# Pacific Insoluble: Contemporary issues in New Zealand's refugee quota policy

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#### Abstract

Since 2009 Foreign Affairs and Trade have increasingly refocused on New Zealand's role in the Asia-Pacific region. Refugee policy has not been excluded from this approach. This article, using Cabinet documents obtained under the Official Information Act, studies the major changes in this period. These changes are (1) the introduction of regional-specific quotas and (2) a repurposing of the emergency portions of the quota. The study finishes with a commentary based on three measurements of New Zealand's contribution to the acceptance and resettlement of the world's burgeoning refugee population.

Since the 2008 election of a National-led coalition government, New Zealand's refugee policy, like much of that involving the Ministry of Foreign Affairs and Trade has refocused on the (a) Pacific and Asia-Pacific regions and (b) how New Zealand can gain from these relationships. The refocus, led by Ministry of Foreign Affairs and Trade (MFAT), has seen numerous changes to the make-up of the annual refugee quota. This paper highlights a selection of these changes, giving detail and highlighting some of the tensions created between New Zealand and international organisations, such as the United Nations High Commission for Refugees (UNHCR), that administer the refugee quota scheme.

I begin with some background to broader foreign affairs issues in New Zealand and point to the specifics that this study will address. Next I offer a section on methods that explains my use of OIA documents and some limits of this approach. I then give a background to the quota system before describing two important changes to the New Zealand refugee quota system in the last five years. The final section offers a commentary on New Zealand's contribution to global resettlement of refugees, including a contrasting of three measures for showing what New Zealand is doing. I use those considerations as a basis for asking whether New Zealanders are 'doing our bit', then compare my assessment with those more historical claims made by Spoonley and Bedford (2012) and Beaglehole (2013).

I have previously published a number of these changes in truncated form in press releases (Stephens, 2013a; 2013b; 2014a) and articles for online news sources (Beals & Stephens, 2013; Stephens, 2013c; 2013d). This article goes into much more detail and collects those writings into a singular narrative. The process of researching this article has necessitated a deeper contemplation of the materials in the Official Information Act releases that has led to a clearer insight as to the rationale that has led to these changes.

### Background to the issue, delimiting the study and literature overview

2009 was a notable year for Foreign Affairs in New Zealand. New Minister, Murray McCully, led a reform of the NZAID programme away from poverty alleviation and towards economic development (McCully, 2009). This change led to a media debate about the role of NZAID (Kay, 2009; Gower, 2009; Campbell, 2009) as well as several academic criticisms of the narrower economic focus (see Overton, 2009, McGregor, Challies, Overton, & Sentes, 2013; Bridgman, 2011).

The same year saw the beginning of a major reform of the New Zealand refugee resettlement quota programme. In contrast to debate around changes to NZAID, there has been scant attention in academic literature given to the changes within the refugee resettlement programme. This five-year period saw major changes to the composition of the quota in terms of the implementation of new regional quotas and the repurposing of the emergency sub-quota away from dealing with individual refugee-centred emergencies and towards large-scale emergency situations and the prospect of 'emergencies' in the sense of a mass boat arrival.

The focus of this article is on the composition of the refugee quota and not on internal issues around the quality of the resettlement programmes or on asylum seeker policy. Quota changes, in contrast to the actual content of the resettlement programmes, have seen relatively little focus in the media or scholarly articles. This omission could be because the everyday needs of refugees are more pressing for those involved in the health, resettlement or advocacy circles, or alternatively, because of the fickle nature of the relationships between those working in refugee field and those in the media.

The scope of this article is also limited to exclude internal resettlement issues such as those surrounding the recent adoption of the New Zealand Refugee Resettlement Strategy (NZRRS), and the merging of Refugee Services with the Red Cross. I exclude these matters for two reasons: practical issues of

resettlement that have been well addressed elsewhere (see, for example Elliott, 2007; ChangeMakers Refugee Forum, 2012; Bloom & O'Donovan, 2013; Woodley & Williams, 2012; Labour Group (MBIE), 2012; Pahud, Kirk, Gage & Hornblow, 2009)

<sup>1</sup>; there is sufficient material to solely focus on changes to how New Zealand selects refugees for resettlement without looking into their post-settlement lives.

My focus is also not specifically on asylum seekers even though that is a burgeoning issue for New Zealand and the Asia-Pacific region. The work of Tracey Barnett has documented these matters across numerous newspaper stories (2013b; 2014), the 'We Are Better Than That' campaign (see Harper, 2012), and her book 'The War on Asylum Seekers' (2013a). Despite not specifically looking at changes such as the Immigration Amendment (also known as the 'Mass Arrivals') Act, I will analyse material such as the 150 places in the emergency situations sub-category that show New Zealand is becoming more like Australia in terms of these streams tending to merge.

