof required for protection. Healey (2022) states that the average detention period of 553 days in May 2020 intensifies mental distress and complicates legal engagement. Kaldor et al. (2025), the Refugee Council of Australia (2024), and Verghis et al. (2023) all argue that prolonged deprivation of liberty severely impairs cognitive functioning and communication, further hindering a person's ability to articulate their claims.

Healey (2022) notes that this extended uncertainty directly affects narrative coherence, especially when legal and interpreting support is inconsistent. Morgan (2015) argues that limited early access to legal advice disproportionately harms people who have experienced trauma and struggle to express their protection claims.

Sampson et al. (2015) states that poor access to qualified interpreters leads to miscommunication and misinterpretation of key details, jeopardising the accuracy of legal submissions.

Kaldor et al. (2025) argues that Australia's history of returning asylum seekers without proper assessment raises serious concerns about breaches of non-refoulement. The National Justice Project (2022) notes that expedited systems like the Fast Track process have produced higher refusal rates and raised doubts about fairness. Kenny et al. (2024) and the Refugee Council of Australia (2024) state that these processes disadvantage people with credible claims, while Elton et al. (2019) and the National Justice Project (2022) highlight significantly lower screening success rates for those processed offshore.

In summary, these systemic deficiencies, particularly poor access to legal aid, inadequate interpretation, and the harms of prolonged detention, collectively erode procedural fairness for people seeking humanitarian protection. Healey (2022) argues that these conditions cause severe psychological distress and weaken legal engagement. From a social work advocacy perspective, Fairness (2025) states that policies like the Fast Track system produce legally incorrect decisions and retraumatise asylum seekers through limited review processes. This underscores the need for strong social work advocacy to challenge harmful policies and promote fair, trauma-informed procedures.

Research Question 3: In what ways do trauma, mental health and surveillance environments shape credibility assessments?

The findings show that the pervasive experience of trauma, both from pre-arrival persecution and post-arrival detention, deeply affects a person's ability to provide a coherent and consistent narrative. Kenny et al. (2024) argues that this often leads to unfair credibility assessments by decision-makers who lack trauma-informed training. Kenny et al. (2024) and the Refugee Council of Australia (2024) note that psychological distress, intensified by indefinite detention, impairs memory recall and narrative consistency, which can wrongly be interpreted as dishonesty.

Credibility assessments are often conducted without recognising the neurocognitive impacts of trauma. Kenny et al. (2024) states that trauma can cause memory fragmentation, confusion about timelines, and emotional numbing, all of which make it difficult to provide a linear account. Kaldor et al. (2025) notes that surveillance-heavy detention environments create hyper-vigilance and distrust, further inhibiting open disclosure essential for substantiating a protection claim.

This creates a major disconnect between the legal expectation of a coherent narrative and the psychological reality of trauma survivors. Kenny et al. (2024) argues that this mismatch leads to unfair refusals based on perceived inconsistencies rather than the actual merits of a case. Verghis et al. (2023) notes that trauma, isolation, and restricted access to support networks significantly undermine wellbeing and legal engagement. Nicholson et al. (2017) advises that credibility assessments must be objective, impartial, and focused on material facts, taking individual and contextual factors into account.

Social workers are uniquely positioned to bridge this gap. Flowers and Zetino (2024) assert that social workers can advocate for trauma-informed approaches in credibility assessments by highlighting how trauma and detention shape mental health. Sampson et al. (2015) notes that this includes ensuring decision-makers understand that inconsistencies may reflect trauma rather than deception. Nicholson et al. (2017) advises that the "benefit of the doubt" should be applied when credible statements are made, recognising the barriers asylum seekers face in providing full evidence.

This perspective is crucial because Kenny et al. (2024) states that many legal professionals feel unprepared to address the complex mental health needs of asylum seekers. The Royal Commission into Institutional Child Sexual Abuse (2017) argues that specialised training is essential for mental health clinicians working in detention to ensure culturally relevant and appropriate care. Kenny et al. (2024) notes that the challenges faced by legal practitioners when supporting distressed clients further highlight the need for trauma-informed practice across all stages of the protection process.

In conclusion, this review shows a clear need for a comprehensive, multi-theoretical framework that integrates social work perspectives, trauma-informed care, and legal advocacy. Kenny et al. (2024), the Royal Commission into Institutional Child Sexual Abuse (2017), and Tarshish et al. (2024) all argue that such an approach is essential to address the deep procedural fairness deficits in Australia's detention system. The National Justice Project (2022) and Steer and Edwards (2022) state that mandatory, indefinite detention exacerbates trauma and violates human rights, making reform urgent. Tarshish et al. (2024) posits that rights-based advocacy must move beyond individual pathology to address the systemic marginalisation and discrimination experienced by asylum seekers.

