

A FAIR GO FOR REFUGEES

RESETTLEMENT IN AOTEAROA
AND GLOBAL TRENDS

Jay Marlowe

Expert commentary

TE TAPEKE
FAIR FUTURES
IN AOTEAROA

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TE TAPEKE FAIR FUTURES

Royal Society Te Apārangi has convened a multidisciplinary panel of leading experts* to examine issues of equality, equity, and fairness in Aotearoa.

The panel's name, **Te Tapeke**, comes from 'ka tapeke katoa te iwi'[†] and conveys valuing and including all people. This expert commentary expresses the view of the author.

Jay Marlowe

Te Tapeke Fair Futures Panel

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* royalsociety.org.nz/fair-futures

[†] Joshua 4:11-13. 'Including all people, without exception'.

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As New Zealanders, when we think about fair futures for refugees, we have to think about what is fair collectively and individually, and what is fair in local, regional, national, and international contexts. We have to think about what commitments we are willing to make individually and as a country, and what the implications of those commitments are for our economic, social, and environmental wellbeing. We have to make these choices while recognising that we are part of an international community.

Aotearoa has a rich history of resettling refugees, beginning in the 1940s when it agreed to take Polish children displaced from World War II (1939-45). Since that time, more than 30,000 refugees have been resettled in New Zealand to escape persecution. This opportunity has assisted them to pursue their hopes and aspirations through the protections of permanent residence and citizenship (1).

Today, of the more than 25 million refugees worldwide, less than 1% will have chances to resettle in places such as New Zealand, Australia, Canada, United States, and the European Union. The vast majority of refugees (85%) are hosted in countries that neighbour their own, such as Turkey, Pakistan, Lebanon, Jordan, and Uganda. These countries are generally less resourced to support these people, who often have significant protection needs. The United Nations Refugee Agency (UNHCR) shows that the least-developed countries in the world provide asylum to 27% of the total number of refugees.

Forcibly displaced peoples

The number of people forcibly displaced due to conflict is now at unprecedented levels. UNHCR (2) cautions that 79.5 million people are currently forcibly displaced (internationally as refugees or asylum seekers, and nationally as internally displaced persons) – largely because of who they are or what they believe. This is an increase of 15 million people from just five years ago. Eleven million people were newly displaced in 2019 alone. This is the equivalent of 21 people every minute of the entire year who are separated from their families, friends, homes, and communities. Even when they reach camps or urban centres, forcibly displaced people often remain in precarious circumstances for years – sometimes decades.

Rights for refugees

The right to seek asylum is one of the 30 articles enshrined in the 1948 Universal Declaration of Human Rights, signed by more than 190 member states, including New Zealand. Along with this declaration, more than 140 states have also signed the 1951 UN Refugee Convention and/or its 1967 Protocol. Both provide critical protections to people claiming refugee status or to those who already have it.

As defined under the 1951 Convention, a *refugee* is:

a person who is outside his or her country of nationality or habitual residence; has a well-founded fear of persecution because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable to avail himself or herself of the protection of that country, or to return there, for fear of persecution.

An *asylum seeker* is someone who is looking to obtain refugee status because it provides certain protections under this convention to ensure personal safety and security.

Despite these agreements and international commitments, the issues associated with supporting forced migrants are highly contested across political, social, and economic domains. These debates range from whether states have a responsibility to respond to the global refugee crisis, to how best to integrate refugees and what policies are acceptable given the limited resources countries have available to allocate across competing demands.

How many refugees does New Zealand resettle?

Since 1989, New Zealand has maintained a commitment to resettle a quota of up to 750 UNHCR-recognised refugees a year.¹ This quota was increased to 1,000 people in 2016, largely in response to the Syrian refugee crisis. The quota has now been effectively doubled to 1,500 people, which was due to go into effect on July 1, 2020. However, with borders being closed because of the COVID-19 virus, this commitment has yet to be realised. It is also worth noting that this 'doubling' actually only keeps pace with New Zealand's population growth since the quota began over 30 years ago.

According to the latest statistics from UNHCR, New Zealand's per capita demographics reflect 0.31 refugees per 1,000 people (3). This places New Zealand 95th in the world. Some other OECD resettlement countries rank much higher. For example, Sweden ranks 6th (23.36), Canada 49th (2.68), United Kingdom 55th (1.83), Australia 59th (1.74), and the United States 77th (0.84).² This contrasts starkly with countries such as Lebanon where there are approximately 170 refugees per 1,000 people. On a per capita basis, we remain a country with one of the lowest numbers of refugees in the world, despite our relatively plentiful resources.

