



National **Refugee** Network



**ChangeMakers**  
*Refugee Forum*

## ***'Marking time'***

# **Experiences of successful asylum seekers in Aotearoa New Zealand**

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## Executive Summary

*We just want to be like regular people living our lives, that's all. We just hope that we could get this issue solved.*

The right to seek and to enjoy in other countries asylum from persecution is enshrined in the 1948 Universal Declaration of Human Rights and the 1951 Refugee Convention.

Under the 1951 Refugee Convention, there is no difference between people who come to Aotearoa New Zealand claiming asylum and are subsequently granted refugee status (i.e. Convention refugees) and those refugees who are resettled in Aotearoa New Zealand as part of the United Nations High Commissioner for Refugees refugee quota programme (i.e. quota refugees). However there are marked differences in the way that these two groups of refugees are able to access support, information, and resources in Aotearoa New Zealand.

This research – carried out by ChangeMakers Refugee Forum and The National Refugee Network – explores the extent to which successful asylum seekers are able to participate in Aotearoa New Zealand life by documenting the experiences of 18 people who have been recognised as Convention refugees and of staff from relevant service provision agencies. The research sought to determine participants’:

- Reasons for choosing Aotearoa New Zealand,
- Access to information about the asylum seeking process and their entitlements,
- Access to support services while claiming asylum and applying for Permanent Residency.

This report portrays the lived experiences of this group of asylum seekers in Aotearoa New Zealand with the aim of ensuring that:

- Legislative and policy debate is underpinned by facts,
- The media and the general public have a better understanding of the right to claim asylum, how people seek asylum, and Aotearoa New Zealand’s international obligations,
- Policy and service delivery is affected so asylum seekers have access to their full legal rights in Aotearoa New Zealand.

Research participants identified a number of issues that made resettling in Aotearoa New Zealand challenging, including access to interpreters, a lack of communication from officials, limited assistance, prolonged periods of waiting and uncertainty, and challenges accessing housing, healthcare, English language, Work and Income support, and employment. While

some participants had some positive experiences, these were largely due to the goodwill of individuals who were the exception rather than the rule. Systemic information and service delivery gaps have resulted in exploitation of asylum seekers by people from their own communities with instances of intimidation, illicit fees being charged, and participants being given false information.

Interviews of staff from service provision agencies identified similar issues to those highlighted by participants and also stressed the challenging environment they operated in where funding, collaboration, and political and public goodwill were minimal.

The research contrasts the experiences of asylum seekers with the support services accessible to refugees who come to Aotearoa New Zealand under United Nations auspices (quota refugees). This group is the focus of the Government's newly created New Zealand Refugee Resettlement Strategy; the Strategy does not currently apply to Convention refugees. While the Strategy includes provisions for the monitoring of self sufficiency, participation, education, health and wellbeing outcomes of quota refugees, there is little in the way of monitoring these outcomes for Convention refugees.

This research suggests Convention refugees have *disproportionately* different resettlement experiences from quota refugees, resulting in a 'twilight' population of refugees who have severely limited access to basic support services during the period of time spent waiting to be recognised as Convention refugees and to gain Permanent Residency. This cohort of New Zealand residents is often vulnerable, isolated and largely invisible, and when acknowledged, receives largely negative attention. Within Aotearoa New Zealand, very little research has been conducted on this group.

The research makes a number of recommendations to address the challenges participants identified in realising their right to claim asylum and to access the information and support services they are legally entitled to:

- All immigration policy and operational procedures to include information on the right for people to seek asylum.
- The New Zealand Refugee Resettlement Strategy is amended to include all refugees so the self sufficiency, participation, education, health and wellbeing and housing outcomes of Convention refugees is monitored alongside quota refugees.
- Immigration New Zealand, in collaboration with service providers, maps the current mix of support services available to asylum seekers and Convention refugees and funding for these services, to explore how the service delivery and funding gaps identified in this research can be addressed in the short term.

- Immigration New Zealand seeks Cabinet approval for funding to extend support services and mechanisms available to quota refugees to Convention refugees.
- All refugees – regardless of whether quota refugees or Convention refugees – should receive *at a minimum* the support and entitlements equivalent to current quota refugee provisions.
- The National Refugee Resettlement Forum within the next 1-2 years focuses solely on asylum seekers and Convention refugees to increase awareness and understanding of these groups.
- Immigration New Zealand review the time period that asylum seekers and Convention refugees are legally able to work to ensure people have a realistic opportunity of securing employment, i.e. the duration of work visas should be standardised and made valid for at least twelve months.
- Asylum seekers who have limited or no English language are provided with access to a trained and reputable interpreter.
- Standardised materials (in a number of languages and/or distributed to asylum seekers who are provided with an interpreter) are developed by Immigration New Zealand and distributed to asylum seekers to inform:
  - o The stages of the asylum process, including what happens when they claim asylum at the airport or in the community,
  - o What is involved at each stage, including estimated timeframes,
  - o What support asylum seekers are entitled to and how to access these entitlements,
  - o A list of agencies that provide support and who to contact with questions and concerns,
  - o An introduction to Aotearoa New Zealand.
- Key support agencies and service providers develop comprehensive training so that relevant staff are fully versed in asylum seeker and Convention refugee matters.
- Immigration New Zealand and service providers jointly develop a communication strategy to educate New Zealanders about the right to seek and to enjoy in other countries asylum from persecution.

## 1. Introduction

The right to to seek and to enjoy in other countries asylum from persecution is enshrined in the 1948 Universal Declaration of Human Rights and the 1951 United Nations Refugee Convention.

Approximately 300 people every year apply for asylum in Aotearoa New Zealand, and approximately a third of these are subsequently recognised by the New Zealand Government as refugees. However, these successful asylum seekers – known as ‘Convention refugees’ – are not eligible for the services, resources, and settlement support available to quota refugees who are resettled in Aotearoa New Zealand as part of the United Nations High Commissioner for Refugees (UNHCR) assisted resettlement programme.

Our aim in carrying out this research was to investigate the extent to which Convention refugees are participating in Aotearoa New Zealand life as is their legal right under international human rights law and our own legislation. The research explores the ongoing relevance of issues highlighted in previous research relating to the experiences of asylum seekers in Aotearoa New Zealand and examines whether these issues are still pertinent today.

Through qualitative interviews, this research fills a substantial gap in our knowledge about asylum seekers’ experiences, exploring the consequences that ‘marking time’ has had on ‘successful’ asylum seekers (i.e. Convention refugees), including some who have been subsequently granted Permanent Residency.

### 1.1 Asylum seeker and refugee categories

An *asylum seeker* is someone who has fled their country of origin and applied for protection as a refugee either immediately on arrival in another country or sometime thereafter. Specifically, an asylum seeker is ‘someone who says he or she is a refugee, but whose claim has not yet been definitively evaluated’ (UNHCR, 2013).

To be recognised as a *refugee*, asylum seekers must fit within the internationally agreed definition of someone ‘who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion’ (United Nations, 1951). This definition is applicable both to Quota refugees and Convention refugees.

If their claims are founded, asylum seekers are recognised by States as *Convention refugees* and are eligible to enjoy the rights and protection accorded them under the 1951 United Nations Refugee Convention.



Put simply, asylum seekers can be divided into two categories:

1. Those who are waiting for a decision on their refugee claim (*asylum seekers*)
2. Those who have had their claims approved and are granted refugee status (*Convention refugees*).

Aotearoa New Zealand also accepts annually 750 (+/- ten percent) quota refugees. These are people who have been determined by the UNHCR to be refugees and are resettled as part of Aotearoa New Zealand's Refugee Quota Programme. These refugees are referred to in this paper as *quota refugees*.

## **2. Research overview**

The purpose of this research is to portray the lived experience of 'successful' asylum seekers and explore the extent to which they are realising their rights and participating in Aotearoa New Zealand.

This research is based on interviews with 18 people who arrived in Aotearoa New Zealand as asylum seekers and discussions with five staff from agencies and service providers working with asylum seekers.

### **2.1 Participant recruitment method and interviews**

Participants were recruited through snowball sampling/third party recruitment methods. Through these methods, researchers contacted agencies working directly with asylum seekers and refugee community members, who then invited potential participants to contact ChangeMakers Refugee Forum (ChangeMakers) and the National Refugee Network if they were interested in sharing their experiences. All participants were aged 18 years old and above.

In some cases, potential participants stipulated certain conditions that needed to be met prior to consenting to be interviewed, e.g. some women only agreed to share their stories provided the interpreter and researcher were both women.

Interviews took place in locations suggested and/or agreed to by participants. Researchers reimbursed participants' transport costs and provided a koha.

### **2.2 Research ethics**

ChangeMakers and National Refugee Network gained ethics approval for this research from the New Zealand Ethics Committee. Our researchers have been guided by research ethics appropriate to working with refugee-background communities. ChangeMakers' *Standards for engagement* (2008) and ChangeMakers' *Guidelines for research with refugees in Aotearoa New Zealand* (2010) outline core principles of research with refugee-background

communities. These include: validating participants' experiences and worldviews; ensuring that participation is meaningful and worthwhile; and providing transparency at all stages of the research process.

The purpose of the research was clearly communicated to each participant. Research consent was obtained at the beginning of each interview, which included permission to record interviews and take notes. Participants were informed that they were free to refrain from comment at any time or retract anything they felt uncomfortable about having disclosed.

In keeping with standard research practice, the researchers assured participants of their priority to maintain anonymity. Many participants – in particular those whose permanent residency applications were still in process – stressed the importance of anonymity; as such quotes within the findings are not identified by ethnicity, current participant location, or gender.

### **2.3 Participant demographics**

There were 18 asylum seeker research participants interviewed for this research, comprising 8 women and 10 men. Participants came from a range of countries from within Africa, Asia, Europe, and the Middle East. Approximately two thirds of participants did not speak any English.

All participants had been in Aotearoa New Zealand for three years or less. Some participants were Convention refugees still waiting for approval of Permanent Residency but the majority were already permanent residents. About three quarters of the participants had arrived in Aotearoa New Zealand and claimed asylum at the airport, the remaining had come to Aotearoa New Zealand by invitation to attend events or for study and, when circumstances in their home countries changed, claimed asylum after their arrival.

Participants came from a variety of employment backgrounds, including lawyers, doctors, government officials, and labourers, as well as students, sole parents and caregivers. Most participants had some family members present during interviews, including spouses and children. Participants were based in Auckland and Wellington.

### **2.4 Agency discussions**

As part of this research, ChangeMakers and the National Refugee Network spoke with staff from Immigration New Zealand, Refugees as Survivors New Zealand, and the Auckland Refugee Council to identify issues of concern and gaps in service delivery.

### 3. Context

#### 3.1 Aotearoa New Zealand's human rights obligations to asylum seekers

*Everyone has the right to seek asylum and to enjoy in other countries asylum from persecution*

Article 14, Universal Declaration of Human Rights

Seeking asylum is a fundamental human right of any person experiencing persecution in their country of origin. This right is outlined in both Article 31 of the 1951 Refugee Convention and Article 14 of the 1948 Universal Declaration of Human Rights. Asylum seekers arriving in a country who claim refugee status – even without any form of legal or identifying documentation – are not illegal migrants; they have legal status as ‘asylum seekers’ in the country to which they have fled. Applying for protection (i.e. to be recognised as a Convention refugee) onshore is the ‘standard and correct’ procedure when seeking asylum under the 1951 Refugee Convention (Human Rights Commission, 2012).

