

ASYLUM SEEKERS EQUALITY PROJECT

POLICY STATEMENT 2017



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In association with: Wellington Community Justice Project

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Since the beginning of 2016, members of the Wellington Community Justice Project have been working on the 'Asylum Seekers Equality Project' (ASEP) which seeks to ensure equal resettlement rights for all refugees in New Zealand regardless of how they arrive in the country. Currently, asylum seekers who gain refugee status are denied the services and resources that 'quota' refugees are offered. ASEP believes that everyone who is granted refugee status, regardless of how they arrived in New Zealand, deserve equal rights and the same support. ASEP is endorsed by ChangeMakers Refugee Forum and is based on their report, 'Marking Time'.^[1]

The problem

New Zealand refugee policy currently distinguishes between different people seeking refuge. 'Quota' refugees are those chosen by the New Zealand government for resettlement under the UNHCR Resettlement Programme.^[2] Once they arrive in New Zealand, people with quota refugee status have access to a variety of services under the government's Refugee Resettlement Strategy.^[3] These services, as detailed below, are only available to those with 'quota' refugee status.

Conversely, 'convention' refugees are those who, as asylum seekers, seek refugee status upon their arrival in New Zealand. People with convention refugee status are accepted outside of New Zealand's quota system and instead under the United Nations Convention Relating to the Status of Refugees (the Refugee Convention) and its 1967 Protocol. Crucially, it is a person's fundamental right, as confirmed by Article 14 of the Universal Declaration of Human Rights, to seek asylum.^[5]

In New Zealand, people with convention refugee status are arbitrarily excluded from receiving the same support and access to services as people with quota refugee status. This distinction is problematic because it inhibits positive resettlement experiences. The distinction between quota and convention refugees ignores the reality that all people seeking refuge are fleeing some form of persecution and are entitled to protection and support regardless of how they arrive in New Zealand.

People with convention refugee status must be treated equally to those with quota refugee status. In 2012, there were 320 asylum claims in New Zealand, making up 0.007% of the country's total population at the time.^[6] For this small number of people, provision of governmental services would have a significant positive impact on their lives. The government must assist people seeking asylum to integrate fully into New Zealand so that society remains fair, inclusive and equal.

Services and support discrepancies

Currently, there is a lack of funding available to convention refugees, whilst quota refugees receive the significant majority of available funds. There are stark differences in access to support, information, and resources.

The New Zealand government currently assists asylum seekers by providing free legal aid, free healthcare for children under the age of six, and free public health screenings. Asylum seekers can also apply for an emergency benefit from Work and Income New Zealand (WINZ).

However, WINZ is unable to provide emergency benefits to those asylum seekers whose cases are being reassessed or whose cases have been denied [7]. Often, it is here where voluntary organisations such as ChangeMakers become involved to help support asylum seekers.

The Red Cross also provides support to asylum seekers by providing English lessons, however it is expected asylum seekers will pay for most of the fees. Education New Zealand provides ESOL funding for foreign-born students in schools, but this is only for children up until the age of five. The Asylum Seekers Support Trust plays a fundamental role in the resettlement of convention refugees and is equipped with a hostel and three transitional homes, however the Trust is fully dependent on public donations.

Whilst these services are available to asylum seekers and convention refugees, it is obvious that community organisations are having to bridge the gap. Such organisations often have limited funding and are forced to prioritise where their funds are put to use. The New Zealand government must consider going beyond merely accepting asylum seekers into New Zealand in order to meet its obligations under the Refugee Convention and other international conventions. It must support these organisations that currently assist asylum seekers and extend its refugee resettlement strategy to include convention refugees.

Our List of Demands

I. Pre-Acceptance

ASEP requests that people seeking asylum be provided with assistance while applying for refugee status or permanent residency. Most importantly, whilst they are waiting for their application to be processed, funding for accommodation should be provided. Currently, people seeking asylum are expected to secure their own housing, and are not eligible for an accommodation supplement from WINZ. Accommodation like a refugee hostel or temporary waiting centre in the larger New Zealand cities would be a simple and effective method of support. Detention of people seeking asylum at Mt Eden prison is unjustified and legally questionable. Furthermore, language interpreters and advocacy services should be provided during the application process. This would assist in a more efficient and ethical asylum process.

II. Post-Acceptance

When a person's asylum application is accepted and they are granted convention refugee status, ASEP recommends that services should be provided to assist in securing permanent housing and employment. Within the first year of resettlement, there is a large need for free English language tuition. ASEP recommends free English classes for at least the first six months after arrival in New Zealand. Currently, New Zealand is the only nation to have ratified the Refugee Convention and not implemented such a programme.[8] Having these basic English skills would help convention refugees integrate into their local community. Another demand is an introductory course about New Zealand culture in order to encourage cross-cultural engagement and to foster a better sense of familiarity with the ways of New Zealand life.

ASEP also suggests an increase in the amount of financial assistance so to cover medical emergencies and meet the cost of living. Currently, people with refugee status have no support in the case of a medical emergency unless they have a work visa, which in itself is a

difficult process to navigate. Furthermore, the legal fees relating to the application for permanent residency should be subsidized by the government or ameliorated with some financial assistance. This is crucial given that many do not have the means to attain legal services.

Principally, ASEP demands that people with convention refugee status be included in the New Zealand government's Refugee Resettlement Strategy, and thus receive the same resettlement support as people with quota refugee status.

Summary

While the New Zealand government strives to maintain a global image of progression, fairness and equality, the current distinction between quota and convention refugees is abhorrent. Whilst New Zealand should be proud of having ratified the 1951 Refugee Convention, the next step is to ensure that individuals who come under this Convention receive all the services necessary for a safe and positive resettlement experience. ASEP recommends three possible courses of action in line with this purpose. First and foremost, ASEP recommends that people with convention refugee status receive the same standard of treatment that is currently offered to people with quota refugee status. Secondly, ASEP recommends that people who are seeking asylum be provided with assistance, particularly in the form of accommodation, during the process of their applications for either refugee status or permanent residency. Thirdly, ASEP recommends that once a person's asylum application is accepted and they are granted convention refugee status, such individuals should receive assistance in securing permanent housing and employment. Implementing the above recommendations into the government's current policy would place New Zealand on an equal footing to that of other nations that have ratified the Refugee Convention.

[1] ChangeMakers, *Marking Time – Experiences of successful asylum seekers in Aotearoa New Zealand* (2013 Report), <http://crf.org.nz/sites/default/files/staff/Marking%20time%20-%20Experiences%20of%20successful%20asylum%20seekers%20in%20Aotearoa%20NZ%20-%20FINAL%20--%20Dec%203.pdf>.

[2] Human Rights Commission, *Human Rights in New Zealand*, Chapter 21 -Rights of Refugees (2010 Report), p. 337, https://www.hrc.co.nz/files/3914/2388/0522/HRNZ_10_rights_of_refugees.pdf.

[3] "New Zealand Refugee Resettlement Strategy," *New Zealand Immigration*, <https://www.immigration.govt.nz/about-us/what-we-do/our-strategies-and-projects/refugee-resettlement-strategy>.

[4] "Refugee resettlement: the facts," *Refugee Council*, 2017, https://www.refugeecouncil.org.uk/what_we_do/refugee_services/resettlement_programme/refugee_resettlement_the_facts.

[5] Universal Declaration of Human Rights, Article 14, <http://www.un.org/en/universal-declaration-human-rights/>.

[6] ChangeMakers, *Marking Time*, p 14.

[7] ChangeMakers, *Marking Time*, p 50.

[8] ChangeMakers, *Marking Time*, p 18.