WHY LONG-TERM WELFARE BENEFICIARIES?

A Study of Barriers to Employment for Refugees from the Horn of Africa
Living in Auckland

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II

ABSTRACT

The rationale for writing this thesis was prompted by years of working with displaced people and refugees in Africa. Though the African people north of the equator are generally regarded as transient people, very few move beyond the boundaries of the continent of Africa. The instability of the political and socio-economic conditions on the continent has exacerbated the current volatile cycle of poverty and human instability. The effects of the political and socio-economic conditions have resulted in a huge displacement of people and the emergence of refugees. Few refugees are able to be identified by the United Nations High Commissioner for Refugees for resettlement outside Africa, while others take the courageous step of fleeing and seeking refuge on another continent as asylum seekers. In 1960 New Zealand ascribed to the 1951 Convention relating to the Status of refugees and actively participated in a refugee quota programme and allowed asylum seekers to apply for refugee status.

In an endeavour to answer the question "why long-term welfare beneficiaries" in relation to African people, this thesis analysed the integration process of African people and sought to establish what domestic or public policies impact or influence the settlement and integration of refugees and asylum seekers in New Zealand. While there are many factors that influence successful integration, however this study identifies barriers to sustainable employment as one of the major contributors. The literature review and the outcome of the research undertaken showed that barriers to employment do exist for refugees and asylum seekers.

The literature review analyses the legal aspect that defines a refugee and also outlines the process followed for the determination of quota refugees. The review further describes the journey of the study population to New Zealand.

New Zealand has an established welfare system therefore the study traces the discourse within welfare history and policy that relate to the criteria and obligations under which benefits are granted to refugees and asylum seekers. It is argued that present jobseeker

agreements and work test provisions when agreed upon does assist the development and work readiness of the refugee and asylum seeker and does not contribute to long-term welfare beneficiaries.

It is concluded that the absence of an overarching national domestic or public policy on settlement and integration could contribute to long-term welfare beneficiaries (as defined in the welfare policy of the Ministry for Social Development). In conclusion, policy changes to certain aspects of the Social Security Act 1964, language training, organs of civil society intervention and employer interaction need to be addressed in relation to refugees from the Horn of Africa living in New Zealand to allow them to become employable in a shorter period of time.

Acknowledgements

CONTENTS

LIST OF ABBREVIATIONS

ARRA	Administration for Refugee Returnee Affairs
ICRC	International Federation of the Red Cross
IDP	Internally Displaced People
IRO	International Refugee Organisation
MRRC	Mangere Refugee Reception Centre
OAU	Organisation for African Unity
RAA	Refugee Appeal Authority
SSA	Social Security Act of 1964
UN	United Nations
UNHCR	United Nation High Commissioner for Refugees
US	United States
USAID	United Nations Agency for International Aid
WINZ	Work and Income New Zealand

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INTRODUCTION

One of the most noteworthy features of New Zealand immigration policy since its enactment was the incorporation of the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees in the Immigration Act 1987. Following ratification of the 1951 Convention, the New Zealand Government undertook to honour its commitments as outlined in the Convention. Even though New Zealand was a signatory to the Constitution of the International Refugee on the 11th of March 1947 and the 1951 Convention Relating to the Status of Refugees on the 30th June 1960, it had an obligation to first see to the needs of its citizens.

Since the 1st October 1999, the inclusion of the 1951 Convention Relating to the Status of Refugees[1] in the Immigration Act 1987 created a chain effect on various domestic policies in New Zealand. The Department of Immigration administers refugee applications and ensures that refugees are orientated and acclimatised through a six-week programme. Thereafter, it becomes the responsibility of housing, health, internal affairs and social welfare government departments to ensure that refugees are resettled. The guidelines for the provision of services for the refugees are outlined in the Convention and are implemented progressively.

The acceptance of refugees and asylum seekers in a country imply that the receiving country has the capacity and capability to accommodate additional people. The standard of settlement is determined by the existing policies and services that the host country provides its own citizens. Refugees are afforded the same rights as citizens of the host country by law, but tensions exist in terms of prioritising the allocation of scarce resources. New Zealand citizens have been known to question the effectiveness of existing policy, for example; allocation of state housing stock to refugees in spite of an existing long waiting list of New Zealanders, points to an absence of adequate public policy.