Aotearoa New Zealand has specific human rights obligations to those seeking asylum and to Convention refugees under international human rights law, international refugee law, and domestic legislation. This means that Aotearoa New Zealand is obliged by both international and domestic law to protect persons who have a well-founded fear of persecution if they were to be returned to their country of nationality or residence.

Aotearoa New Zealand is signatory to both the 1951 Refugee Convention and the 1967 Protocol, which outlines the rights that are specific to refugees and people seeking asylum, and the obligations of ratifying states (United Nations, 1951; United Nations, 1967). The Refugee Convention and Protocol (in addition to the 1984 Convention Against Torture) also codifies the principle of non-refoulement, which means that states cannot forcibly return refugees to countries where they face persecution.

In addition to the Refugee Convention and Protocol, Aotearoa New Zealand has ratified numerous international human rights conventions of particular relevance to asylum seekers. These include:

- 1948 Universal Declaration of Human Rights<sup>1</sup>
- 1965 International Convention on the Elimination of All Forms of Racial Discrimination
- 1966 International Covenant on Civil and Political Rights (ICCPR)
- 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR)
- 1979 Convention on the Elimination of All Forms of Discrimination against Women

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<sup>1</sup> The 1948 Universal Declaration of Human Rights, together with the 1966 International Covenant on Civil and Political Rights

- 1984 Convention Against Torture and Other Cruel, Inhumane, or Degrading Treatment or Punishment
- 1989 Convention on the Rights of the Child
- 2006 The Convention on The Rights of Persons with Disabilities

Specific rights under the above Conventions of particular relevance for people seeking asylum include, but are not limited to:

- the right to seek asylum
- the right to liberty and not to be arbitrarily detained
- the right to security of the person
- the right to be treated with humanity and dignity
- protection against discrimination
- protection against refoulement.

Aotearoa New Zealand's Bill of Rights Act 1990, the Crimes of Torture Act 1989 and the Immigration Act 2009, all contain clauses that affirm Aotearoa New Zealand's international commitments to refugees and asylum seekers. Under the Immigration Act 2009, a person recognised as a refugee or protected person in Aotearoa New Zealand – or who is currently a claimant – may not be deported unless they are determined not to be at risk of persecution or they fit 'exclusion clauses'<sup>2</sup> under the Refugee Convention (Human Rights Commission, 2013). The Act states that asylum seekers' claims must be responded to in a way that is consistent with Aotearoa New Zealand's obligations under the Refugee Convention.

Once recognised as Convention refugees, successful asylum seekers can apply for Permanent Residency, at which point they are entitled to enjoy the same rights as quota refugees (equal to those of other Aotearoa New Zealand residents and citizens), including:

- protection against arbitrary expulsion
- the right to family reunion
- the right to work
- the right to housing
- the right to education
- the right to the highest attainable standard of physical and mental health.

(Human Rights Commission, 2010)

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<sup>2</sup> Exclusion clauses are the provisions within the 1951 Refugee Convention that deny the benefits of international protection to individuals who would otherwise satisfy the criteria for refugee status. In the 1951 Refugee Convention, exclusion clauses apply to individuals who are receiving protection or assistance from United Nations agencies other than UNHCR; individuals who already have comparable residency rights; and individuals who may have committed serious crimes (e.g. war crimes, crimes against humanity, or other serious non-political crimes) (United Nations, 1951).

## 3.2 Limitations to recognising the rights of asylum seekers in Aotearoa New Zealand

### 3.2.1 Exemption from freedom from discrimination

In spite of Aotearoa New Zealand's legislative recognition of the rights of asylum seekers, not all legislation fully embraces these rights, including immigration policy. Although the right to freedom from discrimination is protected by the Bill of Rights Act 1990 and the Human Rights Act 1993, Immigration New Zealand policies are exempt from the Human Rights Act 1993. This means that the Human Rights Commission, which is the agency that receives discrimination (and other) complaints under the Human Rights Act 1993, cannot receive complaints of alleged discrimination in relation to immigration<sup>3</sup>.

### 3.2.2 Immigration Amendment Bill 2013

Changes to the Immigration Act, which passed into law in 2013, introduced measures that have a direct impact on the way larger groups of asylum seekers are processed and their subsequent entitlements.

The amended Act is designed to deter asylum seekers from fleeing to Aotearoa New Zealand<sup>4</sup>. Specifically, from July 2013, people arriving in groups of more than thirty fall within the statutory definition of a 'mass arrival' and will be treated differently from those arriving in smaller groups allows for people to be detained under a mass warrant. Additionally, policy changes associated with the Act severely limit the opportunity of successful asylum seekers to sponsor their family to Aotearoa New Zealand and delay the granting of Permanent Residency for three years.

International human rights law and standards regarding detention and policies of deterrence are very clear: the United Nations guidelines on the detention of asylum seekers states that detention of asylum seekers as part of a policy to deter future asylum seekers is contrary to the principles of international protection (UNHCR, 1999), and Article 31 of the Refugee Convention states that people should not be discriminated against based on their mode of arrival. Furthermore, substantial research shows that policies of deterrence have been unsuccessful in reducing numbers of asylum seekers (Amnesty International, n.d.; Australian Refugee Council, 2011; Edwards, 2011; Parliament of Australia, 2011; Silove et. al., n.d.).<sup>5</sup>

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<sup>3</sup> Arguably, however, it is still possible to bring a claim complaint under the New Zealand Bill of Rights Act if the person is lawfully in Aotearoa New Zealand.

<sup>4</sup> Guy, N. (2012). *New measures to deter people smugglers announced* [Press release]. Retrieved 17/11/13 from <http://www.nathanguy.co.nz/index.php?archives/709-New-measures-to-deter-people-smugglers-announced.html>; Woodhouse, M. (2013). *Mass arrivals bill passes into law* [Press release]. Retrieved 17/11/13 from <http://www.beehive.govt.nz/release/mass-arrivals-bill-passes-law>

<sup>5</sup> At the time of the passing of the Bill to amend the Immigration Act, the UNHCR, the New Zealand Human Rights Commission, Amnesty International, ChangeMakers Refugee Forum and other organisations made numerous submissions to protest the Bill's content.

### **3.2.3 National Refugee Resettlement Strategy**

In 2013, Immigration New Zealand led the development of a National Refugee Resettlement Strategy to guide a whole-of-government approach to supporting quota refugees to become self-sufficient and fully participate in Aotearoa New Zealand life. While the implementation of the Strategy will provide insight into the extent to which quota refugees achieve agreed self sufficiency, health, participation, education, and housing outcomes, it currently excludes Convention refugees<sup>6</sup>.

### **3.3 Asylum seekers in Aotearoa New Zealand**

In 2012, there were 35.8 million persons of concern (refugees, asylum seekers, and internally displaced persons) worldwide.<sup>7</sup> That year, 479,300 asylum claims were made in 44 industrialised countries; the United States received 83,430 claims, Germany received 64,540 claims, Australia received 17,420 claims, and Finland (with a population comparable to Aotearoa New Zealand) received 2,920 claims (UNHRC, 2012).

In contrast, the number of asylum claims made in Aotearoa New Zealand, is very small – over the last seven years, Aotearoa New Zealand has received on average 300 applications annually from people seeking to be recognised as refugees or protected persons (UNHCR 2012, Amnesty International, 2013; Immigration New Zealand, 2013b, Refugee and Protection Unit, 2013).

During 2012, 320 asylum claims were made to Aotearoa New Zealand (UNHCR, 2013b), totalling 0.007 percent of Aotearoa New Zealand's population of 4.43 million (Statistics New Zealand, 2013). The total number of approved asylum claims was 119; 0.002 percent of the population (Immigration New Zealand, 2013b; Statistics New Zealand, 2013).

Asylum seekers usually come to Aotearoa New Zealand independently and claim for refugee status once they have entered the country. About 85 percent of claims are made onshore, the rest are made at borders. About 70 percent of these claims are found not to meet the criteria of refugee status by Immigration New Zealand, although about 30 claimants each year successfully appeal their decision. Approximately ten percent of the total number of claimants is subsequently recognised as refugees on appeal to the Immigration and Protection Tribunal. If unsuccessful in their claims for refugee status, asylum seekers become liable for deportation.

Approximately 100 - 140 individuals per year are determined by New Zealand to be Convention refugees and are entitled to remain in Aotearoa New Zealand and apply for Permanent Residence, although Permanent Residency is not a guaranteed outcome. In

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<sup>6</sup> The National Refugee Resettlement Strategy also excludes family members who are sponsored to live in Aotearoa New Zealand by quota refugees through the Refugee Family Support Category.

<sup>7</sup> UNHCR (2013). *Global Trends 2012*. Retrieved 17/11/13 from [http://unhcr.org/globaltrendsjune2013/UNHCR%20GLOBAL%20TRENDS%202012\\_V05.pdf](http://unhcr.org/globaltrendsjune2013/UNHCR%20GLOBAL%20TRENDS%202012_V05.pdf)

2012/13, the average time taken to process an asylum claim at first instance ranged from 72 days and 98 days (Immigration New Zealand, 2013a)

The number of asylum claims made in Aotearoa New Zealand has decreased markedly over the last ten years, from a high of 948 asylum claims in 2002/03 (Immigration New Zealand, 2013b) to 320 asylum claims in 2012/2013 (Immigration New Zealand, 2013c). The reduction in asylum seeking numbers has been attributed in part to increased incidents of interdiction, i.e. offshore passengers with inadequate documentation who match flight risk profiles being prevented either by airline or immigration officials from boarding flights to Aotearoa New Zealand.<sup>8</sup>

Aotearoa New Zealand receives asylum claims from a variety of nationalities.

**Table 1: Top five claims by nationality – 2007-2012**

	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
<b>Iraq</b>	18%	7%			
<b>Sri Lanka</b>	13%	10%	9%	6%	
<b>Iran</b>	8%	11%	8%	13%	12%
<b>Chinese</b>	6%	9%	7%	6%	11%
<b>Malaysia</b>	4%				
<b>Fijian</b>		9%	15%	15%	11%
<b>India</b>			6%		
<b>South Africa</b>				5%	
<b>Pakistan</b>					8%
<b>Egypt</b>					6%

(Refugee and Protection Unit, 2013c).

During the 2012-2013 year to 8 May 2013, 117 males, 99 females, 53 minors, and 124 family groups claimed asylum in Aotearoa New Zealand. Most asylum seekers in Aotearoa New Zealand are aged between 21 and 40 years old (Refugee and Protection Unit, 2013c).

### **3.4 The refugee claim process for asylum seekers**

Once in Aotearoa New Zealand, lodging a claim for asylum is the first step in the asylum seeking process. The majority of asylum seekers – i.e. those entering the country on visitor or student visas – can lodge their claim directly at Immigration New Zealand, or to a customs officer or a police officer (New Zealand Government, 2013). Others lodge their

<sup>8</sup> The visa regime, the Compliance team for failed asylum seekers, and factors such as decreasing waiting times also affect claim numbers.

claim with New Zealand Customs officials upon arrival in Aotearoa New Zealand at our international airports.