Beaglehole's (2013a) history of refugees in New Zealand goes into some detail on refugee issues from the last five years: the asylum seeker exchange with Australia in 2013, the collection of biometric data of new refugees and the arrival of Afghan interpreters from Bamiyan (though they were not part of the quota). The recent changes that I will focus on have not completely settled nor have been covered by mainstream media, so their exclusion from a general history is to be expected.

The reason for the focus on the last five years is twofold. First, Beaglehole (2013a) aptly details analysis of the refugee quota up to that time. Second, the end of 2008 saw a change in government. It was only in 2009 that these changes started to take place, so the somewhat arbitrary five-year mark is also intended to cover the two periods of the fifth National-led government of New Zealand.

The importance of this study is not just for considering refugee issues, but the more general humanitarian leanings of the present government. Offering residency to an asylum seeker or refugee is one of the most generous offers that a government can make to a foreign citizen. As such, an analysis of the changes to the formal methods by which a nation welcomes refugees can be considered a

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<sup>&</sup>lt;sup>1</sup> This is a comprehensive overview of academic and NGO writings on most facets of refugees in New Zealand under eleven categories (e.g. Health, Government, Housing) on an open wiki from ChangeMakers: http://nzrefugeeresearch.wikispaces.com/

bellwether of more general attitudes to foreign affairs, human rights and aid. Therefore, this study should interest those who are seeking to understand the changing demographics of New Zealand's refugee population, but also a wider audience interested in the stance of the present government towards development, aid, immigration and human rights.

#### Method

This study makes use of material requested under the Official Information Act (OIA) (New Zealand Government, 1982). These materials include a range of internal documents produced by the Minister for Foreign Affairs and Trade, successive Ministers of Immigration, the Department of Immigration, which was merged into the Ministry of Business, Innovation and Employment (MBIE) in 2012, and the Ministry of Foreign Affairs and Trade (MFAT).

Most of these documents have been requested and received in the public domain via FYI.org.nz - a website that facilitates, and makes public, OIA requests and answers<sup>2</sup>. Despite this, I will refer to specific government documents not by their OIA case numbers but by the original documents that they have come from. As this approach might make it more difficult for comparisons to be made to the original material without filing a new OIA request, the website for the document will be included, where possible, in the reference list.

The use of OIA materials is problematic due to two interconnected factors. First, government departments redact the most sensitive of information under a range of clauses that not only protect the government's relationships to other governments but which also protect their own department from disclosures that may make them less likely to offer free and frank commentary in the future. Price (2005) notes that the Ombudsman has consistently noted that this approach undermines the very aims of the OIA – to enable "more effective participation in the making and administration of laws and policies" (New Zealand Government, 1982; s4). The degree of importance of these redactions is one of those Rumsfeldian 'unknown unknowns' that make prognoses hazardous. As such, there may well be changes to the quota resettlement scheme that I have missed through their exclusion.

Secondly, the Office of the Ombudsman polices the OIA system, which, in the words of its own chief is in 'crisis' due to underfunding (Bennett, 2012).

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<sup>&</sup>lt;sup>2</sup> The specific list of OIA requests that informed this study can be found at https://fyi.org.nz/user/m stephens/requests

This has led to a severe backlog in cases. My attempt to have the redactions to the documents I was supplied with challenged is currently with the Ombudsman, whose only progress in the thirteen months to date is to note that the first step in the process is to contact the Minister of Immigration.

These two issues are particularly important when it comes to the section of this analysis that deals with the repurposing of the emergency situation subcategory of the quota. Price's (2005) discussion of the use of section 6(a) of the OIA – withholding on the basis of threats to security and international relations, which was the section most often used with regards to the emergency quota provisions – and concludes with "suspicions that the government is not paying assiduous attention to the limited scope of the reasons for withholding information" (p. 39). The New Zealand Law Commission (2012) review of the OIA suggests that it has led to a 'verbal culture' instead of one with written records of conversations. This was less of a problem for this study as I only looked at briefings for ministers rather than the preliminary material around how these ideas came into place.

