

**UNHCR Annual Consultations**  
**NGO & Refugee Representatives Dialogue**  
**Novotel Hotel, Ellerslie, 17 November 2009**

**Summary Report**

*These notes are a summary of issues discussed and do not necessarily reflect the views of UNHCR or any individual participant.*

**1. Setting the Scene**

- UNHCR's Regional Representative gave an overview of global and regional issues which contextualize the organization's work in New Zealand. An update was given on global and regional trends in refugee numbers, increasing numbers of asylum-seekers, UNHCR capacity, political and media debate, and conditions in countries of origin.
- It was noted that UNHCR has identified 750,000 refugees as being in need of resettlement, compared to 76,000 places available worldwide - and that the High Commissioner had asked New Zealand (and all resettlement countries) to increase its intake. The Regional Representative reaffirmed UNHCR's view that resettlement should be based on protection needs and not on 'integration' criteria in the receiving country.

**2. Update from 2008**

- An update was given by the National Refugee Network on actions to increase the strength and coordination of refugee voices in New Zealand, with an outline of the Network's participation in the UNHCR Annual Tripartite Consultations, the Asia-Pacific Refugee Rights Forum, and numerous local and national forums in New Zealand. Observations were also made on the generally good relationships being developed with NGOs and service providers, both in New Zealand and internationally.
- Changemakers gave an update on its family reunification policy document, which was another item agreed at last year's Consultations. Several of the policy options and case studies contained in the document were discussed and it was noted that Changemakers were keen for dialogue with policy-makers to work through the issues. It was noted that feedback had been received from UNHCR but not, as yet, from the Government.

**3. Prioritization of Issues for 2009**

- Following presentations from UNHCR on asylum/legal issues and settlement/resettlement issues, question and answers, and general discussion a prioritization exercise was held to determine issues of most interest and concern to participants. An outline of the discussions, recommendations and outcomes on these priority issues are outlined below.

#### **4. Resettlement, Family Reunification & Quota Issues**

##### ***Discussion:***

- While noting that family reunification was a need and a right of resettled refugees, the inherent tensions between family reunification programmes and protection programmes was acknowledged as an issue.
- The extremely limited number of resettlement places available globally was discussed, with reference to the need to allocate the few available places to those cases with the most acute protection needs, and the need to find additional humanitarian channels through which family reunion can be accessed.
- Concern was expressed in regard to the Refugee Family Support Category (RFSC). It was said that invitations to apply under the RFSC are not transforming into arrivals because of processing difficulties (including the need to submit applications to offshore processing posts) and delays caused by medical, documentary and IPG requirements. Concern was also expressed around the cost of applications under the RFSC and the fact that payment is required even where no outcome is assured. The two-tier nature of the category was said to be illusory because places are never allocated to the second tier.
- Participants discussed lengthy delays still being experienced by Quota refugees, RFSC applicants and asylum-seekers due to the processes of the Immigration Profiling Group more generally.
- Participants raised concerns about the a perceived decline in the number of refugees from Africa coming in under the Quota, and that this is leading to a sense of marginalization among those communities in New Zealand.
- UNHCR noted that it remains closely engaged in all of the major refugee situations in Africa, and that its recommendations to New Zealand for 2010-2013 would be made with reference to the full range of resettlement needs globally. Needs for resettlement from Africa will be included, but the final intake decisions are always made by receiving governments.
- There was discussion of preparation for the new three-year planning cycle for the quota intake, and UNHCR noted that - while the mechanics were still being worked out - it was hopeful that it would lead to a long-term approach to addressing protracted situations while still allowing flexibility to deal with emerging situations.

##### ***Recommendations:***

- Government should provide a response on Changemakers' family reunification paper.
- Refugee groups and service providers should coordinate on quota submissions.
- Government should be transparent on its reasons for choosing certain caseloads, and also about the constraints (for example, reduced travel budget) preventing the acceptance of other groups.
- Careful preparation and consultation is needed ahead of the three-year quota cycle.