Previous Aotearoa New Zealand research has found that the process of seeking asylum upon arrival is problematic; claimants are frequently exhausted, disoriented, and apprehensive, and there have been reports of asylum seekers not being treated humanely, i.e. not being provided with adequate food, information, resting or sleeping places if required to wait overnight for interviews or processing (Auckland Refugee Council Inc., 2007; Human Rights Commission, 2010; Human Rights Foundation of Aotearoa New Zealand & Refugee Council of New Zealand Inc., 2002; Uprety, Basnwt & Rimal, 1999). This documented experience is not unique; a plethora of international research reinforces these findings (Brotherhood of St Laurence, 2002; Gillespie, 2012; Silove, Steel & Watters, 2000; Versteegt & Maussen, 2012; Vigneswaran, 2008).

Depending on the level of perceived security risks, the level of uncertainty as to identity and/or risk of absconding, there are three possible outcomes for individuals immediately after they claim asylum.

1. In cases where there are no concerns relating to criminally offending or absconding while in Aotearoa New Zealand, asylum seekers claiming on arrival are given permission to reside in 'the community' (Immigration New Zealand, 2013d). In practice, this generally means that individuals seeking asylum on arrival may be given either a list of possible places to stay, or invited to make their own way, or put in touch with the Auckland Refugee Council hostel. Most asylum seekers have or are given visas and already reside in the community.
2. In cases where the identity of an asylum seeker cannot be fully ascertained and the immigration officer identifies some degree of risk of criminal offending or absconding but considers that the level of risk does not warrant detention in prison, asylum seekers are detained at the Mangere Refugee Resettlement Centre (MRRC). Asylum seekers who are detained at MRRC are not locked in. However, detainees cannot leave the centre without permission of Immigration New Zealand staff (Immigration New Zealand, 2013d).
3. In cases where asylum seekers are without identity papers (or documents are clearly fraudulent) and where they are identified to present a risk of 'criminally offending, absconding or otherwise threatening national security and public order' (Immigration New Zealand, 2013d) beyond what can be managed at MRRC, asylum seekers may be detained in prison. The Human Rights Commission reports that detainees at Mt Eden Prison have been at times placed in solitary confinement, assaulted by inmates, and not provided with interpreters and other resources (Human Rights Commission, 2012).



### **3.5 Support services for asylum seekers, Convention refugees, and quota refugees**

Convention and quota refugees are defined as equal under the 1951 Convention. However, Convention refugees, including those who obtain Permanent Residency, are not eligible to the support services available to quota refugees. Among Convention refugees and quota refugees, Convention refugees have been found to be the least likely to feel settled and are the most likely to experience emotional difficulties (Department of Labour & Immigration New Zealand, 2004).

There has been minimal recent literature published on the support provided to asylum seekers in Aotearoa New Zealand, but the little research available consistently found that asylum seekers in Aotearoa New Zealand do not receive sufficient support (Auckland Refugee Council Inc., 2007; Department of Labour & Immigration New Zealand, 2004; Human Rights Foundation of Aotearoa New Zealand & Refugee Council of New Zealand Inc., 2002; Uprety et al., 1999).

According to the Human Rights Commission (2010), during the period of time that asylum seekers wait for their claims to be considered, asylum seekers residing in Aotearoa New Zealand receive only the bare minimum level of support needed for Aotearoa New Zealand to be able to satisfy requirements of the Refugee Convention.

#### **3.5.1 Housing**

For their first six weeks in Aotearoa New Zealand, quota refugees are provided with accommodation and board, after which they are given social housing priority in their region of resettlement; asylum seekers and Convention refugees are responsible to secure their own housing. Unlike quota refugees, Convention refugees are also not eligible to receive the accommodation supplement from Work and Income and are more likely to pay higher rents than quota refugees (Department of Labour & Immigration New Zealand, 2004).

#### **3.5.2 Orientation and settlement support**

Quota refugees are provided with a range of resources and support, including a six week orientation programme, and subsequent support from trained resettlement volunteers for the first six months after their arrival, as well as support from Red Cross Refugee Services case workers, cross cultural workers and social workers for approximately twelve months after their arrival in Aotearoa New Zealand.

In contrast, while the Auckland Refugee Council provides some support to asylum seekers and Convention refugees, the majority of asylum seekers are not provided with settlement information or support. Upon being granted asylum, Convention refugees are not provided with targeted services or support beyond *Getting Settled in New Zealand: Information for Approved Asylum Seekers*, an information booklet from Immigration New Zealand (n.d.).

### **3.5.3 English language**

While quota refugees are eligible for fee-free English language tuition – particularly during their first year of resettlement, asylum seekers and Convention refugees do not. Aotearoa New Zealand is one of the only countries to have ratified the Refugee Convention that does not provide free English language classes to asylum seekers within the first six months of arrival (Uprety et al., 1999).

Until they are granted refugee status, asylum seekers must fund their own English language learning; even after refugee status has been confirmed (and prior to Permanent Residency status), eligibility and access to fee-free English language study is ad hoc.

### **3.5.4 Healthcare**

In contrast to quota refugees who receive comprehensive healthcare services equivalent to New Zealand citizens, asylum seekers and Convention refugees are only entitled to screening and emergency medical treatment; they are not entitled to receive specialist medical treatment (Auckland Refugee Council Inc., 2007; Department of Labour & Immigration New Zealand, 2004; Human Rights Commission, 2010; Uprety et al., 1999).

### **3.5.5 Employment**

Quota refugees are entitled to work immediately upon arrival in Aotearoa New Zealand. Asylum seekers are not legally allowed to have any form of income or work permit until their first immigration interview. After this point, asylum seekers and Convention refugees are granted work permits for three months, six months, or twelve months.

### **3.5.6 Work and Income entitlements**

If asylum seeker claims are approved and they are recognised as Convention refugees, Work and Income entitlements are only marginally improved; both asylum seekers and Convention refugees are only entitled to receive the Emergency Benefit, Temporary Additional Support, and the Reestablishment Grant (upon Convention refugee status). Asylum seekers and Convention refugees are not eligible for any other subsidies or supplements. See Appendix 1 for a table outlining the financial supports available for asylum seekers and Convention refugees prior to gaining Permanent Residency.

The following table summarises ongoing disparities between quota refugees and Convention refugees.

**Table 2: Processes and entitlements: Convention and quota refugees**

<b>Convention refugees</b>	<b>Quota refugees</b>
Have been determined to be refugees in accordance to the criteria set out in the 1951 Refugee Convention by the Refugee Status Branch of the New Zealand Immigration Service.	Have been determined to be refugees in accordance to the criteria similar to those set out in the 1951 Refugee Convention by the UNHCR according to the UNHCR Statute (or acting partners) in refugee camps or other refugee-populated areas.
Are outside their country of origin and have entered another country to seek protection and asylum.	Are outside their country of origin and have entered another country to seek protection and asylum.
'Self-referred' i.e. Applied for refugee status upon arrival in New Zealand (or shortly thereafter).	Selected by the New Zealand Government while offshore for resettlement in New Zealand.
Must apply for Permanent Residency after recognition of refugee status; Permanent Residency is not guaranteed.	Referred by the UNHCR for resettlement. Are granted Permanent Residency by New Zealand Government prior to resettlement in New Zealand.
Secure their own accommodation on arrival at own cost, unless: <ul style="list-style-type: none"> <li>- Housed at Auckland Refugee Council Hostel (if there is room available)</li> <li>- Detained or released on conditions to the Mangere Refugee Resettlement Centre (depending on security concerns).</li> <li>- Detained in prison (depending on security concerns).</li> </ul>	Are provided with free food and accommodation and fully supported for their first six weeks in New Zealand at the Mangere Refugee Resettlement Centre; after this period given priority social housing, Red Cross Refugee Services assist refugees in securing social housing or affordable private rentals.
Eligibility and access to fee-free English language study is ad hoc.	Receive six weeks of free language training while at Mangere Refugee Resettlement Centre and are then entitled for up to 12 hours a week for two years.
Receive no introductory programme to New Zealand culture.	Receive an orientation to New Zealand programme upon arrival while at Mangere Refugee Resettlement Centre.
Are provided with legal aid to apply for refugee status.	Receive the support of agencies at the Mangere Refugee Resettlement Centre : <ul style="list-style-type: none"> <li>- Education - Auckland University of Technology</li> <li>- Public health and primary healthcare – Auckland Regional Public Health Service; Refugee Health Screening Service</li> <li>- Mental health - Refugees As Survivors New Zealand</li> <li>- Advocacy and resettlement support –</li> </ul>

	Red Cross Refugee Services.
Are unassisted in their day to day lives while applying for refugee status or for permanent residency.	Receive support from Red Cross Refugee Services for the first 12 months of resettlement in the form of: <ul style="list-style-type: none"> <li>- Advocacy and support – social workers, case workers, cross-cultural workers, volunteers</li> <li>- Housing needs (i.e. the provision of furniture and housing advocacy).</li> </ul>
Must make own appointment with Work and Income and apply for assistance.	Families and individuals go through Work and Income application process during six weeks at Mangere Refugee Resettlement Centre and/or when in community with support of Red Cross Refugee Services resettlement staff and volunteers.
Eligible for emergency benefits or assistance and may be entitled for Temporary Additional support and Re-establishment grant through Work and Income (see Appendix 1).  All border claimants released to the community on conditions are entitled to financial assistance of \$85 per week administered by Immigration New Zealand for the duration of their claim.	Entitled to Job Seeker benefit and Re-establishment grant, in addition to accommodation supplement and childcare subsidies; may be entitled to Temporary Additional support through Work and Income (see Appendix 1).
Have no access to the New Zealand labour market or emergency assistance unless they have a work visa.	Are entitled to work immediately upon arrival (see above).
Must regularly apply for – and renew – work visas until such time that Permanent Residency has been achieved or they are finally declined; period of time that work visas cover are administered at Immigration Officer’s discretion – may be 3 months, 6 months, or 12 months.	Automatic Permanent residency status secures entitlement to work in New Zealand.
Usually takes time to apply for and obtain a community services card, IRD number.	Application for Community Services Card, IRD number organised by support staff at Mangere Refugee Resettlement Centre.
Are responsible for legal fees and associated costs of applying for Permanent Residency.	Permanent residency granted by New Zealand Government prior to arrival in New Zealand at no cost.
Responsible for own costs.	Free meals and board provided for first six weeks until move into community.
Do not have access to comprehensive healthcare.	Entitled to free and subsidised comprehensive healthcare.

## **4. Research Findings**

The following findings are from ChangeMakers and the National Refugee Network's interviews with successful asylum seekers, and discussions with agencies and service providers working with asylum seekers.

Although participants were diverse in age, gender, and country of origin, their overall experiences of seeking asylum were often commonly shared; findings highlight wide gaps between the needs and entitlements of asylum seekers and the support available to them.

While participants spoke of their early impressions of Aotearoa New Zealand as a peaceful, kind and just society, they shared their frustration and despair at the lack of support and/or poor treatment received to assist them to enjoy their rights as Convention refugees. Participants unanimously described the lack of information provided to them at various stages during their claims for Convention refugee status and applications for Permanent Residency. Participants were also unanimous in describing the economic costs and health and wellbeing impacts arising from their journeys towards Convention refugee status and Permanent Residency.