How many people apply for asylum in New Zealand each year?

An asylum seeker is not part of New Zealand's refugee quota. They apply for refugee status once they have arrived in New Zealand. On average from 2010 to 2020, New Zealand has received 378 asylum seekers' claims for refugee status and protection per year (4). If their application for refugee status is successful (over the last 5 years, about half of these applications were approved), they are referred to in New Zealand as *Convention Refugees*. This is distinct from the *Quota Refugees* mentioned above.

Thus, there are three main ways that refugees come to New Zealand:³

- Quota (people already with refugee status who are selected by New Zealand)
- Convention (as asylum seekers who apply in New Zealand for refugee status)
- Family Reunification (currently up to 300 places a year and planned to increase to 600 in 2021)⁴

¹ This quota was established at 800 a year in 1987 but was reduced to 750 in 1989 to help cover related costs to bring refugees to New Zealand.

² It is worth noting that several countries have recently reduced their resettlement numbers since these statistics were last recorded. This is particularly the case for the United States.

³ The New Zealand Government has also agreed to extend the Community Organisation Refugee Sponsorship pilot that enables New Zealand-based community organisations to sponsor up to 50 additional refugees for resettlement. This pilot is currently planned to operate for three years from 2021–2024.

⁴ Not everyone who arrives under the family reunification pathway is necessarily a refugee.

FAIR FUTURES AND KEY ISSUES

Resettling in Aotearoa as a refugee provides access to rights similar to other New Zealanders, and the opportunity to eventually gain citizenship. Alongside this commitment, New Zealand's resettlement programme, which has included an official quota since 1987, provides a pathway for our country to share international responsibility for, and solidarity with, forced migration issues.

How these commitments are met – through domestic and international law, social policies, and by the receiving society's receptiveness to refugees – represents key considerations for improving integration and resettlement in a new country. Some of the most important issues and debates that relate to resettlement and fair futures are discussed below.

Convention and quota refugees: Disparate policy responses

As it stands, Convention Refugees (those who apply for asylum from within New Zealand) do not have the same access to settlement support as Quota Refugees for housing, employment, health, education, and English language training. We need to ask questions as to why this is the case and whether it is fair that those who

receive refugee status outside and within New Zealand are treated differently. The article by Bloom and Udahemuka (5) outlines a number of these issues relating to refugees' access in New Zealand to education, work, welfare support, and various other rights.

When justifying this unequal treatment, commentators often say that asylum seekers should 'join the queue'. Yet there is no queue to join. As previously stated, less than 1% of the world's refugees will ever have the opportunity to resettle in places like New Zealand by going through UNHCR-recognised processes.

Resourcing constraints

A common argument for not improving New Zealand's record in resettling refugees is that we should focus on responding to the challenges that New Zealand faces first before thinking outside our borders. This suggests that we can't do both. By signing the UN Convention, New Zealand has made commitments to refugees that we should live up to, particularly if we acknowledge the need to show solidarity with other countries in response to the immense challenges associated with forced displacement globally. New Zealand could do more to live up to United Nations' expectations for 'developed' countries to contribute 0.7% of their gross national

income to official development assistance (ODA). In 2019, the New Zealand Government contributed 0.278% to ODA to support the welfare of developing countries (6).

Why should New Zealand do more? Whilst New Zealand has not directly caused the conflicts that have created the unprecedented numbers of forced migrants, we contribute to global demand for resources and goods that provide cheap fuel, manufacturing, affordable building supplies, and the materials that power our mobile phones — connecting us to a complex web of economic, social, and political relationships. This demand can exacerbate oppressive conditions for, and the persecution of, particular groups. It is also worth noting that our international alliances can have a direct impact on refugee flows (historically, for example, troops in Iraq, presence in Afghanistan, and participation in the Five Eyes alliance).

All too often the focus on refugees is on the short-to-medium-term costs of resettlement. Taking a long-term view, however, can show refugees to be cost-positive to society (7,8). Regardless of the short- or long-term view, it is also imperative that we consider the other contributions that settling refugees makes to our social fabric, cultural diversity, and

humanitarian commitments. These include bringing in new skills and perspectives, and improving international understanding in our communities. A focus on fair futures should consider what constitutes meaningful contributions to society, and what humanitarian commitments we are willing to support within our international community.

