

Every cloud has a silver lining

Over the last year, the world has struggled to cope with the COVID-19 pandemic and its devastating impacts. Some of the severe effects of the pandemic include damage to health, loss of lives and businesses, and extreme restriction of liberty in the form of lockdowns and border closures never seen before in the world. For many of us from refugee backgrounds, these new realities have brought back memories of some perils, authoritarianism, and oppressive mechanisms we fled.

Despite the overwhelming impact of the pandemic, the number of people now counted by the UNHCR as refugees or internally displaced in the world continues to grow and is on a record high as a result of conflicts in places like Yemen, Palestine, Myanmar, Ethiopia, Afghanistan, Congo, Southern Cameroons, and many others. Regrettably, as the number of people in the increasingly dire conditions grew, many countries (including New Zealand) have significantly curbed their refugee resettlement under the UNHCR programme, and have suspended refugee family unification pathways because of the pandemic.

In the asylum-seeking community in New Zealand (NZ), the recent terror attack at New Lynn Mall by a man who came here in 2011 seeking protection as a refugee and was recognised by the government as one in 2013, has been very unsettling. Unfortunately, the man's action has re-ignited some of the negative stereotypes, stigma, and discrimination against people seeking asylum, refugee and Muslim communities in NZ. It has fanned hate discourse in society, something we (ARCI, now trading as ASST) have worked hard over 30 years+ as an organisation to eliminate in NZ.

Though these developments have somewhat brought an atmosphere of gloom and doom to our refugee communities, every cloud has a silver lining. We want to seize this opportunity to highlight and share some of the beautiful moments and successes of ASST over the last year.

We have continued to provide practical day-to-day support to people still in the process of seeking asylum in NZ and those officially recognised as refugees onshore or offshore and resettled under the UNHCR programme. Some of our support includes: (a) running a hostel and independent accommodations for families in the community; (b) delivering weekly food parcels to many in the community; (c) cashouts to those who are declined work or temporary visas by Immigration NZ and have no entitlement whatever to social welfare during their refugee status determination process.

We also have a team of social and community workers who assist our clients with completing necessary application forms and attending appointments and interviews. For example, for work, healthcare, banking, Inland Revenue Department, Ministry of Social Development (MSD), Housing NZ, Immigration NZ, Refugee Status Unit (RSU), Immigration and Protection Tribunal (IPT), etc.

Besides the community engagements, ASST has been working with other stakeholders in a Joint Working Group to improve the RSU's processes for the lodgement and determination of refugee and protection status claims in NZ. ASST brought the voices of former refugee status claimants to this forum. So far, the Joint Working Group has developed the RSU's maiden Practice Note. This document (which was one of the main missing pieces of the puzzle at RSU) would hopefully now provide clarity and certainty on many aspects of NZ's refugee status determination process.

Our next project in the Working Group is developing a guideline on how the RSU works with psychologically vulnerable refugee status claimants. For many years, ASST and other civil societies have held grave concerns regarding the trauma from the refugee status determination. ASST is looking forward to contributing its knowledge and experiences to the development of the guideline on working with psychologically vulnerable refugee status claimants.

Another exciting (perhaps the most exciting) achievement of the year is ASST's work on stopping the government's detention in criminal justice facilities of people who are here merely to seek asylum. We succeeded over the year in getting Immigration NZ to releasing many of the refugee status claimants it was detaining in Mt Eden Prison to our hostel. We also supported some of them to share their experiences in Amnesty International's research on the damaging effects of detention in prison facilities of people seeking asylum.

ASST also partnered with Amnesty International on a campaign and protest for the government to stop detaining refugee claimants in prisons. Following the protest by Mt Eden Prison (and a meeting with the Minister of Immigration - Kris Faafoi and Associate Minister Phil Twyford), the government ordered in July 2021 an independent review of Immigration NZ's processes relating to the detention of refugee status claimants. We are hoping for the best as we await the outcome of the review.

In the last year, ASST's advocacy has also pushed some government departments to change their policies to favour refugee status claimants and those formally recognised as refugees onshore. For example, the Ministry of Education now treats refugee status claimants who hold valid temporary visas as domestic students. Persons officially recognised as refugees in NZ but not having NZ residence class visas yet, and their immediate families (even if they are not recognised as refugees) are now also classified as domestic students.