After a brief discussion of participants' choice of Aotearoa New Zealand as a country of asylum, the findings of our interviews are grouped into two sections:

- The process and impacts of claiming refugee status and Permanent Residency
- Access to services and support

Quotes are used to illustrate interview findings and convey the range of experiences and perceptions of research participants.

### **4.1 Why Aotearoa New Zealand?**

The participants interviewed came to Aotearoa New Zealand on a variety of immigration visas. Approximately half of the participants had procured fraudulent documentation, which they either disposed of during their flight or presented on arrival in Aotearoa New Zealand. Most claimed asylum at the airport upon arrival, while others, on visitor or student visas lodged their claims once in the community. Most had specifically chosen Aotearoa New Zealand as a country of asylum, however about a third had been informed by 'agents' of their final destination when they were already in transit. Two participants had come to Aotearoa New Zealand by formal invitation with no intention of seeking asylum, but were compelled to do so due to events in their countries of origin occurring during their stay.

Participants who had deliberately elected to come to Aotearoa New Zealand held shared perceptions of Aotearoa New Zealand as a fair, safe, and green country.

*People in the ...world know about New Zealand as a place with a high level of justice, fairness, kind people and they just not involved in politics. All we know about New Zealand is just green, peace, no problems, no international issues. People living away from everything in peace. So I decided I will go in New Zealand.*

*New Zealand is known as a safe and peaceful country, which is very good for human rights not like [my country].*

Other participants described their choice of asylum location as secondary to their primary motive of just getting as far away from their country as possible:

*My intention was not to come in New Zealand as much as it was to just leave the region.*

*Wanted to get as far as possible from [my country]*

*I didn't know where I was going; I didn't find out until I was already in [transit country] and I was handed my papers.*

## **4.2 Lodging asylum claims and applying for permanent residency**

All participants outlined two primary goals: to be recognised as refugees; and to gain Permanent Residency (and for most, to have their families join them as soon as possible).

Although participants hailed from diverse backgrounds, their journeys towards these two milestones were unanimously described as 'stressful, traumatic, and frustrating'.

For all participants interviewed, their experiences of traumatic events in their countries of origin were compounded by the anxiety, uncertainty, and in some cases, destitution experienced while going through the process of their asylum and permanent residency applications in Aotearoa New Zealand.

Participants attributed their negative experiences as stemming primarily from a lack of access to accurate and appropriate information, and limited knowledge of – and access to – appropriately delivered services and support. These shared experiences have had considerable impacts on numerous dimensions of wellbeing for all participants interviewed.

*You know, refugees are not rubbish. Some of them are very educated. Some of them really love New Zealand. But they did not get the help and the chance to show their love. They feel hopeless and homeless. It's like an ice ball, every day becomes bigger and bigger.*

#### **4.2.1 Understanding of the asylum claim process**

Participants reported that while claiming asylum at Auckland International Airport, they had had little understanding of the asylum claim process as asylum seekers. They described their lack of knowledge regarding their rights and entitlements during the claim process.

*I did not know what I was entitled to; I thought I had to do things myself.*

*When I was at the airport I said to Immigration I was looking to claim asylum, they should have given me information, even told me what my rights were.*

*I was not aware of the, you know, details. I was not aware of my rights in detail.*

Poor communication and lack of assistance combined with prolonged periods of waiting and uncertainty at the airport for people who were tired, hungry, confused and stressed. Many participants commented on the lack of basic amenities while they were waiting to be interviewed.

*I had to wait, just waiting for quite a while, and then ... I had to wait until tomorrow, to sleep at the airport.*

*We said, 'We're hungry', but they didn't [give us anything]. They were very unfriendly.*

*We were not [given] somewhere to sleep... so I went and slept on one of the chairs at the airport.*

*They asked me to just wait at the airport – to sleep somewhere there... until the visa came. No one to call, nowhere to go.*

*I first spent seven hours waiting at the airport, sleeping overnight there. The next day I was interviewed for two hours.*

These findings are congruent with earlier research conducted in Aotearoa New Zealand (Auckland Refugee Council Inc., 2007; Human Rights Foundation of Aotearoa New Zealand & Refugee Council of New Zealand Inc., 2002; Uprety et al., 1999), which documented asylum seekers being poorly treated while held at Auckland International Airport without food, drink, or bedding.

The confusion and stress generated by participants' lack of knowledge and communication difficulties was further exacerbated by their experiences with officials – particularly at Auckland airport. Despite clear guidelines in Immigration New Zealand's operational manual outlining the likelihood of asylum seekers to be 'tired, disoriented, distressed, and incapable

of communicating in English' (2013d), participants described experiences with airport officials who either did not communicate clearly or failed to provide appropriate support.

*They told me to go out of the airport and look at all the taxi drivers until I found one that looked like they were from my country.*

*They told me if I don't get entrance, I can go to the police then maybe they will send me to Mangere [Refugee Resettlement] Centre or maybe I will have some kind of permit to let me in...that was that.*

The majority of participants interviewed did not speak English, which presented an additional obstacle in realising their right to claim asylum and asking for – and understanding – information relating to the asylum seeking process. Interpreters were not always appropriately or adequately provided.

*I had to communicate effectively to save myself and not to get sent back, so that is another pressure.*

*The interpreting was provided by Immigration New Zealand and it was really bad, inappropriate and inaccurate. The interpreter was not from the same area as me.*

*After the interview, he told me, 'You will leave the airport.' I asked, 'Where to go? Who to approach?' I was given a list of places that I couldn't read – I ended with a group of people that used and abused me, I was abused very badly.*

### **Case study 1**

On claiming asylum at Auckland International Airport, one married couple was held for two days and then separated by officials. This experience is not unique; previous research in Aotearoa New Zealand has documented other examples of detained husbands and distraught wives not knowing where their husbands are or why they have been imprisoned (Auckland Refugee Council, 2002). The couple interviewed for this research described the stress and anxiety caused by a lack of information, adequate explanations, or basic amenities, and limited interpreting support.

*They kept us for two days at the airport until they could find an interpreter.*

*They didn't give us any information, they didn't let the interpreter help us or give us information. Even when we try to eat, we had to wait for a long time...*

*After questioning us, they took [my husband] to Mangere camp and left me to go 'into the community'. The lady at the airport told me I can go wherever I want: 'We don't care anymore, just go'.*

*I asked, 'Where is [my husband]? Where are they taking him?' I didn't want to leave my husband, I wanted to go with him – I was really worried about where they would take him. I asked the immigration lady to let the interpreter help me, but she didn't, she didn't let me.*

*I stayed in a hotel in the airport - very expensive - I had a little bit of money, but 200 dollars every night wasn't going to take me far. I didn't know how to take a taxi, I had no idea. They didn't give me any information about how I could do this.*

*When people come here with no English or limited English, Immigration just saying 'just go' is just wrong. It shouldn't be like that, you just can't say that. Where do you go?*



#### 4.2.2 Detention

Detention of people seeking asylum should only be used as a last resort (Human Rights Commission, 2010; Human Rights Foundation of Aotearoa New Zealand & Refugee Council of New Zealand Inc., 2002). Ideally, detention should be avoided entirely for vulnerable groups; research in Australia and United States has found that prolonged detention has adverse mental health and psychosocial impacts – including depression, anxiety, post-traumatic stress disorder, and suicide ideation – among detainees, which extend well beyond the point of release into the community (Physicians for Human Rights and the Bellevue/NYU Program for Survivors of Torture, 2003; Silove, Austin & Steel, 2007). Additionally, evidence from overseas indicates that most countries do not use detention as a first option, with a number rarely resorting to detention at all (International Detention Coalition, 2011).

Detention raises fundamental human rights concerns, and international human rights law and standards regarding detention and policies of deterrence are very clear: the United Nations guidelines on the detention of asylum seekers states that ‘asylum-seekers should be accommodated separately from convicted criminals’ (UNHCR, 1999, p.10). Detention in prisons alongside convicted criminals puts the wellbeing of asylum seekers severely at risk, violating their right to security under the Universal Declaration of Human Rights.

Three participants described their experiences of detention at Mangere Refugee Resettlement Centre and/or Mount Eden prison.

Experiences of detention at Mount Eden prison had immensely negative impacts on participants’ mental health and general wellbeing.

*It was very difficult because I am not used to it in my life. There were criminal gangs, they were trying to attract people who were strong. They were trying to allure them to make them their members. The people who were like me – weak people – they were beating those people. It was fortunate for me that I found someone who was a bodybuilder and he became my friend in prison, so he was defending me. For the first two days, we were kept in a cell, just allowed one hour to get out. Then we were sent to another cell. In twenty four hours we were released two times.*

*There were [safety] risks, because when you were walking in the hall there was a possibility of everything.*

*The prison was a very, very bad place for me. It was a very bad experience.*

One participant described his experience being detained at Mangere Refugee Resettlement Centre, where he was housed alongside quota refugees with no access to the support they were receiving.

*Seven months. I couldn't do anything. Just marking time. It was really, really hard. I would mostly spend time walking, jogging, talking to family over the internet. Just trying to pass the time.*

#### **4.2.3 Claiming asylum in the community**

Those participants who were already in Aotearoa New Zealand on student or visitor visas described how they went about claiming asylum. They emphasised their complete lack of knowledge regarding the asylum seeking process.

*I thought that when I came I will go to see a United Nations representative who helps refugees, but that was wrong. It took a long time to understand that.*

*How do you find out if you don't know where to look?*

*It's you by yourself. You have no one who can guide you.  
You had to find your own way of surviving with no information on how to go at this.*

*I had no information at all about any agencies offering us assistance.*

#### **4.2.4 The impacts of uncertainty**

Participants' experiences were universally underpinned by long periods of uncertainty and waiting; waiting for approval of their claim for refugee status, and then waiting to hear if they would be granted Permanent Residency. Participants spoke of the impact of the prolonged wait for a decision on their refugee status had on their health and wellbeing.

*You start to feel like rubbish about yourself... but you need to front and face all this by yourself.*

*It's been almost nineteen months, waiting for [Permanent Residency], but nothing has happened so far. Every now and again they come up with the same excuse: 'Your security, not coming yet'. It doesn't make sense.*

*What will happen if I will be declined and I will be deported from the country?*

*We asked [Immigration New Zealand], asking them, almost begging them to tell us what's going on, why it's taking so much time. [My husband] was going through nervous breakdown. I was depressed. Daughter also going through some stuff.*

*I felt miserable and sad. I'm not a prisoner, I came here for freedom.*

*Every time I wake up in the morning I have got nothing to do. I just have to, I don't know, I've started working out, that's the only thing I do. Just to make myself not go crazy.*

*From here, I started to develop my fear, panic attacks. This was the first step in my mental disorder. It started from there. Fear, lonely and isolated. Then you feel the disability to communicate. You feel disabled, you can't do research, you can't find your way, alone at that time.*

*You feel like you are in prison. It's really hard.*

*It's like I escaped a death to face the death. It's like a very proper death, like you are stepping into death step by step; you go through all the doors of the pain every day in New Zealand.*

*We are very lonely. We are isolated. We are not aliens. We are human beings who lost their families.*

*I'm just trying to heal from this very painful time.*

Some participants had arrived alone and only had their family join them after securing permanent residency. They described the difficulty of being in Aotearoa New Zealand alone, their concern for their family left behind and waiting to be sent for, and of their experience living in a country where they feared the importance of family was not held in high enough regard.