Murray McCully, Minister of Foreign Affairs and Trade, the department which offered much of the sensitive information was quoted on record by the NBR in 1993, when he was Customs Minister as saying "We're in the business, after all, of getting ourselves re-elected, and would be pretty foolhardy not to be aware of potential hazards being released" (Harris, 1993; p. 40). Poot (1997) offers more examples of evasions of responsibilities under the OIA as well as how the Act influences the behaviour of civil servants. There is, however, much less information around using information acquired through the OIA as primary source material, suffice for comments such as Hager's (2011) that considers it broadly as "the most important advance in freedom of information in New Zealand history" (p. 351).

The Achilles Heel of this process, however, is that my requests redactions are not randomly placed in the papers and briefings released. The context of the redactions often gives very strong clues as to their content. Also, these redactions are subject to human failure and different redaction standards across different departments. As I will show in the section on the emergency subquota, inferences can be made, and follow up questions can be asked to triangulate some, but certainly not most, redacted information.

#### Background to the refugee resettlement quota

New Zealand's refugee resettlement quota was established at 800 individual places in 1987 as a means to formalise the nation's intake of refugees. In 1997 the quota was reduced to 750 individual places and refugees had their flights paid for by the New Zealand government (Beaglehole, 2013a).

The quota consists of 750 places plus or minus 10% (a range of from 675 – 825) sourced through the UNHCR from third-party host nations. For example, Burmese people become eligible for refugee resettlement once (a) they have left Burma and (b) registered with the UNHCR in a different country, for example, Thailand. These resettlement refugees are sometimes called quota refugees, or sometimes they are designated 'offshore' refugees as their applications are processed and their acceptance agreed upon before they arrive in New Zealand. This figure is in contrast to asylum seekers who are known as 'onshore' refugees as their applications begin once they have arrived onshore in a country that has signed the 1951 UN Convention relating to the Status of Refugees.

New Zealand is unique in the world as the only state to host more refugees via the resettlement system than apply every year as asylum seekers. For example, in 2012 there were 320 applications for asylum in New Zealand (UNHCR 2013a); New Zealand's refugee quota offered places to 781 people (UNHCR 2013b). Over the same period, Australia received 15,786 asylum seeker applications (UNHCR 2013a) and took 5,937 through their quota (UNHCR, 2013b).

Table one shows that countries with the most substantial intakes through the resettlement quota are geographically removed from the Eurasian continent: the United States of America, and Canada. Norway, Sweden and the United Kingdom all took more than a thousand quota refugees in 2012 (UNHCR, 2013a) though this figure is dwarfed by the numbers of asylum seekers who apply every year for protection (UNHCR, 2013b).

At the start of 2009 New Zealand's refugee resettlement quota employed five sub-quotas: medical/disabled (up to 75), women at risk (*at least* 75), general protection (up to 600), emergency (up to 35), and family reunification (up to 300). Table two shows the quota composition for 2009/2010, 2012/13 as well as the decade's averages (Department of Labour, 2009; Ministry of Business, Innovation and Employment, 2013a).

Table 1: Refugee Quota resettlement and asylum applications for largest resettlement countries

Country	Refugee Quota resettled	Asylum applications <sup>3</sup>	
United States	66289	70770	
Canada	9624	20500	
Australia	5937	15790	
Sweden	1873	43880	
Norway	1228	9790	
United Kingdom	1039	27 980	
New Zealand	781	320	

Table 2: Categories of refugee resettlement in New Zealand

Category	Refugees resettled 2009/10	Refugees resettled 2012/13	Average resettled over preceding decade
Medical/disabled	23	19	25
Women at risk	118	61	69
General protection	437	594	404
Emergency	5	0	7.5
Family reunification	126	77	192
Total	709	<b>751</b>	698

Though Table two shows each category as distinct from one another, the Department of Labour (2009) shows that the Medical/Disabled and Women at Risk categories fit within the other three categories.

New Zealand has received praise for its willingness to accept refugees who have medical needs or are disabled (Beaglehole, 2013a). The figure of 'up to 75' places, however, is misleading. International analysis of refugees with health requirements classify New Zealand's intake in the same sentence as the 'twenty or more' policies of Norway and Denmark (Mirza, 2010). The New Zealand category of 'up to 75' places relates not only to the person who fits the medical/disabled category but also to any family that is resettled along with that person.

The Department of Labour (2009) notes that the UNHCR has requested that (a) family reunification numbers are not included within the 750 quota and (b) that "New Zealand increase its overall resettlement quota to 1000 in light of increasing numbers of refugees in need" (p.6).