Research Question 4: What advocacy roles can Social Workers play to enhance procedural Fairness for detainees seeking Humanitarian Protection?

Social workers can play a pivotal role in promoting procedural fairness by advocating for policy reform, supporting detainees directly, and ensuring trauma-informed practices are embedded in refugee status determination. Healey (2022) argues that social workers are essential in helping people navigate detention and prepare coherent narratives. Tarshish et al. (2024) notes that their work ranges from assisting with legal access and narrative coherence to advocating for systemic change, including training decision-makers in trauma-informed approaches. Kaldor et al. (2025) states that social workers also challenge legal restrictions on detainees' rights, including advocating for protections against arbitrary detention and for access to communication tools such as mobile phones.

Furthermore, Tarshish et al. (2024) asserts that social workers are central to developing advocacy frameworks that recognise the deep impact of trauma on marginalised groups. Tarshish et al. (2024) advises that this requires a commitment to "working with" rather than "doing for" individuals, promoting collaboration and challenging systemic injustices. Tarshish et al. (2024) also notes that social workers' understanding of social determinants of health enables them to identify structural barriers that limit access to justice for people seeking protection.

This includes advocating for trauma-informed models of practice that prioritise safety, trust, empowerment, choice, and collaboration. Tarshish et al. (2024) argues that these principles are especially important given the power imbalances in detention. Ife (2016) states that social workers are well-placed to engage in human rights advocacy and push for legislative reforms that challenge mandatory detention. Ife (2016) and Tarshish et al. (2024) both note that this approach emphasises the human dimension of rights, translating individual needs into rights-based arguments and offering both practical and symbolic support.

This work requires a strong understanding of legal frameworks and psychosocial dynamics. According to the National Justice Project (2022), social workers can clearly articulate how trauma and detention conditions undermine a person's ability to present a coherent asylum claim. Day et al. (2023) argues that social work involvement is essential to ensure research findings translate into real policy change. Kenny et al. (2024) advises that training legal professionals and adjudicators in trauma-informed practice is crucial to reduce re-traumatisation and improve the quality of credibility assessments.

Social workers can also contribute to interdisciplinary collaborations. Tarshish et al. (2024) notes that working alongside legal and mental health professionals helps create holistic support systems that address both legal and psychosocial needs. Day et al. (2023) and Tarshish et al. (2024) argue that social workers, as experts in marginalisation, are uniquely positioned to amplify detainees' voices and integrate their lived experiences into policy advocacy aimed at reforming detention practices.

Such advocacy is essential for upholding the human rights of asylum seekers and ensuring their claims are assessed fairly. Ife (2016) asserts that social work ethics require a shift away from punitive detention toward community-based alternatives. Sampson et al. (2015) notes that social workers provide crucial individual-level support, while Day et al. (2023) argues that they also translate research into accessible language for policy impact. Albornoz et al. (2024) states that social workers are vital in turning psychosocial evidence into policy recommendations for more compassionate, trauma-informed immigration systems. Albornoz et al. (2024) and the Royal Commission into Institutional Child Sexual Abuse (2017) advise that specialised training and trauma-informed services are essential, especially for children and families who need safe, independent spaces to disclose abuse and seek help.

V. Discussion

From a critical realist perspective, the findings show how macro-level structures of immigration detention, shaped by securitisation and punitive policy, interact with meso-level institutional practices and micro-level individual experiences to create major barriers to procedural fairness. According to the Royal Commission into Institutional Child Sexual Abuse (2017) and Tarshish et al. (2024), this interaction intensifies vulnerability and limits meaningful engagement in complex legal processes. Elton et al. (2019) argues that mandatory detention, driven by deterrence and retribution rather than welfare, shifts power away from the rights-holder and effectively penalises people seeking asylum.

Using an intersectional lens, the findings also show that multiple forms of oppression, such as gender, race, and socioeconomic status, intersect with immigration status to create unique and compounded vulnerabilities. Elton et al. (2019) notes that these intersecting disadvantages further restrict access to justice. Kaldor et al. (2025) asserts that groups such as transgender people and women with children face particularly harmful impacts, which undermine their ability to navigate legal processes. Elton et al. (2019) also states that the uncertainty of indefinite detention generates severe psychological distress that weakens engagement with legal claims.