*Everyone loves his family... We need to work with people here to understand what families mean.*

*It's been a long time. It's been really tough on every single one of us. I was away from my family, I was the man of the house and needed to provide. I was worried about the future of myself and the future of my family, my daughter, I was worried, I worried for the safety of my family, their wellbeing, how they were going to manage without any money coming into the family.*

*I have never had any crimes in my life. I have no one after me. And I am not allowed to see my family in New Zealand for three years, I don't know why. I love New Zealand, it's beautiful. I don't want to say I am hating the government or the regime.*

*I was under pressure from my family... My children are very young and my family is all alone. In my country it's very hard [for a woman alone] to run a family.*

*I started having issues with my wife back home. Her rights to have a husband were broken by Immigration New Zealand. Even if you're in jail, you have time to spend with your wife. Two years alone became extremely hard for her, that's not accepted by her community, and her family could not understand.*

For those participants who had arrived alone with children left behind, the process was almost unbearable.

*Missing [my children] is just killing myself. Because I can't do anything.*

*My child was with a friend in [my country]. When you have kids, you lose hope, you go home. Some people end up going back home. Saying they'd rather die with their kids.*

*My son refused to go school. My daughter could not recognise me. It was damaging and it destroyed my life. Immigration New Zealand damaged my family.*

They described the effects of the uncertainty, such as their inability to make plans for the future, continue tertiary study that had been interrupted due to refugee flight, or obtain meaningful employment with temporary work visas.

*You feel your hands are tied, you can't do anything about it. It just goes on and on.*

*It was an intimidating environment that New Zealand kept me in for two years. It got to the point that I started feeling like Immigration New Zealand was like God, that there is nothing I could do, and they could send me back at any time.*

*If my family and I have to wait ten years, what is the point of life in New Zealand?*

*If you just say 'No', I'm ready to pack my stuff.*

*Making someone suffer for eight years is not good. Better send them home sooner rather than later if they aren't going to be approved.*

*To be honest, I was not worried about the approval, I was more worried about how long it will take to be approved*

A few of the participants had been waiting to hear the results of their Permanent Residency applications for approximately two years. They expressed their dissatisfaction with what appeared to them to be arbitrarily long decision-making periods – particularly among those who had been deemed a low-security risk.

*If I'm not risky enough to be at Mangere (Refugee Resettlement Centre) then why does it take so long to clear?*

*Why is my character sufficient enough to obtain refugee status and a work visa, but not for Permanent Residency?*

### **4.3 Access to services, support, and assistance**

Participants were well aware of the importance of understanding Aotearoa New Zealand's systems of support in order to access health, education, and economic support, but they were also cognisant of the numerous barriers to accessing these services. Participants described their difficulty in navigating services and accessing support such as housing, health, or financial support.

*They don't provide anything, even when you are hungry or sick. Until you get residency, which takes years.*

*[There is] no help at all. At the start you don't have anyone who can say [for example], 'Yeah, you can go to Housing New Zealand' and how to apply. So you just try to find information here and there by yourself.*

*At least provide us with housing and other information that can make it easier for us!*

#### **4.3.1 Discrimination**

There has been significant attention on asylum seekers over the last year; the spectre of people smuggling and mass arrivals have provided the basis for an amendment to the Immigration Bill 2009, with asylum seekers referred to within the media as 'queue jumpers' and 'illegal'; not 'legitimate' or 'genuine' in contrast with quota refugees<sup>9</sup>. Participants were highly aware of how they are perceived.

*It's hard not to be liked for who you are and you can't do anything about it.*

*They look at you like someone who has nothing to add to New Zealand society.*

*I only stayed on the benefit for three months and I found work, but people still treat you like you are not contributing to society – even though I was paying my taxes.*

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<sup>9</sup> Guy, N. (2012). *New measures to deter people smugglers announced* [Press release]. Retrieved 17/11/13 from <http://www.nathanguy.co.nz/index.php?archives/709-New-measures-to-deter-people-smugglers-announced.html>; Woodhouse, M. (2013). *Mass arrivals bill passes into law* [Press release]. Retrieved 17/11/13 from <http://www.beehive.govt.nz/release/mass-arrivals-bill-passes-law>; *Asylum seekers not illegals – Greens* [article]. The Dominion Post, October 21, 2013. *No evidence' asylum seekers heading to NZ* [article]. Retrieved from <http://www.stuff.co.nz/national/politics/5269065/No-evidence-asylum-seekers-heading-to-NZ>

Participants also described unpleasant encounters with agencies and service providers.

*All they helped you with is just to fill a form, not much else. One of the ladies there used tissue paper to hold my pen because she didn't want to touch my pen because I had touched it.*

*Some of the immigration officers treat us as queue jumpers and that's how they make their decision. Shame on New Zealand for treating people like that*

*The Work and Income people treat you differently, when they know you are from a refugee background or an asylum seeker: The way they talk, the way they don't acknowledge you when you go there.*

*So I went to ANZ [bank] and I told the lady there I wanted to go to Auckland. The lady said 'But how can I help you?' I said, 'Book me a flight, I want to go to Auckland.' See, I thought ANZ was an abbreviation for Air New Zealand and I just thought she was abusing me and didn't want to help me because she didn't understand my background.*

*The banks in our country have armed people outside, so I didn't even think this was a bank. They called security and they came and pushed me outside. There is no one who was listening to me.*

#### **4.3.2 Access to Work and Income support**

All participants interviewed had received (or were still receiving) the Work and Income emergency benefit, the minimum entitlement for asylum seekers and Convention refugees.

*Since I apply for asylum status I qualified to receive the emergency benefit. The last sort of benefit.*

None, however, were aware of their eligibility for temporary additional support or the Re-establishment Grant (see Appendix 1). Participants were quick to describe the negative experiences they'd had engaging with Work and Income staff.

*Sometimes they decline for little reasons.*

*You go to Work and Income; you're not entitled to anything. No doctor or anything!*

*I have twice made a complaint about the way [Work and Income] treat people, I've sent letters, but I never receive any replies. So now I stay away from them, I don't get any benefits or ask them for service.*

*We are unemployed but we don't register with Work and Income because of the way they treat us.*

*I was going there by myself and waiting all day to see someone. I was not offered interpreting support, I didn't know about Language Line.*

*Some of the Work and Income staff, they behave in a way that we feel really bad. When we go and talk to them, they make it even worse. Not all the staff are bad, some of them are very good, but some make it very bad. They humiliate you.*

The financial assistance provided by Work and Income and the entitlement to work and study remains unchanged whether living in Aotearoa New Zealand as an asylum seeker or holding Convention refugee status. While participants acknowledged that having an asylum claim approved – and the resultant ruling out of the risk of deportation – was not to be underestimated, they noted little improvement to the quality of their daily lives.

*When our claim was approved, not much really changed. We just know that we're accepted, nothing else has changed.*

*I just live and have to survive. I must survive. You still you are facing challenging arguments sometimes with Work and Income in regards to knowing your rights. Before, it was just myself, now I got a whole family. I'm sponsoring them, while I myself need someone to sponsor me and my family.*

#### **4.3.3 Access to housing**

All participants – particularly those who had not had access to the Auckland Refugee Council – described highly stressful experiences trying to secure housing. Many discussed the difficulty of securing housing without sufficient funds, without references, and with the added barrier of discrimination.

*I stayed in a homestay, but when the owner of the home heard that I was applying for refugee status she was scared. She asked me to leave.*

*When you go for private housing, [landlords] don't know you, you have no references, so it's another barrier.*

Participant remarks highlighted how vulnerable they were in their attempts to find affordable and appropriate housing while they waited for their asylum claims and Permanent Residency applications to be granted. Lack of eligibility for social housing compounded these pressures.

*You don't qualify for a roof over your head.*

*I never stayed at the [Auckland Refugee Council] Hostel. I stayed with a family for about three months. It was terrible for me then.*

*You have to be homeless before they can help you.*

For some participants, the stress of securing housing had negative impacts on both health and mental wellbeing.

*I parked and lived in my car for three months. I got a hold of a friend who allowed me to at least have a shower in his house. I got sick, I even got eczema on my body, something to do with hygiene.*

*They [finally] gave me a house. That's the first time I opened my suitcase that my wife packed for me two years before. I just came in the house and cried and cried.*

#### **4.3.4 Access to healthcare**

Asylum seekers are eligible for public health doctors, health screening (e.g. for TB, HIV and other communicable diseases) and emergency care but need to show proof of status (i.e. an approval letter from the Refugee Status Branch, the Immigration and Protection Tribunal, or a residence visa or an open-ended work visa) (Auckland Regional Public Health Services, n.d.). They are not entitled to specialist care, such as dentists, optometrists, or mental health specialists (Human Rights Commission, 2010). The exceptions are Refugees As Survivors New Zealand and Refugee Trauma Recovery, refugee mental health organisations in Auckland and Wellington respectively – however, many of the participants had not heard of these services.

Participant observations revealed gaps in knowledge about healthcare entitlements – by both participants *and* healthcare providers. Some participants were not aware of their right to healthcare at the time of interviewing for this research.

*We didn't have free healthcare, you have to pay. I didn't know you didn't have to pay.*

*With us coming as asylum seekers and [without] information telling you about the system here, there are gatekeepers that you have to go through. Those are the things that we just discovered by living here.*

Knowing one's entitlements isn't always enough of a guarantee to receiving appropriate support. Three participants reported being turned away from doctor's offices and hospital



emergency rooms, even after presenting proof of having applied for asylum or evidence of their Convention refugee status.

*They said, if you are not a permanent resident, you cannot register.*

Participants were acutely aware of their precarious position in Aotearoa New Zealand, particularly those who were had not yet been granted Permanent Residency. On occasion, this knowledge made it difficult to confidently advocate for their rightful healthcare entitlements.

*I went to see doctors and they charged me about 120 dollars. I know that these people are cheating me. But I don't want to complain... I am not supposed to pay for it. But I don't want to make it a problem.*

*I desperately needed a doctor. I went to [a local PHO] and they told me they couldn't see me without Permanent Residency. I didn't want to argue so I just went to [another PHO].*

#### **Case Study 2**

Compromised access to healthcare not only puts asylum seekers and Convention refugees at risk, it also causes tremendous stress, particularly for those with children. One participant described taking a small, unwell child to a hospital emergency room only to be turned away.

*The second youngest child was sick, we took her to hospital, they said because I don't have [Permanent Residency], the admission fee is \$400. I said, 'If we are refugees, how can we afford to pay for this?'*

*I was crying, and my child was sick, was vomiting, she had high temperature, they are supposed to provide for some health services, not to decline her and ask for Permanent Residency.*

*They just gave some medication to reduce her fever and told her to leave the hospital. I left so disappointed, still with a sick child.*

#### **4.3.5 Access to employment**

Once claims are lodged, asylum seekers are entitled to Temporary work visas, valid either for three, six, or twelve months. Participants revealed a lack of consistency around the duration of individual temporary work visas. Despite hearing from numerous channels that officially 'the standard' was a twelve month temporary work visa (in acknowledgement of the difficulty of securing employment with anything less), all participants reported having only received been given a three or six month work permit once their claim for asylum had

been accepted. The ongoing requirement to renew their work visas added another level of stress to their situations.