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<sup>&</sup>lt;sup>3</sup> Source: UNHCR 2014a; Table One: 'UNHCR asylum trends 2013: levels and trends in Industrialized Countries'. I have used the 2012 figures as these match those available for refugee quota statistics. However UNHCR (2014a) also shows a continued increase in asylum seekers numbers in 2013 with applications rising by 28%, with significant increases for Australia and the USA, but a halving of asylum applications for Canada.

# Changes to the Refugee Resettlement Quota

This study will focus on two key changes: (1) the introduction of regional percentages for refugees and the associated decline in refugees from the Middle East and Africa; (2) the repurposing of the emergency quota including a subcategory of 150 emergency situation subcategory that has its use partially redacted under the Official Information Act.

# (1) The introduction of regional percentages for refugees

The composition of the refugee quota by region had been *ad hoc* and split approximately three ways between the Middle East, Africa and Asia-Pacific up until 2007 when 29 Colombians were included, rising to 96 in 2009.

As part of the 2009 changes to MFAT, New Zealand moved its refugee quota resettlement focus to the Asia Pacific region<sup>4</sup>. Though the regional pressures already described were one reason for this move, a Department of Labour (2010a) Cabinet Paper listed the reasons for the refocus as three-fold: "cost pressures arising from refugee travel, broad security concerns and general pressures facing the region" (p.1).

The same Cabinet Paper features a discussion over whether the entire refugee quota should shift to resettlement from Asia-Pacific or whether only 50% should be reallocated. Though one full page of material about the likely UNHCR response has been redacted, one line suggesting the UNHCR's response remains: "These proposals go against UNHCR's global objective to only offer resettlement to refugees in the greatest need, the majority of which are currently in Africa and the Middle East" (p.8). The same document also includes reference to a report from the Ministry of Justice that highlights possible inconsistencies with the Bill of Rights Act as a Pacific focus "could be seen to discriminate indirectly on the basis of ethnic or national origin" (p.10). They note that this is particularly important if the quota offered no possibility for family reunification for refugees of African and Middle Eastern descent.

The percentage quotas eventually agreed to were as follows: 50% Asia Pacific; 15% Middle East; 17% Africa; 18% the Americas (Department of Labour, 2011). An important point to note is that refugees from Africa and the Middle East are only eligible if they already have family in New Zealand. In the Department of Labour (2010a) Cabinet Paper this is framed as an 'opportunity'

Pacific have also originated in the Asia-Pacific region, namely Burma and Bhutan.

<sup>&</sup>lt;sup>4</sup> Asia-Pacific refers not to the refugee's country of origin, but to their country of registration with the UNHCR. As such, Iranian and Afghan refugees by nationality, who are resettled from Malaysia would be considered to come from Asia-Pacific. That said, the vast majority of refugees from Asia-

for family reunification. Compared to the previous allocations, where these two regions made up two-thirds of all refugees and this included family reunification possibilities as well as the inclusion of new refugees, the term 'opportunity' is a little misplaced. Somewhat surprisingly, there was no comment on this matter from refugee communities in New Zealand apart from my belated analysis (Stephens, 2013c) and the subsequent focus by Syrian Solidarity New Zealand (2014).

A Ministry of Business, Innovation and Employment briefing from 2013 (see figure one below) offers a comparison between the aim for the quota and the actual regional outcomes. Note the difference in the agreed quotas from the Department of Labour (2011) document mentioned in the preceding paragraph.

2010 Cabinet-agreed allocations by region		Expected actual allocations by region for 2010(11) to 2012/13
Asia Pacific	52%	Asia Pacific 69%
Africa* Middle East* Americas	13% 17% 18%	Africa* Middle East* Americas  17%
Total rest of world	48%	Total rest of world 31%

In another Ministry of Business, Innovation and Employment (2013c) briefing, the lack of opportunities for new refugees, other than family cases, is noted as the reason why so few refugees have been sourced from Africa and the Middle East. The same document recommends that the African and Middle East allocations "prioritise family-linked refugees but fill remaining places" (p.5) with non-family linked cases.

A later response from the Ministry of Business, Innovation and Employment (2013d) shows that the Minister ignored the advice of his own department: "for the Africa and Middle East regions, the status quo be maintained; that is only family-reunification or family-linked cases would be selected from Africa and the Middle East." (no page numbers; briefing point 5.)

An indication of the future direction of the present government can be seen in the talking points briefing from Ministry of Business, Innovation and Employment (2013e). In that paper, MBIE suggests that the family-linked criterion not be explicit. Much of the reasoning behind this is redacted, though given other sources (see Ministry of Business, Innovation and Employment,

2013d), it is reasonable to assume that the reason is that the UNHCR has been unable to find enough people to fulfil the regional quotas.

