

“Racist and discriminatory”: The rise and fall of the ‘family-link’ refugee policy

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Who can come to NZ as a refugee?

- ▶ Refugees arrive in New Zealand in 3 permanently established ways:
 - ▶ Through the United Nations Refugee Agency (UNHCR) resettlement programme. Currently 1K resettled per annum and to increase to 1.5k 2020
 - ▶ As convention refugees – people who have fled from their own country because they fear persecution or harm. Numbers under this category have dwindled over the years
 - ▶ Family members joining refugees already living here, approx. 300 places per annum. This is in addition to the figures under the other categories.
 - ▶ Community Sponsorship Pilot initiative - 25 places. Unclear if it is to be permanently rolled out

New Zealand's historical discriminatory immigration settings

- ▶ Since the 1840s, successive New Zealand governments have maintained a white only immigration policy
- ▶ People of British origin or linkages to British colonialism were actively favoured & recruited to resettle in NZ over other discriminated groups labelled as too 'different' (Butcher, Spoonley & Trlin, 2006).
- ▶ The Chinese poll tax
- ▶ Following the end of World War 2, New Zealand actively discriminated against Jewish refugees and Slav Jews in favour of resettling white refugees from northern Europe (Beaglehole, 2013).
- ▶ Actively discriminated against Chinese refugees in the 1950s

Key features of the Quota Programme

Designated sub-quota/acceptance for:	Description, additional comments:
Emergency resettlement procedures	35 places allocated globally. Certain emergency cases may be processed on dossier basis.
Medical cases	Up to 75 places (places counted against the PA and their immediate family members.)
Women-at-risk cases	At least 75 places
Unaccompanied children	-
Family Reunion (within programme)	Up to 300 places (including declared spouse and dependent children of previous quota refugees and UNHCR referred family-linked cases)
Other	In addition to the annual refugee quota, the Refugee Family Support Category offers 300 places each year for eligible refugees resident in New Zealand to sponsor family members to join them. This category provides for resettled refugees to sponsor family members who would otherwise not qualify under any other New Zealand immigration policies.

How do we stack up against international best practice?



PROTECTION

Resettlement is an invaluable tool to provide international protection to refugees whose life, liberty, safety, health or other fundamental human rights are at risk in the country where they initially sought refuge. Complementary pathways should be designed and implemented in such a way that the rights of refugees and their international protection needs are safeguarded.



DURABLE SOLUTIONS

Resettlement offers a permanent outcome to meet the protection needs of refugees. Complementary pathways may initially provide refugees with temporary stay arrangements, but can be part of a progressive approach to solutions, and serve the objective of enhancing refugee self-reliance.



RESPONSIBILITY-SHARING

Third country solutions are burden- and responsibility-sharing mechanisms to better protect and assist refugees and support host countries and communities.



ADDITIONALITY OF COMPLEMENTARY PATHWAYS

Complementary pathways are additional to resettlement and should lead to an overall net increase in the number of third country solutions for refugees.



NON-DISCRIMINATION

Refugees should be treated equally and have a fair prospect to access third country solutions irrespective of their age, gender and other characteristics.



FAMILY UNITY

Family members should be considered together for third country solutions, and provided safe legal avenues to be able to reunite.

When & how did things start to take a downhill and concerning path?

- ▶ In 2009, the National Government undertook significant tweaks to refugee policy settings. The changes included:
 - ▶ the introduction of a three-year planning and implementation stage for selecting who would arrive under the refugee quota,
 - ▶ a greater overall focus on the Asia-Pacific region. Documents show at one stage serious consideration was given to selecting 100% of our quota refugees from this region alone.
 - ▶ the implementation of the controversial "family link" rule, which required any refugee coming from the Middle East or Africa to have an existing family connection in New Zealand. The rule was introduced in addition to dramatically reducing the allocated amount for these regions to 14% each.
- ▶ No public announcements were made for these changes. They were introduced and implemented with very little public knowledge, consultation or awareness.

Policy implications for our human rights obligations to Africa and the Middle East

- ▶ The family-link policy has seen New Zealand fail to meet its refugee targets for Africa (14 percent) and the Middle East (14 percent) for the past decade. In some years, no refugees were resettled from Africa.
- ▶ Despite efforts to work around the restrictive nature of the policy ramping up in the last year, we still significantly fell short of our allocated amount for these regions in the last financial year:

Regional Allocations and Actual Resettlement in 2017/2018:

Africa	28
Asia and Pacific	519
Middle East and North Africa	44
Americas	179
Syrian refugees (response to crisis)	250

So why did we introduce an extra rule for just African and Middle Easterners?

- ▶ The policy rationale behind the ‘family-link’ rule has never been clearly stipulated
- ▶ An analysis of past documents released under the Official Information Act found that “broad security concerns” were among the reasons for the introduction of the policy. Officials for years were warning and advising against it
- ▶ MBIE 2019 briefing to the Education & Workforce Committee provides an interesting insight:
 - ▶ “The family link requirement was intended to ensure that resettlement in New Zealand for refugees from the Africa and Middle East regions was restricted to family members of migrants and refugees already living in New Zealand. The previous government considered that this approach would maintain an avenue for family reunification for refugees in New Zealand from the Africa and Middle East regions. However, in practice, refugees from the Africa and Middle East regions who are in New Zealand have the same opportunity to reunify with family members as all other quota refugees.”
 - ▶ “...it’s made it difficult to meet the Refugee Quota Programme percentages allocated to the Africa and Middle East regions.... both of which have high resettlement needs, has not been met since the family link requirement was introduced in 2010”

So why did we introduce an extra rule for just African and Middle Easterners? Ctd..

- ▶ Perhaps, some of the best and clear explanations are revealed through comments about refugees made by some politicians:
 - ▶ “We don’t need Middle Eastern leftovers” Rt Hon Bill English in 2007
 - ▶ “We are a party that are 'doubting Thomases' as to how liberal we should be in [accepting refugees from] ... some parts of the world that more recently have been associated with awful violence.” - Shane Jones felt confident and proud to share this out loud only 6 months after the Christchurch massacre
- ▶ In sum, the policy was introduced as an intentional effort to stop certain people coming here on the basis of clearly racist and discriminatory assumptions

Reflections on racism in Aotearoa New Zealand

- ▶ It appears, we have been and still are to a degree, completely living in denial about the very form of racism that exists here
- ▶ Ironically, some of the most proudly racist people out there are the ones that hate being referred to as a racist
- ▶ The most difficult thing about it has simply been being able to talk about it
- ▶ Despite the heightened initial awareness, nothing has really changed since 15 March.
- ▶ This got me thinking, how could I flip this situation around to work our favour for once? And this led to the idea of a public facing campaign to address our racist settings.



In May, we launched a targeted and coordinated and community-led public facing campaign to end the racist policy. It was largely media focused and included giving public talks about the policy , both overseas and at home. And it worked!

Reflections and takeouts

- ▶ Factors that ultimately led to recent policy changes:
 - ▶ Significant local and international media pressure
 - ▶ The aftermath of Christchurch
 - ▶ Concerns about the international community's perception of NZ
- ▶ We can all play important roles in ensuring that we become more kind, welcoming and humane towards vulnerable and marginalised communities
- ▶ Unfortunately, communities on the receiving end of racism are constantly having to clean up other people's racism. It shouldn't be this way!
- ▶ The upcoming Global Refugee Forum serves as a mechanism for ensuring such racist and discriminatory refugee settings aren't introduced again in future - What contribution will you make to this??