*Every six months I had to renew my work visa. At the bottom of the letter it used to say, 'If your visa has expired, you will face removal'. That was a big panic for me.*

Permanent Residents in Aotearoa New Zealand who are from refugee backgrounds experience numerous barriers to securing employment (ChangeMakers Refugee Forum, 2012; Elliott, 2004). These barriers are likely to be further magnified without a permanent entitlement to work. Participants reported high levels of reluctance on the part of employers to hire an asylum seeker or Convention refugee holding a temporary work visa.

*I asked them, 'If you are employer, would you employ me with the three or four months visa status?' No one wanted to. I had to fight.*

Whether due to the shame of being on a benefit or the sheer necessity of needing an income (and frequently a combination of the two) participants were all eager to be in employment.

*That's the thing, I want to work, I don't want to be like some people who live on welfare for the rest of their life, I want to work, I want to succeed, I want to be, I don't know, maybe something rich. I want to be successful. I want to make myself useful but I am not allowed to do that. It's like I am in prison, somehow.*

*No one wants to be on a benefit. It is not enough. We would rather work.*

*I have the potential to work, to contribute, rather than be a burden.*

*We had to go on a benefit when we got here, but I was ashamed. I don't want to come here and get the money from you guys... we are already feeling bad.*

Participants described how high barriers to employment meant that their work options were profoundly limited. Many did not feel secure enough in their jobs to demand that their employment rights be met, or – more frequently – were unaware of their rights to begin with. Participants also reported how limited work options sometimes meant that the only type of work they were able to secure heightened their vulnerability in Aotearoa New Zealand.

*When you're new and you don't know much, people try to take advantage of you. It is good to know your rights. To know if it's ok to be sick or not, whether you're entitled to take leave or not.*

*I know of girls who have had to work at strip clubs to get money to survive.*

*You are so eager to have a job you take on too much, and you don't know who to go to when something is wrong.*

#### **4.3.6 Access to education**

Education is seen by many people from refugee backgrounds as critical; during the course of ChangeMakers' research history alone, people from refugee backgrounds have frequently remarked on how enormously important education is in terms of providing opportunities for refugees to attain the knowledge, skills and confidence to obtain durable and ongoing employment, access health services, and take part in the social and cultural life of their host country. These sentiments were also expressed by participants in this research.

*My main concern is about my permanent residency. The second thing is about my education.*

*As soon as I get my passport, I'm running to school, and then I'm running back to study link!*

*I was really ambitious, I was a very good student but I had to drop out. We are all stuck in limbo, not knowing when [Permanent Residency] is going to come. I would say it's like torture. It really is like torture, because I for one, I would like to go to university. I really do. I am ambitious. I don't want to be sitting home.*

*For the last two years, I have been sitting with my mum at home. I'm twenty five years old, being like, let's say, trapped.... Strapped into the chair, not able to do anything. I want to fulfil my potential. Why aren't they letting me go to at least to university? I am not allowed to work, I am not allowed to go to university.*

*How do you think I learnt English? I did it on my own. It was really hard. It shows that I am a go getter, I am ambitious. I would like to be as good as a lot of people.*

*I have almost lost everything I have had in my life. I've had to make the sacrifices, watch my son being forced to drop out of university and not continuing his education.*

*There is no interpreter at school. That is tough. I have no idea what they are saying and it's really hard. I have no idea of what's happening, In terms of English, I am the weakest person at school.*

Asylum seeker and Convention refugee access to education (including English language study) is limited prior to Permanent Residency. Even with Permanent Residency, lack of

institutional knowledge about the rights of people from refugee backgrounds in Aotearoa New Zealand meant that it was not always straightforward to access education.

#### **4.3.7 Engagement with local communities**

Some participants described help they had received from people from their own communities who had previously claimed asylum.

*Someone who was a member of the Auckland [Refugee Community] Coalition guided me of what to do, because I never knew what to do, who to approach.*

While some participants described support from community members as invaluable, others noted the risks of acting on community guidance – and assuming community goodwill – in the absence of the provision of official information.

*You need to make all decisions by yourself from the information you collect from around you. And you are collecting from people who don't really understand anything.*

*They direct you and you get lost because there is no clear organisation to go to for help.*

Participants also highlighted corruption within their own communities, with community members utilising the lack of available information and support to exploit asylum seekers.

*I was nearly to commit suicide because of the refugee communities in New Zealand. You are collecting [information] from people who keep you in intimidation and they will give you incorrect information.*

*Naturally, you want to go your community for advice. The community is a big game, they keep you and they direct you and you get lost.*

*Later on I found out other asylum seekers were also going through this situation because of [X's false offerings of support]. One woman was with a child. She ended up living in a car and peeing into a pot.*

*Agents are targeting people, saying they have everything sorted. They block information, they take their money, they don't tell them about the ESOL classes.*

*They are working as interpreters, but charging a lot of money to asylum seekers to provide immigration advice, they make up the stories – they making us believe that without them we will not get Permanent Residency.*

*It says they are immigration consultants in their own language on one side [of their business card] but on the other side in English it just says they are interpreters. This means that officials employ them as interpreters but when we look at the card, we think they have to pay – they can fake and make up the stories.*

*I knew an interpreter that said, 'I can stop interpreting for you. If I don't help you, you don't get Permanent Residency. You have to pay me'.*

After fleeing one's country and enduring the difficulties of claiming asylum, mistreatment from one's own community is doubly traumatising. Some participants described how humiliated they were by how much others in their communities knew about them.

*They use information about asylum seekers to humiliate us, to keep us from services, to tell everyone in the community.*

As two participants explained, even though they know that exploitation and mistreatment from members of their own community have not only caused harm but are also illegal, they do not feel safe reporting their experiences.

*[X] is very dangerous. [X] has a gang.*

*One person tried to make a complaint, but they smashed the car, the windows, until they stopped taking action.*

#### **4.4 Disparities between Convention and quota refugees**

Many participants highlighted the gaps between supports provided to quota refugees in comparison to what they had been able to access.

*The asylum seekers and the quota refugees, they have to go their own separate ways.*

*Both categories of refugees have come from the same country, with the same problem – maybe some went to a refugee camp and others tried to come here by themselves – it should be the same thing.*

*When you get your status as a refugee and your residency, they should consider you as equal... The same opportunity as is received and given for the other side.*

*Even when you go by the Mangere Refugee [Resettlement] Centre, they tell you they work for the quota refugees, not asylum seekers*

*You know, as a quota refugee, the Māngere [Refugee Resettlement] Centre helps you... For us, as asylum seekers, we have to do it ourselves, including paying for ourselves. You don't get any help at all.*

#### **4.5 Positive experiences**

Participants also identified positive experiences that occurred during their process.

*Despite everything we would like to thank the New Zealand Government for letting us staying in a safe, friendly, beautiful country with really hospitable people.*

*What's good about living here now? I'm happy that I have my freedom in New Zealand. I have my freedom, I can speak my mind.*

Of those participants who had positive experiences, many expressed their continued gratitude as they cited specific examples of indispensable support. Participants' comments highlight their awareness of how critical it is to have an advocate who is knowledgeable of asylum seeker and Convention refugee rights and entitlements in Aotearoa New Zealand.

*We would like to first thank [Immigration New Zealand asylum seeker support person], [X] has been an amazing help to us over the last God knows how long. We are greatly indebted to [X] and also [Auckland Refugee Council], who has supported us ever since [we] set foot in New Zealand and we just like to take this moment to thank them.*

*When I came to the [Auckland Refugee Council] hostel I didn't have any benefit, so they gave us weekly food. That was really helpful, because when I was at the hostel I only had ten dollars left.*

*I got a lawyer, an awesome guy, I will never forget him, very respectful and very understanding of what humanity means.*

*Best interpreter I have ever met. Absolutely professional, expert and perfect interpreter.*

*I feel I'm lucky in New Zealand because of [Immigration New Zealand asylum seeker support person].*

*The main focal point was [Immigration New Zealand asylum seeker support person].*

*[Immigration New Zealand asylum seeker support person] is an angel.*

In some cases, support from the Auckland Refugee Council (the sole NGO providing support to asylum seekers and Convention refugees), and support from the Immigration New Zealand Asylum seeker support worker meant the difference between accessing entitlements or not, demonstrating the necessity of targeted support for asylum seekers in the absence of informed mainstream agencies.

*Every time I go to Work and Income I have to go with [Auckland Refugee Council] otherwise Work and Income will decline you or turn you away for nothing. But with [Auckland Refugee Council], they can argue for me, and ask the right questions.*

*We went to Unitec to enrol for English classes, but they said 'Not without Permanent Residency', but then we went back with [Immigration New Zealand asylum seeker support person] and they said maybe they will accept us for next term.*

*[X] wasn't allowed to go school, but [Immigration New Zealand asylum seeker support person] came and convinced them that [X] is eligible to go to school as the child of a refugee. [Immigration New Zealand asylum seeker support person] is really amazing. We wouldn't have made it through without [Immigration New Zealand asylum seeker support person].*

## **5. Discussions with service providers and agencies providing support to asylum seekers and Convention refugees**

During the course of this research, ChangeMakers and the National Refugee Network spoke with staff from Immigration New Zealand, the Auckland Refugee Council (which provides a hostel for asylum seekers), and staff from Refugees As Survivors New Zealand.

Staff from these agencies identified the following concerns:

- Insufficient resources available to provide adequate staffing to meet the needs of asylum seekers resulting in high levels of stress and/or burnout.
- Asylum seekers and Convention refugees are often portrayed negatively by politicians and media, which influence public perception and negatively impacts asylum seekers and Convention refugees.
- A lack of willingness to prioritise the needs and rights of asylum seekers as part of Aotearoa New Zealand's human rights obligations.
- A lack of knowledge within agencies such as Work and Income and Immigration New Zealand airport officials, the health and education sectors, and some

community sector organisations of the specific rights of asylum seekers and Convention refugees, including those who are Permanent Residents.

- A need for greater cross-agency sharing to address the above gaps in knowledge and resources.

## 5.1 Lack of resources

Agency staff stated that there is a very small pool of specifically-funded service providers and support workers with the time and resources available to support the needs of asylum seekers and Convention refugees and assist them in accessing their entitlements.

*The nature of the work that we do and the number of hours means that we have to spread [ourselves] across all areas.*

*Real support and real outcomes are given by people who are committed to this particular group of people... Their commitment sees them going over and above their brief to give the support that people need, because otherwise there is none.*

*We've got good people out there, dotted around and individuals in their capacity who are going over and above what they are supposed to do and feeling under-resourced.*

Agency staff highlighted the urgent need for more funding in order to sustain their services, with some remarking that efforts to obtain more funding was an ongoing and time-consuming challenge.

*We are always told, 'Sorry, great idea, but there is no money'. No money, no money, no money.*

With gravely limited financial resources, one service provider found themselves in a position where they couldn't guarantee the future of their organisation.

*Up until very, very recently, we were seriously thinking that we were going to be closing the doors.*

Limited funding has also meant that at times, service providers found themselves in the difficult situation of being forced to balance the needs of their clients against one other.