The 'indication' suggested earlier is not that the family linking should be removed, but comes as an aside that mentions a "proposed merger of Africa/Middle East region". A merger of regions, proposed or otherwise, is a departure from the reporting standards of the UNHCR. Appearing in a document discussing the ramifications of accepting 4% (33 people on average over the three years of this policy) of the refugee population from Africa, when prior to 2009 it had been about one third of the quota (196 people, on average, over the preceding seven years of the quota), the move seems to serve no purpose other than making New Zealand's Africa and Middle East resettlement look better than it is. From a statistical point of view, merging Africa and the Middle East would make comparisons between New Zealand and other resettlement countries' refugee intake more difficult. It would also obscure efforts to compare present regional allocations to past allocations. Given the tensions noted earlier between the UNHCR's preference for settlement from these two regions and MFAT's preference for a refocus on Asia-Pacific, such proposals seem to serve no practical humanitarian purpose.

## (2) The repurposing of 'emergency' provisions

Up until 2010 the New Zealand government had a possible 35 places for 'emergency resettlement' within the quota. The Department of Labour (2010a) describes these places as for "refugees who need urgent resettlement, because of, for example, immediate risks to their physical safety" (p.2). Footnote three, at the end of that sentence, explains more: "In practice UNHCR submits around two or three emergency cases per year. These are drawn from countries worldwide and are not limited to areas where global or regional priorities have been allocated" (p.2).

Statistics from the Ministry of Business, Innovation and Employment (2013a) show that while 2009/10 saw New Zealand take five people in the emergency category, none have been taken in the years since. Though there is no mention of getting rid of the emergency portion of the refugee resettlement quota, documents such as the Department of Labour (2010b) briefing only list the other sub-categories<sup>5</sup>.

<sup>&</sup>lt;sup>5</sup> It's worth noting again that large parts of these documents are redacted under Section 6(a) of the Official Information Act. This section reads: "Good reason for withholding official information exists, for the purpose of section 5] if the making available of that information

## (i) 50 Large-scale emergency places

An aide memoire from the Ministry of Business, Innovation and Employment (2013f) brings up the possibility of "resettling a small number of UNHCR-mandated refugees who require emergency resettlement from large-scale refugee crisis situations" (p.2) such as that which had occurred in Libya and was occurring in Syria. Later the same year the number for the repurposed large-scale emergency refugee quota was fixed at up to fifty places, as reported by the Ministry of Business, Innovation and Employment (2013g). The same document recommended taking a total of one hundred Syrian refugees to be resettled through this emergency quota over a two-year period.

Despite this recommendation, agreement to implement this quota was only made public in February 2014 (Davison, 2014). The announcement came five months after sixteen other countries publicly agreed to resettle refugees from the Syrian crisis (UNHCR, 2013c) and a month after the United Kingdom decided to settle five hundred Syrian refugees through their fledgling quota system (see Wintour, 2014).

The 50 large-scale emergency places are options for the three years beginning in 2013/14, though recent commentary from Baidaa Jarella (2014) at Amnesty International suggests that the emergency quota is not a permanent fixture.

# (ii) 150 'mystery' Emergency Situations Category places

For the four years between 2010/11 and 2013/14 there existed a category of 150 potential places in New Zealand's annual refugee resettlement quota. When asked about this category, Minister of Immigration Woodhouse stated: "within the 750 quota there were 150 emergency places refugees for certain situations, the nature of which at that time was sensitive, and the particular Cabinet minute had that section of it redacted" (sic) (TVNZ, 2014b).

As there has been some contention around exactly how much of a 'mystery' this category is, I have included figures two and three in an appendix for examples of what will be called the 'mystery 150' quota places. I have also referenced the documents, available online, that these images are from.

would be likely—(a) to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand".

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Though the category has been redacted in the graphs of figure two and three, there is one reference to a category of 150 places in Department of Labour (2010b). There, point six states that "the results achieved to date from the selection missions undertaken during 2010/11 and 2011/12 to Asia-Pacific, Americas and Middle East regions indicate that the 150 *Emergency Situations Category* places would be best filled from the Asia-Pacific region" (their italics, p. 4).