A human rights-based perspective highlights how prolonged and indefinite detention breaches international legal obligations and undermines dignity. Elton et al. (2019) argues that Australia's policies prioritise border control over individual protection. Verghis et al. (2023) notes that this erosion of rights is especially visible in the mandatory detention regime. Morgan (2015) and the National Justice Project (2022) state that the psychological and physical harms caused by detention further demonstrate its incompatibility with human rights standards.

Healey (2022) and Steer and Edwards (2022) state that Australia is bound by the 1951 Refugee Convention and 1967 Protocol, which prohibit penalising refugees for irregular entry and require fair asylum procedures. However, Kaldor et al. (2025), the Refugee Council of Australia (2024), and Verghis et al. (2023) argue that Australia's implementation of these obligations has drawn international criticism. The Refugee Council of Australia (2024) notes that the High Court's NZYQ decision, which found indefinite detention unlawful, highlights the legal flaws in current policy, while subsequent legislative attempts to override the ruling show a continued focus on removal over rights.

Australia's migration law incorporates international non-refoulement duties, yet research shows that its detention practices often undermine these very protections. The findings highlight that offshore processing and prolonged detention expose people seeking asylum to conditions that amount to human rights violations, creating a real risk of refoulement despite the legal framework designed to prevent it. For example, Akal (2023) demonstrates that Australia's offshore detention regime on Nauru and Papua New Guinea has repeatedly resulted in treatment so harmful that it breaches the core purpose of non-refoulement, including exposing asylum seekers to violence, medical neglect, and coercive returns.

Similarly, Bostock and Cabarrús (2021) show that changes to the Migration Act 1958 (Cth) such as mandatory visa cancellations and the introduction of s 197C, which states that non-refoulement obligations are irrelevant to removal powers, have created situations where individuals face prolonged or indefinite detention and heightened risk of being sent back to danger. Together, these studies suggest that although Australia formally embeds non-refoulement obligations in legislation, its detention legislative system and related policies can operate in ways that effectively violate those obligations by placing people at risk of harm or forced return.

Kaldor et al. (2025) states that this persistent stance, combined with secrecy around detention locations and limited access to legal counsel, heightens vulnerability and restricts opportunities to challenge detention. Elton et al. (2019) argues that these conditions criminalise asylum seekers and transform an administrative process into one resembling punishment. Healey (2022) and Kaldor et al. (2025) note that the normalisation of punitive measures causes widespread psychological harm and raises concerns about the arbitrary and disproportionate nature of detention.

The National Justice Project (2022) argues that this punitive normalisation also fuels public dehumanisation of asylum seekers, enabling policies that would otherwise be unacceptable. Kaldor et al. (2025) notes that increased force, restraints, and surveillance reflect a securitised, carceral model rather than an administrative one. Elton et al. (2019) asserts that the deliberate harshness of detention, especially for people who pose no risk, reveals an intent to criminalise asylum seekers and diverges from human rights standards.

Social workers are essential in addressing these systemic injustices by advocating for the rights of detained asylum seekers and challenging policies that undermine procedural fairness. Elton et al. (2019) states that this includes both direct support and systemic advocacy. Steer and Edwards (2022) argue that social workers' expertise in trauma-informed care and human rights approaches positions them to mitigate the harms of detention and strengthen engagement with legal processes. Integrating social work principles into refugee status determination can create a more holistic and rights-respecting system.

In summary, from a social work perspective, Australia's detention system severely undermines procedural fairness by creating an environment hostile to meaningful participation in protection claims. Elton et al. (2019) notes that securitisation and hyper-criminalisation are central features of this system. This punitive approach, designed to induce "hopeless despair," as Elton et al. (2019) describes, reinforces harm and undermines the legal standing and wellbeing of people seeking asylum.

VI. Limitations:

The systematic review design, while comprehensive in its approach to literature identification and synthesis, is inherently limited by the availability and quality of published research on the intersection of social work, detention, and procedural fairness within the Australian context. Specifically, the paucity of empirical studies directly examining the practical application of social work advocacy frameworks within the Refugee Status Determination processes in Australia restricts the depth of analysis regarding their efficacy and challenges. Furthermore, the reliance on qualitative data in many studies, while offering rich insights into lived experiences, can pose challenges for generalisability and for establishing causal links between specific detention conditions and procedural fairness outcomes. Additionally, Healey (2022) ascribes that the ethical constraints surrounding research with vulnerable populations in detention may limit the scope and methodology of studies, potentially leading to an underrepresentation of certain perspectives and experiences.