*You have to constantly reprioritise, depending on how someone is coping at the moment with their mental health. Whether children are involved. Moving people on, sooner rather than later if you've got other people waiting at this end. For example,*



*[even] if they've got accommodation [available] that's not great, but they've got a roof over their head, even if that's a garage.*

*You take the one that hasn't got anything. It's just that – juggling – all the time.*

*In theory, we talk about people coming into the hostel for six months, that what we try and work towards. This is all good in theory, but the cost of private rentals makes it difficult to keep that balance. That's a very long period of time for anybody to be living in limbo, so you know sometimes we have to make some decisions about keeping on the support for longer than we would ideally like.*

*It's difficult, it's difficult. The problem constantly is, if we make decisions about limiting our service, or about not doing this or not doing that, the human face of those decisions and the repercussions of those decisions.*

Service providers were aware that they were only working with a small percentage of asylum seekers and Convention refugees; they were unsurprised when we mentioned that some research participants were unaware of their existence. However in the current limited resource climate, lack of broad knowledge of these agencies and their services was seen as a 'necessary evil'.

*I must admit that this role has been a well kept secret*

*What do we do if we get even more clients? You know, we haven't got capacity to deal with that at this point in time. In an ideal world, we would like to be much more public about our service, but –*

Service providers were acutely aware of the financial stresses of their clients. The limited resources provided to asylum seekers has meant that at times, service providers have had to absorb the living costs of their clients, sometimes for long periods of time. This is evident especially during appeal periods for those who have had their claims denied, when, as staff explained, asylum claimants are in 'limbo'. During this time, claimants have very few or no entitlements.

*When the first application as a refugee has been declined, they have to get their case reassessed. During that period, they do not get an emergency benefit from the government. They are still allowed to be in this country, they are not being deported, they still have rights to appeal...and yet there is no money there for them, so we have to carry the costs for that... that can be quite destructive.*

*In the last year, I've had three clients who have been waiting to have their refugee status decided on: it took two ten years; [the other] it took four years.*

Service providers discussed the challenges of being in protracted 'limbo', for themselves and also for asylum seekers; they explained how asylum seekers who were appealing immigration decisions have limited opportunities for seeking employment. As discussed by asylum seeker research participants themselves, service providers also critiqued the seemingly ad hoc provision of varying lengths of work permits.

*I don't know, they were allowed to claim asylum, they've obviously got good grounds to claim asylum, why not give people a [work] visa, that's what I can't understand.*

*The clients that we work with want a work visa so they've got the option of working, but even when they've got that, it's a challenge because they tend to be short term, usually a maximum of six months, sometimes only three months, which employers are not interested in.*

Many individuals described the stress of working with such a high-need, vulnerable population within such an under-resourced work environment.

*Staffing and funding are the same problem, and I am really tired working with asylum seekers for more than six years in a row. So there's burnout, compassion fatigue.*

*They can be very needy and very demanding and it's very tiring, especially because most of their psychological issues are purely due to the awful environment they are living in.*

*You will get someone who has been in the community for months or years, ringing up and asking to come and have a chat about things that aren't going well, so I try to fit them in as well but it's just really, really hard.*

*It is extremely rough. I work bloody long hours, I am telling you [Cries].*

*Yesterday for example, I took one guy, first we went to IRD then we came back and picked up the emergency benefit forms, we came back here, we filled them in, we then went to the bank to try and open a bank account but that was taking too long and we had to leave to go to our appointment at Work and Income, where we were kept waiting an hour. We got sorted at Work and Income then we went back to the bank and that was three 'clock. That was my whole day! And I don't know how many kilometres I had to drive, just to actually get those basics.*

*Now for this guy, his English is limited, he's got no transport, he's got no finances. How was he supposed to do that without support? It's impossible.*

## 5.2 Negative portrayals of asylum seekers and Convention refugees

Many service providers expressed their concern regarding working in an environment where predominant public and political perceptions of asylum seekers were hostile, and the impact this environment has on potential resourcing and asylum seeker wellbeing.

*The recent Immigration Bill that went through signals some worrisome potential in terms of a change in the direction that this country could go down.*

*I don't think it helps when John Key uses the word 'queue jumpers' quite publicly, that is worrying. It's picked up by the community at large, and that impacts on our clients*

*This really articulates for me the sort of barriers that I face when I am working with people, with government agencies or the public:*

*I said to [the group], 'Can you just tell me what are perceptions of asylum seekers?' Just rolling off their tongue, they gave me: 'criminals, problem makers, trouble, burdens, unknown, unwanted, challenging, desperate, alien, illegals, homeless, life of violence, from disadvantaged background, money grabbers, taking up space' And I was speaking to people who wanted to ask me how can they help asylum seekers!*

*If I had not been in this role working with these people as real people, then this could very well be my perception of who they are. So it's not to place a judgement on people, but it's the reality of people's perceptions, of ignorance.*

*You can believe that I make judgements too, but my role at the end of the day, is that I am faced with real people who need money to survive, who need a roof over their head, who don't have the English to be able to get the job that we are saying you need to have, who don't have the means to be able to access English classes and education that they need to be able to get a job because there is no government funding there.*

*And underlying all of that, there is this just underlying perception of who these people are and I think that is the biggest barrier for them [Cries].*

## 5.3 Lack of willingness to prioritise asylum seekers and Convention refugees

Service providers discussed their frustration with the difficulty in convincing both Government and funders to acknowledge and respond to the rights and needs of asylum seekers and Convention refugees.

*We have constantly been trying to get them to acknowledge the work that we do, but nothing is changed, we are not getting any funds and to be perfectly honest, I*

*can't see that changing in the near future.*

*In every refugee forum, people get up and complain about lack of funding, but they just say it's not a government priority – 'Write to the Minister if you like but you won't get anywhere'.*

*The funder told us that we do not fall under their funding criteria – our clients are not a priority at this time.*

*I don't think that Immigration New Zealand can not be aware of the issues involved for our clients, and the importance of the work we do, but when you try and get that translated into concrete, practical support and changes in policy [nothing happens].*

#### **5.4 Knowledge gaps**

Many service providers discussed how exhausting it was to repeatedly return to Work and Income offices to explain their own policies to them. They reported the same difficulties in working with some English language providers in terms of reiterating the rights of asylum seekers to access even the minimum of English language support. This type of advocacy not only takes up the bulk of work hours, it perpetuates difficulties for asylum seekers and Convention refugees in being able to advocate for themselves.

*We are constantly having to get asylum seekers through the bureaucracy.*

*...if accessibility to what their rights are in terms of benefits and education was [better known], it would make a huge difference; it's the barriers around access to those things.*

*When Immigration New Zealand says, 'They can get this from Work and Income, they can get that', theoretically that's fine, but practically that is enormously difficult.*

*There is a difference between what's on the paper and the real people. They do not understand. It makes it difficult.*

#### **5.5 Need for cross-agency sharing**

Service providers agreed that while they could identify some degree of shared willingness among a few of their colleagues, there was minimal collaboration between and among agencies. They also recognised the lack of inter-agency collaboration was potentially contributing to ongoing knowledge and service gaps within the mainstream sector. All discussed the benefits of developing a partnership model to support their shared clients.

*I want to move forward in partnership with other agencies, and communicate with them in a way that they are going to feel like they are supported.*

*There is a huge gap around knowledge of appropriate people in the community and exactly what they provide. If we knew, then we can partner together.*

*The key is knowing what the need of the family is and knowing who there is within [the sector] who actually is going to meet those needs.*

*If we are looking at the interface between Immigration and Work and Income, we've got asylum seekers and Convention refugees having issues with Work and Income: these two government organisations need to work more vigorously together to sort those issues out. We need to come up with some clear pathways to make it work.*

*One of the things is actually to communicate with other agencies around what it is that [asylum seekers] need, there are lots of conversations about [improving] effective communication from one government agent to the other.*

## **5.6 What's working well**

Discussions also highlighted areas of success – particularly in cases where staff had identified 'allies' within the community and also other support agencies.

*We've built quite a few relationships with people [at] Immigration, and we've got a person at a Work and Income office that is really helpful.*

*There are certain systems in place which I think do work well... I've never had any problems with schools refusing asylum seeker child with or without documents so far, so that's been really good. The schools have got that message.*

*[At one English language institution] the fees for their visas are usually waived and that's a great help.*

Service providers were also cognisant that their work was seen as valuable by communities and other organisations, which helped maintain morale despite resource constraints.

*There is quite a strong sense of support for the work we do from other community organisations. They can't give us money, but there is a strong willingness to support us and value the work that we do and that makes a huge difference on a day to day basis when you are coming into work.*

## **6. Conclusion**

Under the 1948 Universal Declaration of Human Rights and the 1951 Refugee Convention individuals have a right to claim and enjoy asylum. Aotearoa New Zealand, in contrast to many other industrialised countries, receives a very small number of asylum seekers: about 300 people per year. Approximately one third are recognised by the New Zealand Government to be Convention refugees. Although recognised as refugees, successful asylum seekers are currently not included in the New Zealand refugee Resettlement Strategy, which only applies to quota refugees.

Asylum seekers interviewed for this research identified numerous barriers in the process of being recognised as Convention refugees and obtaining Permanent Residency. Participants faced prolonged periods of uncertainty that created anxiety, fear, and low self esteem that had severe negative impacts on their health and wellbeing. The lack of information about the asylum claim process and their entitlements, as well as limited access to services including interpreters accentuated these impacts.

Participants' experiences of seeking asylum and the journey towards Permanent Residency were laden with hurdles: from poor guidance, misinformation and/or mistreatment from airport officials and government agencies, to exploitation and corruption from community members.

Staff from service providers reiterated the issues raised by participants as well as identifying systemic issues such as a severely under resourced sector, the negative portrayal of asylum seekers by politicians and the media, an unwillingness to prioritise the rights of asylum seekers and Convention refugees, and the need for more cross-agency collaboration.

## 7. Recommendations

*I do not want other people to have this kind of experience.*

It is recommended that systematic policy, processes, and procedures are developed to address the significant and disturbing issues raised in this report to ensure all asylum seekers and Convention refugees are aware of, and can realise their rights and entitlements.

This includes but is not limited to:

- All immigration policy and operational procedures to include information on the right for people to seek asylum.
- The New Zealand Refugee Resettlement Strategy is amended to include all refugees so the self sufficiency, participation, education, health and wellbeing and housing outcomes of Convention refugees is monitored alongside quota refugees.
- Immigration New Zealand, in collaboration with service providers, maps the current mix of support services available to asylum seekers and Convention refugees and funding for these services, to explore how the service delivery and funding gaps identified in this research can be addressed in the short term.
- Immigration New Zealand seeks Cabinet approval for funding to extend support services and mechanisms available to quota refugees to Convention refugees.
- All refugees – regardless of whether quota refugees or Convention refugees – should receive *at a minimum* the support and entitlements equivalent to current quota refugee provisions.
- The National Refugee Resettlement Forum within the next 1-2 years focuses solely on asylum seekers and Convention refugees to increase awareness and understanding of these groups.
- Immigration New Zealand review the time period that asylum seekers and Convention refugees are legally able to work to ensure people have a realistic opportunity of securing employment, i.e. work visas should be standardised and made valid for the duration of at least twelve months.
- Asylum seekers who have limited or no English language are provided with access to a trained and reputable interpreter.