To get more insight into this category a comparison must be made to conversations in Department of Labour (2010a) that ask whether the Emergency Situations Sub-Category should be expanded, in addition to other grammar and syntax, inferences can be made about the mystery 150. For example, point four of the redacted 2010 document states "emergency situation could include [redacted] New Zealand experiencing its own mass boat arrival (p. 1). If the redacted portion of that quote *does not* refer to another country's mass boat arrival, then why would the document use the language of "its own"? Similarly, point 10 of the same document indicate that mass arrivals in Australia constitute an emergency situation in New Zealand. "Pressure is likely to build on New Zealand to provide assistance in emergency refugee situations. Australia is experiencing an influx of boats carrying asylum seekers" (p. 3).

As the Office of the Ombudsman was unable to help with the redacted information, I approached the Fairfax journalists about the secret category. This led to a first story in the Sunday Star Times (Kitchen, 2014a). Follow up media around this matter led the Minister of Immigration, Michael Woodhouse, to clarify that he did not deny the 150 places existed, but that they had not been used (Kitchin, 2014b).

In an interview with Rachel Smallie, Woodhouse claimed that some of these 150 places were used for the resettlement of 100 Syrian refugees (TVNZ, 2014b). However, given that the Ministry of Business, Innovation and Employment (2013f) aide memoire discussed the creation of a new category for the large-scale refugee resettlement, this comment looks to be either confusion or an attempt to deflect from the question.

Finally, the Emergency Situations Sub-Category finished in 2014/15 and was replaced with a formal 'transferees' relationship to take 150 asylum seekers from the Australian government's detention centres in Manus Island (Papua New Guinea) and Nauru. The political difficulty around such an agreement has, as of publication, led Australian Premier Tony Abbott to suggest that this

transferee relationship will not take place. Abbott does not wish for New Zealand to be seen as a possible 'consolation prize' for asylum seekers (Radio New Zealand, 2013). Instead, deals to resettle refugees in Cambodia (Laughland, 2014) and Papua New Guinea (Taylor, 2014) seem likely to go ahead.

### **Commentary**

The following section addresses the international contribution of New Zealand to accepting and resettling refugees in contrast to the rest of the world. This section evaluates two claims that position New Zealand as (i) sixth and (ii) eighty-eighth in the world, shows the shortcomings of both claims and offers a third, less noted measure as a better statistic to evaluate New Zealand's contribution.

Most documents that try to measure New Zealand's full refugee intake look at three potential streams: (1) the refugee resettlement quota, (2) accepted asylum seeker applications (3) the Refugee Family Support Category (RFSC).

A Refugees as Survivors New Zealand (RASNZ) (2012) report uses statistics from 2004 to note that New Zealand's annual intake is "up to 1500 places per year" (p. 8). This figure overestimates accepted asylum seeker numbers and assumes the full 300 RSFC places are filled. Including all refugees accepted under the three categories gives an average, over five years, of 978 people arriving per year as refugees, asylum seekers and RSFC.

I will not include the RSFC figures in my comparisons below as there is not enough internationally comparable figures available for this form of immigration in contrast to the UNHCR figures on quota refugees and asylum seekers.

When trying to work out a fair refugee quota intake accurate statistics are important both for the temporal task of comparing the present with the past, but also with the spatial comparison of one nation to another. The UNHCR (2014b) stresses the importance of statistics in their work and describe their aim as to provide "accurate, relevant and up-to-date statistics" (website).

For New Zealand, Spoonley and Bedford's (2012) overview of immigration states "per head of population, New Zealand has ranked as fifth in terms of refugees accepted and settled since the Second World War" (p.155). Though they do not provide an immediate citation, they go on to discuss that the majority of refugees settled here were UNHCR-designated with fewer asylum

seekers. Spoonley and Bedford's (2012) ranking is imported into the first page proper of Beaglehole's (2013) history of refugees in New Zealand.

Putting to one side the historical record on refugee and asylum seeker settlement, how does New Zealand rank in more recent comparisons? Minister of Immigration Woodhouse (2013a: 1), for example, notes "we have one of the highest refugee intakes per head of population in the world". Months later, when setting the refugee quota for three more years, Woodhouse (2013b) was clearer, substituting 'intakes' with 'accepting refugees referred by the UNHCR' and claiming New Zealand's place as 'sixth equal' in the world (p.1).

While Woodhouse certainly becomes clearer over what he is claiming – "intake" equals "UNCHR resettlement quota" – he does not consider accepted asylum seekers as part of a total refugee intake<sup>6</sup>. Asylum seekers, as a category, have already arrived in New Zealand so Woodhouse might not consider them as an intake. Additionally, acceptance of an asylum seeker's case and their gaining permanent residence are two separate processes, especially with the new three-year review of the asylum case (see Bloom and O'Donovan, 2013).