ASST has also advocated and succeeded in getting the MSD to grant the 'Working For Family' benefit to the persons recognised as refugees but who do not have residence class visas yet. The MSD has also heeded our relentless calls and has designated staff at a couple of WINZ offices in Auckland for refugee status claimants. This will help curb or prevent the systemic problems refugee status claimants have faced when assessing entitlements to emergency benefit.

Aside from upsetting and changing status quos in the government sector, ASST was heavily involved and worked collaboratively with other community organisations to improve the conditions of all refugees in NZ. We worked with ARCC, RASNZ, NZ Red Cross, Belong Aotearoa, English Language Partners, etc., in a steering group to improve outcomes for people from refugee backgrounds. In this space, ASST has been instrumental in the setting up of a national refugee alliance and voice for the refugee communities in NZ (work on this is still in progress). The refugee sector is made up of many diverse and fragmented refugee communities scattered in many regions of the country. This has meant that the government has had a long and poor history of consulting (collating and listening to) our refugee voices on matters that affect us. It is hoped the national refugee alliance and voice would allow our diverse voices to be collated into a united and influential voice on the discussion table with the government.

Work is also on the way between ASST and the Centre for Asia Pacific Refugee Studies at the University of Auckland to lobby the government for equality of treatment between persons officially recognised as refugees onshore, and those formally recognised as refugees offshore and resettled under the UNHCR programme. ASST also now runs an enthusiastic social media campaign ("Open Hearts and Minds") to warmly improve our public's perceptions of refugee status claimants and of refugees.

Thanks to the support, grants, and donations by many people and organisations to ASST, we were able to make these strides. We want to thank the following organisations which have supported and funded ASST heartily. They include Foundation North, JR McKenzie Trust, The Trust Community Foundation, Ministry of Ethnic Communities, NZ Lottery Grants Board, Catholic Caring Foundation, Auckland City Council, MSD Food Security, Auckland Airport, and others.

Besides the achievements above and many others that we are unable to list here because of space constraints, ASST faces significant challenges that impede its work and make life extremely difficult (and sometimes miserable) for the people we support.

Primarily, we continue to be concerned with how the government treats people seeking refugee status in this country and those it formally recognises as refugees at the end of the refugee status determination process. It discriminates between the services it provides to the refugees formally recognised onshore and those it officially recognised offshore and resettled under the UNHCR programme. The persons it formally recognises as refugees onshore receive far less settlement support despite the Refugee Convention making no such distinctions between the two.

We are alarmed about how the refugee status claimants are processed and supported in NZ despite the consistently small number of refugee status claimants here compared to other western countries. Our refugee status determination procedure is harsh, inhumane, deterrent, punishing and pushing some claimants to the margins of society. We are also troubled about the direct impact of the refugee status determination process on the mental health of many refugee status claimants in the community and the re-traumatisation caused by the refugee status interview (both RSU and IPT). The safety, well-being, and ongoing support for unaccompanied minors who are refugee status claimants is also very problematic in the community and a grey area in NZ law.

There is also policy disparity between government departments and somewhat reluctance by some government departments to support refugee status claimants and those who are officially refugees in NZ through the asylum pathway. Despite the Ministry of Education recently in April 2020 recognising refugee status claimants and persons recognised formally as refugees onshore and their immediate family members as domestic students, the MSD has not implemented a corresponding policy. Hence, under the MSD (or StudyLink to be precise), refugee status claimants who hold valid temporary visas are not eligible for Student Allowance and Loan. The persons officially recognised as refugees onshore but still waiting for their residence class visa (which can take two years) are also not eligible for Student Allowance and Loan. Their dependent children and partners who have residence class visas are also not eligible for Student Allowance and Loan (except they have lived in NZ for at least three years, which means they are treated the same as skilled or economic migrants). Consequently, MSD's policy creates barriers for people from asylum-seeking backgrounds to access tertiary education in NZ.

ASST also continues to experience critical problems of underfunding (as the government does not fund or support our activities). We rely on good people and civil societies, and every year or two, we have to go back to our donors and funders and apply for funding. This means we have to live with the uncertainty of not knowing whether it would be business as usual for us in the following year and whether we would be able to provide the services that our clients badly need.

ASST would like to immensely thank all people and community-oriented organisations who have dedicated their time, energy and financial resources to improving the lives of people seeking recognition as refugees in NZ. May we ask that you continue to make the positive contributions to the lives of all people from refugee backgrounds. Keep the good work - supporting and advocating until we reach the point where all people, including those from refugee-like conditions in this country, are treated fairly.

Thank you,

Bernard Sama

(Chair – Former refugee status claimant)