- Standardised materials (in a number of languages and/or distributed to asylum seekers who are provided with an interpreter) are developed by Immigration New Zealand and distributed to asylum seekers to inform:
  - The stages of the asylum process, including what happens when they claim asylum at the airport or in the community,
  - What is involved at each stage, including estimated timeframes,
  - What support asylum seekers are entitled to and how to access these entitlements,
  - A list of agencies that provide support and who to contact with questions and concerns,
  - An introduction to Aotearoa New Zealand.
  
- Key support agencies and service providers develop comprehensive training so that relevant staff are fully versed in asylum seeker and Convention refugee matters.
  
- Immigration New Zealand and service providers jointly develop a communication strategy to educate New Zealanders about the right to seek to seek and to enjoy in other countries asylum from persecution.

*For people who are coming in this way, I don't wish them to suffer, to struggle, the way I struggled.*



## Appendix 1: Asylum seeker and Convention refugee financial entitlements

<b>Work and Income</b>	Must have claimed asylum (i.e. be applying for refugee status and therefore hold a valid temporary entry class visa) or must be a recognised refugee or protected person
	<p><b>Entitled to Emergency benefit:</b></p> <ul style="list-style-type: none"> <li>- Benefit is granted for up to three months or the expiry date of the temporary entry class visa (whichever is soonest)</li> <li>- Rates are equivalent to Job Seeker support rates</li> </ul>
	<p><b>Not entitled to:</b></p> <ul style="list-style-type: none"> <li>- Accommodation supplement</li> <li>- Childcare subsidy</li> <li>- Disability allowance</li> </ul> <p>Recipients of these benefits must hold Permanent Residency.</p>
	<p><b>May be entitled to Temporary Additional Support:</b></p> <ul style="list-style-type: none"> <li>- A renewable 13-week benefit payment designed to alleviate temporarily unmanageable costs associated with: <ul style="list-style-type: none"> <li>o Essential household items</li> <li>o Accommodation costs (e.g. rent, including Housing New Zealand rent)</li> <li>o Health and disability costs</li> </ul> </li> <li>- Asylum seekers and recognised refugees are entitled to receive the greater of the appropriate Accommodation Supplement maximum rate or 30% of their (unabated) main benefit.</li> <li>- Must have either refugee status or be in the process of applying for refugee status (i.e. hold a visa or permit to be lawfully in New Zealand).</li> <li>- Also applicable to asylum seekers and refugees who are in employment but earning under a benefit threshold.</li> </ul>
	<p><b>May be entitled to Re-establishment Grant</b></p> <ul style="list-style-type: none"> <li>- \$1200 per family (if more than two children in the family, additional \$100 for each additional children)</li> <li>- Must have refugee status. i.e. Must apply for this grant within one year of arriving in New Zealand but not until after an asylum claim has been approved (e.g. Convention refugees are ineligible if their refugee claim takes longer than twelve months).</li> <li>- Covers household essentials (power/phone connections, furnishing and appliances, clothing, cost of transport and/or attendance at English language classes (if not entitled to classes at no cost), etc.)</li> </ul>
<b>Immigration New Zealand</b>	<p><b>Weekly allowance if housed at Mangere Refugee Resettlement Centre and Auckland Refugee Council</b></p> <ul style="list-style-type: none"> <li>- \$85 per week</li> </ul>

## References

- Asylum seekers not illegals – Greens. (2013, October 21). *The Dominion Post*, p.B3
- Auckland Refugee Council Inc. (2007). *Experiencing asylum*. Auckland, New Zealand: Auckland Refugee Council, Inc.
- Auckland Regional Public Health Services (n.d.) *Refugee health*. Retrieved from <http://www.refugeehealth.govt.nz/aboutus/refugeeNewZealand.asp>
- Brotherhood of St Laurence. (2002). 'Seeking asylum: Living with fear, uncertainty and exclusion', *Changing Pressures*, No.11.
- ChangeMakers Refugee Forum. (2008). *Standards for engagement*. Wellington, New Zealand: ChangeMakers Refugee Forum.
- ChangeMakers Refugee Forum. (2010). *Guidelines for research with refugees in Aotearoa New Zealand*. Wellington, New Zealand: ChangeMakers Refugee Forum.
- ChangeMakers Refugee Forum. (2012). 'People with refugee backgrounds can do the job' *Refugee-background experiences of employment in Wellington*. Wellington, New Zealand: ChangeMakers Refugee Forum.
- Department of Labour & Immigration New Zealand. (2004). *Refugee voices: A journey towards resettlement*. Wellington, New Zealand: Department of Labour.
- Elliott, S. (2004). *The journey to work: Jobs for refugees*. Auckland, New Zealand: JR McKenzie Trust.
- Gillespie, M., (2012). *Trapped: Destitution and asylum in Scotland*. Glasgow, Scotland: Scottish Poverty Information Unit, Institute for Society and Social Justice Research, Glasgow Caledonian University.
- Guy, N. (2012). *New measures to deter people smugglers announced* [Press release]. Retrieved from <http://www.nathanguy.co.nz/index.php?archives/709-New-measures-to-deter-people-smugglers-announced.html>
- Levy, D., Hartevelt, J. and Migone, P. (2011, July 12). No evidence asylum seekers heading to NZ. *Stuff*. Retrieved from <http://www.stuff.co.nz/national/politics/5269065/No-evidence-asylum-seekers-heading-to-NZ>
- Human Rights Commission. (2010). *Human rights in New Zealand 2010*. Retrieved from [http://www.hrc.co.nz/hrc\\_new/hrc/cms/files/documents/Human\\_Rights\\_Review\\_2010\\_Full.pdf](http://www.hrc.co.nz/hrc_new/hrc/cms/files/documents/Human_Rights_Review_2010_Full.pdf)
- Human Rights Commission. (2012). *Submission by the Human Rights Commission: Immigration Amendment Bill 2012 to the Transport and Industrial Relations*

*Committee*. Retrieved from [http://www.hrc.co.nz/wp-content/uploads/2012/06/Submission-on-Immigration-Bill\\_NZHRC.pdf](http://www.hrc.co.nz/wp-content/uploads/2012/06/Submission-on-Immigration-Bill_NZHRC.pdf)

Human Rights Foundation of Aotearoa New Zealand & Refugee Council of New Zealand Inc. (2002). *Freedom's ramparts on the sea – The detention of asylum seekers in New Zealand*. Auckland, New Zealand: Human Rights Foundation of Aotearoa New Zealand & Refugee Council of New Zealand Inc.

Immigration New Zealand (n.d) *Getting settled in New Zealand: Information for approved asylum seekers*. Auckland, New Zealand: Immigration New Zealand.

Immigration New Zealand. (2013a). *The refugee and protection asylum forum report February 2013*. Auckland, New Zealand: Ministry of Business, Innovation, and Employment.

Immigration New Zealand. (2013b). *The Refugee and Protection Unit: Refugee Status Branch Statistics*. Retrieved from <http://www.immigration.govt.nz/NR/rdonlyres/FD786C95-327E-40F9-9DBB-68AFFB9BD9FE/0/RSBStatPakInternet.pdf>

Immigration New Zealand. (2013c). *The refugee and protection report*. Auckland, New Zealand: Immigration New Zealand.

Immigration New Zealand (2013d). *Immigration New Zealand operational manual*. Retrieved 20/11/13 from <http://www.immigration.govt.nz/opsmanual/46726.htm>

International Detention Coalition (2011). *There are alternatives. A handbook for preventing unnecessary immigration detention*. Melbourne, Australia: La Trobe University.

New Zealand Government. (2013). *Refugees coming to New Zealand*. Retrieved from <https://beta.govt.nz/browse/travel-and-immigration/citizenship-and-residency/coming-to-new-zealand-as-a-refugee/>

Physicians for Human Rights and the Bellevue/NYU Program for Survivors of Torture. (2003). *From persecution to prison: The health consequences of detention for asylum seeker*. Boston and New York: PHR and the Bellevue/NYU Program for Survivors of Torture.

Silove, D., Austin P. & Steel, Z. (2007). No refuge from terror: The impact of detention on the mental health of trauma-affected refugees seeking asylum in Australia.' *Transcultural Psychiatry* 44 (3): 359-394.

Silove, D., Steel, Z., & Watters, C. (2000). Policies of deterrence and the mental health of asylum seekers. *Jama-Journal of the American Medical Association*, 284(5), 604-611.

Statistics New Zealand (2013). *New Zealand in profile*. Retrieved from [http://www.stats.govt.nz/browse\\_for\\_stats/snapshots-of-nz/nz-in-profile-2013/population.aspx](http://www.stats.govt.nz/browse_for_stats/snapshots-of-nz/nz-in-profile-2013/population.aspx)

- United Nations (1948). *Universal declaration of human rights*. Retrieved from <http://www.un.org/en/documents/udhr/>
- United Nations General Assembly. (1951). *Convention relating to the status of refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137*. Retrieved from <http://www.refworld.org/docid/3be01b964.html>
- United Nations General Assembly. (1967). *Protocol relating to the status of refugees, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267*. Retrieved from <http://www.refworld.org/docid/3ae6b3ae4.html>
- United Nations High Commissioner for Refugees (1999). *UNHCR's guidelines on applicable criteria and standards relating to the detention of asylum seekers*. Retrieved from <http://www.unhcr.org/refworld/pdfid/3c2b3f844.pdf>
- United Nations High Commissioner for Refugees. (2013a). *Asylum seekers*. Retrieved from <http://www.unhcr.org/pages/49c3646c137.html>
- United Nations High Commissioner for Refugees. (2013b). *Global Trends 2012*. Retrieved from [http://unhcr.org/globaltrendsjune2013/UNHCR%20GLOBAL%20TRENDS%202012\\_V05.pdf](http://unhcr.org/globaltrendsjune2013/UNHCR%20GLOBAL%20TRENDS%202012_V05.pdf)
- Uprety K., Basnwet, U., & Rimal, D. (1999). *A study on the needs of asylum-seekers/ refugees for early intervention*. Auckland, New Zealand: Auckland Refugee Council Inc.
- Woodhouse, M. (2013). *Mass arrivals bill passes into law* [Press release]. Retrieved from <http://www.beehive.govt.nz/release/mass-arrivals-bill-passes-law>
- Versteegt, I., & Maussen, M. (2012). *Contested policies of exclusion: Resistance and protest against asylum policy in the Netherlands*. Amsterdam, Netherlands: Amsterdam Institute for Social Science Research, University of Amsterdam.
- Vigneswaran, D. (2008). A foot in the door: Access to asylum in South Africa. *Refuge*, 41(2).

## **Contributing organisations**

**ChangeMakers Refugee Forum** is a rights-based, community development and advocacy organisation representing refugee-background communities in Wellington, Aotearoa New Zealand. ChangeMakers works with refugee-background communities and those who work with them to ensure that people from refugee backgrounds reach their potential and are supported to contribute to their own and the wider community. For more information, go to [www.crf.org.nz](http://www.crf.org.nz).

**The New Zealand National Refugee Network** is the collective voice of refugee-background communities in Aotearoa New Zealand. It brings together the five regional refugee-background networks and forums to advocate nationally around key issues including employment, immigration, housing, education and mental health. The NZNRN works collaboratively with many different agencies and individuals with a goal to achieving full participation of refugee-background communities in New Zealand.

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