As Woodhouse is a politician it might be unfair to look to him for anything other than a use of facts for optimal electoral effect. Other politicians have used the reverse of his stance when it is convenient for them. For example, when David Cameron was determining what levels of Syrian refugees should be resettled into the United Kingdom as a response to the UNHCR's requests he justified taking less people via a quota as "we are also fulfilling all our obligations in terms of asylum seekers, because we have taken over 1,000 asylum seekers from Syria in recent months" (Wintour, 2014).

Some refugee advocates, myself included, have responded to politicians overstating of their country's refugee intake by appealing to the authority of the UNHCR's Statistical Yearbook (UNHCR, 2013b). Table 24 'Indicators of host country capacity and contribution' ranks contributions from host countries based on people of concern to the UNHCR. This table draws figures from a

<sup>6</sup> In early May 2014, when questioned over the quota, Woodhouse (2014) offered a more nuanced

immigration possibilities that are offer equal opportunities. Similarly, other countries also offer family reunification and so New Zealand is not particularly special or exemplary in any of these migration opportunities.

perspective, claiming that there was an argument to be made that because New Zealand received so few asylum seekers that the quota should be raised to meet that. However, he also noted that the immigration categories for Pacific Access and the Samoan quota "while not technically refugee" situations did offer other residency to people who would not normally be accepted by Immigration New Zealand. As New Zealand's Pacific immigration is much higher than Australia's per capita this might be considered a mitigating factor, however most countries do have similar formal and informal

nation's own reporting with some strange figures from New Zealand: 1517 people who are refugees and 276 asylum seeker pending cases. These refugee figures could be for two calendar years, though with the reporting on Ministry of Business, Innovation and Employment (2013a) figures only showing financial, rather than calendar, years it is hard to know.

The refugee population reported by New Zealand is much lower than those claimed by other countries. The lesser figure reflects the lack of asylum seekers who can make it to New Zealand but may also be a function of (a) New Zealand's reporting standards and (b) New Zealand's relatively quick residency process that leads to refugees becoming permanent citizens and no longer being 'of concern' to the UNHCR<sup>7</sup>. As such, it could be argued that this figure underplays the numbers of refugees accepted by New Zealand in contrast to other nations.

A third measure is needed. The Refugee Council of Australia (RCOA) (2013; Table Ten) has used the UNHCR statistics to create an alternative measure for refugee intake by isolating changes to refugee numbers in a single year of UNHCR reporting. The RCOA measure offers more of a balance between the hosting of large asylum communities, who may never be formally naturalised, and the formal processes of refugee resettlement through the quota.

In 2012, there were 1,361,816 people recognised as asylum seekers by the country in which they sought refuge. This does not mean that they were given the permanent right to stay, but simply that they arrived and were recognised as refugees. By contrast 88,578 people were resettled under the UNHCR's refugee resettlement quota (UNHCR, 2013; data organised by RCOA, 2013). Quota refugees resettled through the UNHCR are generally afforded better treatment as direct paths to citizenship are offered, as are established programmes that help with language acquisition and other necessary skills (see Bloom and O'Donovan, 2013 for more on the different treatment of asylum seekers and quota refugees).

Focussing on the refugee resettlement quota without including accepted asylum seekers can be a political tactic used to make resettlement nations seem to be doing more than they are (see Stephens 2013a; ABC Factcheck, 2013). However, there is also merit to Australian Liberal Party Kelly O'Dwyer's view (2014: 1) that hosting refugees is very different to resettling refugees:

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<sup>&</sup>lt;sup>7</sup> Compare this 1517 to the 1,638,456 refugees in Pakistan, the majority of whom are Afghan refugees exiled during the fighting with the USSR and who remain without formal rights in Pakistan.

"Generally hosting does not guarantee permanent residence in that country, so direct comparison with Australia's resettlement program is misleading". Though 'recognising' (what O'Dwyer calls 'hosting') generally does not *guarantee* permanent residence it still requires substantial work from a host nation and that effort must be taken into account if people are looking to give a true statistical indication of what host nations are contributing to the welfare of refugees.

I see the RCOA's (2013) measure to be the best mid-point between the UNHCR's (2013b) focus on hosting refugees and Woodhouse's (2013a; 2013b) and O'Dwyer's (2014) exclusion of asylum seekers from refugee statistics. In the Refugee Council of Australia's table 10, New Zealand is ranked as 39<sup>th</sup> in the world at recognising or resettling refugees per capita in 2012. When adjusted for New Zealand's GDP – a country's ability to host – this figure becomes 49<sup>th</sup> in the world.