Rights-based analysis

Because refugees have pathways to permanent residence and citizenship, they should have equal access to the same rights as other New Zealanders. A rights-based analysis can assist in realising this in practice across different areas of society, including rights to education, health, work, and housing (9). For the right to education, for example, it is useful to consider how available primary and secondary education is to refugees, its overall quality, whether discrimination impedes access to it, and how it meets the needs of a diverse set of learners (as it relates to language skills, disability, and interrupted schooling experiences). A paper I co-wrote with Associate Professor Louise Humpage (10) provides a rights-based analysis as it relates to health, education, and work for resettled refugees in New Zealand.

Relationships to tangata whenua

Te Tiriti o Waitangi acknowledges Māori as tangata whenua – the first people of the land. There is an opportunity to build relationships between Māori and refugees and address a significant knowledge gap in terms of how both groups can help envisage and enact refugee settlement support. The rights of Māori to tino rangatiratanga sovereignty should also be considered. Māori should lead responses to refugee resettlement issues and policy decisions rather than just ‘participate’ in the conversation. It is important to further explore how Māori view their roles in welcoming and integrating refugees to New Zealand, and to identify new forms of partnership. Alongside these considerations, there are rich opportunities to consider how concepts like wairua, mana, manaakitanga, and Māori health models (11) provide a basis to better conceptualise refugee settlement experiences and respond to the rights-based analysis mentioned above.

Climate change

At the moment, people forcibly displaced due to climate change are not protected under the 1951 UN Refugee Convention, largely because climates do not persecute people – people persecute people. The Internal Displacement Monitoring Centre (12) notes the increased frequency and intensity of high-impact weather events (such as cyclones and flooding) alongside looming threats of sea-level rise, water security, and aridification. Given that the total number of people displaced by disasters is higher than numbers of people displaced by conflicts (12), there are pressing questions as to what is fair for people displaced through climate change and disasters. Fairness is particularly pertinent when we consider that often those most affected have contributed the least to the problem of climate change. The World Disaster Risk Index (13) places eight Pacific nations in the top twenty countries exposed to high disaster risk, and most of these are small islands with relatively low carbon footprints. Given Aotearoa’s important leadership role in the Pacific – and our greater contribution to climate change – we must begin to grapple with the implications of these trends and develop a responsible and just response.

COVID-19

In response to the COVID-19 virus, the New Zealand Government halted the resettlement of quota refugees.⁵ In doing so, it illustrated how the pandemic is disproportionately affecting the lives of forced migrants. There are compelling reasons for the Government's reaction, such as its obligations to allow its own citizens to return while maintaining stringent border controls to prevent new virus outbreaks. However, exceptions have been allowed, such as those for sports teams, and the America's Cup and movie production staff. These exemptions may be justified as necessary to keep some people in jobs and assist economic recovery. However, a focus on fairness also raises a humanitarian argument for continuing to admit refugees, which fundamentally comes back to what is 'fair'. Is it fair that we offer access to our country to people who immediately provide high economic contribution prospects over those who have no other viable option to live their lives with relative safety and security? A justification of access on merely economic terms fails to ensure our commitments to human rights, particularly to those we have already agreed to resettle.

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⁵ A very limited number of refugees (approximately 50) have been allowed in since the borders closed due to significant emergency protection concerns. At the time of publishing, the Government has indicated a commitment to resuming its resettlement programme in small numbers, with 35 people scheduled to arrive. Current estimates suggest that this will mean an intake of 210 people between 2020 and 2021, a significant change to the original commitment of 1,500.

LOOKING TO THE HORIZON

How Aotearoa responds to the contemporary challenges associated with forced migration highlights the importance of determining what fair futures look like – for refugees and wider society. These challenges include conflict, climate, and contagious diseases. The panel's *Te Tapeke Fair Futures* (14) report, which explores fairness, equity, and inequality in Aotearoa, can help guide informed responses to these complex and contested crises. It is through having conversations about these issues and applying key local policy approaches and international frameworks, such as human rights, sustainable development goals, and international treaties, that we will be better placed to respond to these pressing questions of today and tomorrow.

Jay Marlowe

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