##### ***Actions:***

- UNHCR to seek information on the numbers of actual arrivals under the RFSC.
- UNHCR to continue to consult with Government on the need for reform of the family reunion avenues presently available. UNHCR encourages, and will draw support from, research and policy papers such as the Changemakers' paper.
- NRN to coordinate a letter/submission on concerns over the intake of refugees from Africa.
- UNHCR to convene a tripartite workshop ahead of the implementation of three-year quota cycles.

## **5. Settlement Services**

### ***Discussion:***

- While UNHCR noted that it was advocating for increased quota intakes, it also noted that post-arrival services must be adequate to cope with any increased numbers.
- There was discussion of ‘across the board’ cuts to services (not particularly targeting refugees) as well as cuts in areas specific to refugees (for example, education grants) due to New Zealand’s economic situation.
- There was discussion about possibilities for better linkages between UNHCR and service providers in the pre-selection, arrival and post-arrival phases to ensure the specific needs of different caseloads are being met.

### ***Recommendations:***

- Refugee representatives should attend and speak up at community forum on potential cuts to services.
- Gaps in services and cost of filling those gaps need to be quantified.
- A centralized refugee services agency with a central funding pool should be established or, at the least, a single point of contact for refugee-specific issues should be established in each government ministry.
- New policies and policy changes should include a Refugee Impact Statement.
- A coherent, comprehensive, rights-based national refugee policy is needed.

### ***Actions:***

- Refugee Services, in conjunction with NRN, to develop a paper outlining the case for a national refugee policy backed up by data and cost-benefit analyses.

## **6. Reception/Detention**

### ***Discussion:***

- The UN Committee Against Torture’s recommendations on the detention of asylum-seekers in prison facilities were noted, and participants discussed examples (although numbers were small) where minors had been imprisoned on the basis of doubts about their identity.
- The Auckland Refugee Council reported that it was following up on people in Auckland Central Remand Prison, but that it has limited access to anyone to assist in their applications.
- Participants raised the limited amount of information available on the number of asylum-seekers in prison environments.
- Participants also raised aspects of treatment at Mangere, including limited time allowed outside the centre meaning it is difficult to establish community links early on.
- A key issue raised was the lack of parity in treatment between quota refugees upon arrival and asylum-seekers upon arrival in terms of access to services such as housing and employment support.

***Recommendations:***

- Mangere should be the default location for all asylum-seeker and refugee arrivals.
- If imprisonment is necessary, decisions and conditions on this should be regularized, transparent, allow for bail, and be testable against the Human Rights Act and the Convention Against Torture.
- Numbers of people imprisoned should be available.
- Minors should not be detained.
- Advocates should be available at the airport to advise on the rights of those claiming asylum.

***Actions:***

- These issues to be taken forward by UNHCR and the sector to the Asylum Forum in December.
- UNHCR to seek information on the number of asylum-seekers in prison environments.

**7. Other Legal/Asylum Issues**

***Discussion:***

- The passage of the Immigration Bill was noted, and several concerns were discussed - including the need to maintain the expertise of the Refugee Status Appeals Authority within the new Immigration & Protection Tribunal and the need to examine the new single claims procedure for complementary protection.
- There was discussion of the upward trend in asylum claims worldwide, and the fact that this has not been detected in New Zealand. This was explained by a variety of factors including geography, interdiction activities of other countries, and New Zealand's own activities offshore.
- There was discussion of the number of successful asylum application, with participants questioning the processes which led to only 20% of applications being accepted by Refugee Status Branch.
- Participants questioned the number of minors among spontaneous arrivals to New Zealand.
- Participants discussed continuing barriers to the availability of legal aid, including limited numbers of lawyers, eligibility for LSA and a lack of funding.

***Actions:***

- UNHCR undertook to seek information on the number of minors seeking asylum in New Zealand.

UNHCR Regional Representation

Canberra, December 2009