There is one major drawback to simply using the yearly measure. Countries, like Pakistan, that have previously received a significant number of refugees, are measured as doing less than countries that take the same number of refugees in more regular intakes. For example, in contrast to New Zealand's 39<sup>th</sup> per capita, Pakistan is ranked as 78<sup>th</sup>, even though they still host more than two million registered refugees (UNHCR, 2013b) from earlier conflicts.

A fact sheet produced on refugee trends in New Zealand by RCOA (2014) was circulated by the Refugee Council of New Zealand prior to a 2014 election debate on refugee issues. This fact sheet updated the 2013 figures and provided a number for resettled and recognised refugees over a decade long period. Though the annual figure was similar, the decade long measure had New Zealand at 50<sup>th</sup> per capita and 66<sup>th</sup> when adjusted for GDP.

One recommendation to come from this study is for a UNHCR-based statistical measure of refugee hosting/ resettlement that takes into account naturalisation processes as well as mid to long term hosting such as RCOA decade-long measure. As the RCOA (2014) document is not easily available online, in contrast to the UNHCR statistics from which it is drawn, it can not yet be widely accepted as the best measure of a country's contribution to accepting refugees.

#### **Conclusions**

This article has shown the changes to New Zealand's refugee resettlement quota since the election of the fifth National government in late 2008. The two main changes to occur in that time frame were the introduction of regional quotas,

including restrictions on new refugees from the Middle East and Africa, and two adjustments to the emergency category.

The ultimate outcome of the new regional quotas were that 69% of resettled refugees were relocated from the Asia-Pacific region while only 4% and 10% came from Africa and the Middle East, respectively. It would not be inappropriate here to suggest that the "broad security concerns" mentioned in the Department of Labour (2010a) coincide with a reluctance to resettle refugees from predominantly Muslim countries.

Given the UNHCR's priorities were to resettle priority cases and that Africa and the Middle East were identified as those with the most priority cases, the regional changes are highly questionable from a humanitarian perspective. Though there is some merit in the move to satisfy a regional solution to asylum seeker issues, New Zealand has not broached other options to ease that problem while still maintaining its commitment to the UNHCRs resettlement programme.

The repurposing of the emergency quota between 2010/11 and 2013/14 to take 150 emergency situations (which Department of Labour documents show to be linked to the potential for mass arrivals either here or abroad) indicates the present government's preferred response to the regional issue: if asylum seekers make it to New Zealand, they will do so at the expense of refugees coming via the UNHCR system. This dual quota has been the approach of Australia and leads to tensions over which refugees are more legitimate.

Despite the repurposing of the emergency quota scheme from 2010/11 until present no refugees have been listed as arriving as emergency situations. The contrast to the preceding years indicates that the reframing of what constitutes an emergency has changed. Prior to 2010/11 an emergency was a matter concerning the well-being of refugees. With the new emergency situations subcategory it has become a matter that threatens the borders of Australia or New Zealand. The original focus on individual emergencies has become obsolete. The introduction of the large-scale emergency quota offers hope for some humanitarian aspect to return to the refugee quota, though whether it will become a regular feature of the quota has yet to be seen.

In the commentary section of this article, I have noted that New Zealand's unique isolation in the world, combined with strict airport pre-screening has meant that it is the only nation with more refugees resettled via the quota system than apply as asylum seekers. This unique position has led to a difficulty

assessing New Zealand's relative contribution to accepting, both resettling quota refugees and approving asylum applications. This study has suggested supplementing the rankings from quota resettlements per capita, favoured by the Minister of Immigration, and the hosting per capita, favoured by activists, with a third focus on the total intake of asylum seekers and resettled refugees in a calendar year as produced by the Refugee Council of Australia. Problems with this measurement, as suggested by Liberal MPs from Australia, mean that further research is needed into the relative weighting of hosting asylum seekers, accepting asylum seekers, resettling quota refugees and making nationals of those refugees and, hence, removing them from the statistics.

Finally, to contrast with Beaglehole's (2013a) summation that the refugee programme is "in good shape" (p. 183), I would venture to offer a dissenting opinion. Woodley and Williams' (2012) overview of the resettlement sector suggest, "support is severely underfunded and severely stretched" (p.96). I would contend that if the quota programme is in 'good shape' this shape is dependent on New Zealand doing less than other developed nations due to the choices afforded by being the only nation that resettles more quota refuges than are received as asylum seeker applications.

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