Ethical Considerations

The systematic review did not directly involve human participants, thus avoiding the need for ethics committee approval for its conduct. However, the synthesis of existing literature necessitated a rigorous consideration of ethical principles in reporting findings, particularly regarding the representation of vulnerable populations and the sensitive nature of their experiences in detention. This commitment to ethical reporting extended to ensuring that the review accurately reflected the nuances and complexities of asylum seekers' narratives without perpetuating stereotypes or reinforcing harmful power dynamics. The review thus adheres to principles of beneficence and non-maleficence by meticulously presenting the evidence in a manner that upholds the dignity and rights of asylum seekers, avoiding any language that could further marginalise or stigmatise this population.

VII. Conclusion

In conclusion, this systematic review shows that Australia's immigration detention system, marked by prolonged and often indefinite detention, severely undermines procedural fairness for people seeking humanitarian protection. According to the Refugee Council of Australia (2024), these conditions create an environment where fair participation in legal processes becomes nearly impossible. Elton et al. (2019) and Steer and Edwards (2022) argue that this failure is produced by the interaction of macro-level securitisation policies, meso-level institutional practices, and micro-level vulnerabilities. Elton et al. (2019) and Verghis et al. (2023) note that the Migration Act enables prolonged detention without judicial oversight, contrasting sharply with criminal justice processes where due process is stronger.

Elton et al. (2019) argues that this punitive approach reflects broader "cimmigration" trends, where immigration enforcement adopts criminal justice features without equivalent safeguards. Kaldor et al. (2025) states that this conflation strips asylum seekers of fundamental rights and worsens mental and physical health, weakening their ability to pursue protection claims. Elton et al. (2019) notes that limited oversight and restricted judicial review perpetuate arbitrary detention and reduce accountability. The National Justice Project (2022) and Verghis et al. (2023) assert that high refusal rates and long processing delays reflect a deliberate deterrence strategy that prioritises efficiency over fairness.

According to the National Justice Project (2022), Australia's failure to ratify key human rights treaties further limits avenues for international oversight. Kaldor et al. (2025) argues that this lack of external accountability, combined with domestic laws prioritising security, restricts procedural safeguards and deepens the powerlessness of detainees. Verghis et al. (2023) notes that this legal landscape leaves asylum seekers with few options to challenge their detention or assert their rights.

Social workers are uniquely positioned to advocate for asylum seekers within this opaque and punitive system. Healey (2022) asserts that their commitment to social justice and trauma-informed care is essential for supporting detainees and strengthening their ability to engage with legal processes. However, Kaldor et al. (2025) notes that the absence of formal social work frameworks within refugee status determination marginalises their contributions and limits holistic support.

This highlights the urgent need for an integrated, multidisciplinary approach that embeds social work expertise into all stages of the asylum process. Morgan (2015) and Verghis et al. (2023) argue that such integration would shift the system toward a model grounded in welfare and human rights rather than deterrence. Kaldor et al. (2025), the National Justice Project (2022), and Steer and Edwards (2022) advise that aligning Australia's policies with international standards is essential to address systemic barriers and restore procedural fairness.

In summary, the social work profession must actively challenge Australia's punitive detention framework by advocating for reforms that uphold human rights and promote humane, trauma-informed approaches. Verghis et al. (2023) argue that this includes ending indefinite detention and expanding community-based alternatives. Healey (2022) and Kaldor et al. (2025) note that ensuring access to legal, social, and psychological support is essential for safeguarding fairness and dignity for all people seeking humanitarian protection.

Recommendations:

There are 4 key recommendations that arise from the findings in this systematic review:

1. **End prolonged and indefinite detention and expand community-based alternatives:** Research shows that long-term confinement causes severe psychological harm, breaches human rights standards, and undermines procedural fairness (Elton et al., 2019; Verghis et al., 2023).
2. **Embed trauma-informed, intersectional, and culturally safe social work practice across all stages of refugee status determination:** This will ensure that people facing compounded vulnerabilities, such as women, transgender people, and those with disabilities, receive appropriate support to engage meaningfully in legal processes (Kaldor et al., 2025; Steer & Edwards, 2022).

3. **Strengthen legal safeguards by restoring judicial oversight, ensuring access to legal representation, and removing provisions that sideline non-refoulement obligations:** The current laws such as s 197C in the Migration Act 1958 (Cth), heighten the risk of wrongful removal and procedural injustice (Bostock & Cabarrus, 2021; Refugee Council of Australia, 2024).
4. **Increase transparency and accountability within detention operations:** This includes independent monitoring and public reporting, to counter the secrecy and securitisation that currently enable rights violations and prevent detainees from challenging unlawful or harmful practices (National Justice Project, 2022; Kaldor et al., 2025).

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