In some cases, where a country cannot cope financially with the large volume of refugees that cross their borders, limited assistance is granted by the international community.

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[1] Herein after referred to as "the Convention"

Resettlement of refugees is either managed through a structured policy-driven programme or minimal support is given to them and they are allowed to resettle and integrate at their own pace.

Integration of refugees into New Zealand society is multi faceted and involves various social and public policies with regard to refugees attaining a sustainable standard of living. It is recognised through studies done in several countries that integration affect refugees in different ways and in certain instances some refugees will never be able to integrate due to various psychological reasons (Fletcher, 1999) Though this might be the case, adequate policies may ensure that refugees would successfully integrate into New Zealand society.

The Social Security Act 1964 administered by the Ministry of Social Development was designed primarily for a residual purpose. That is to provide income support as people moved between jobs (after brief periods of unemployment), or as they moved into retirement. The management of refugees and asylum seekers did not fall into any of the categories for which the Social Security Act was designed except the Emergency Benefit while asylum seekers awaited the outcome of their refugee status application. This called for an adaption of existing welfare policies or a change in thinking about the implementation of existing welfare policies for refugees and asylum seekers.

Matters are further complicated by the fact that asylum seeker, refugee status applications are determined by the Immigration Department and impact on the way benefits are administered. The objective of the Ministry of Social Development is to ensure that benefit recipients are work ready or employable in a reasonable period[2] of time. As benefit recipients, refugees and asylums seekers have to adapt to the host country's norms and standards and learn the language before they are work ready or employable. Existing policies need to be adapted to ensure adequate development, training and monitoring processes put in place that would prevent refugee and asylum seekers from becoming long-term welfare beneficiaries[3]

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[2] The Ministry of Social Development do not have a specific period of time
[3] Social Security Policy of the Ministry for Social Development states that any person receiving a welfare benefit for more that 26 weeks is classified as being welfare dependent (long-term welfare beneficiary)

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Implication of policy changes

The intention of the incorporation of the Refugee Convention 1951 was to cement the relationship between immigration policies and the Convention as it impacted on the existing refugee policies of the New Zealand Immigration Act. This changed the way in which immigration officers dealt with individual refugee status applications.

The incorporation of the Convention into the New Zealand Immigration Act affected the way in which government departments had to deal with refugees and asylum seekers with regard to health, housing, welfare and other related services as to previously being dependent on social workers or community workers to assist with meeting their needs.

Refugee welfare beneficiaries require more intensive case management and additional administration. There is a strong requirement for the case manager to know their clients and through an agreed management plan ensure that clients do not become long-term welfare beneficiaries.

Theoretical framework

In an endeavour to place the thesis in a theoretical framework, I did not discover in published material in which a framework merged the socio-political and the refugee resettlement dichotomy.

De Wet (1988) and Partridge (1989) state that there has been much discussion in the literature around conceptual models, yet certainly not enough, as Scudder (1996) rightly observed in his search for successful models for voluntary and involuntary resettlement.

However there was, and is, a broad consensus on the need to persevere in searching for theoretical constructs that explain and illuminate the complexities of resettlement (Cernea 2000). Emmanuel Marx (1990) developed a conceptual framework for interpreting refugee situations but the model was grounded in the sociological theory of networks and centered on what its author termed "the social world of refugees."

The Theory

The New Zealand agreement with the United Nations High Commissioner for Refugees (UNHCR) in regard to the allocation of quota refugees is the last phase of the movement of the refugees from displacement to third country resettlement. The resettlement and integration process of refugees in New Zealand requires a theoretical framework in order for resettlement policies to be formulated. Though the government systems deal with people on an individual basis, the problems experienced by individuals from different ethnic backgrounds, impacts on the whole community where they reside. The objective of resettling an individual should therefore be viewed within the context of an already settled community where they live.

The complexity of creating a synergy between the political system of a country and individual needs during resettlement is the theoretical foundation for this thesis. For the purpose of this thesis the Ecological Systems Theory will be used.

The Ecological Systems Theory (Life Model) sees people as constantly adapting in an interchange with many different aspects of their environment (Payne, 1997). The characteristics of the theory are unitary (Goldstein, 1973), integrated (Pincus and Minahan, 1973) or Holistic (Hern 1969; Leighninger 1978) including work with individuals, groups and communities, and does not emphasize any particular method of intervention The Ecological Systems Theory (Life Model) provides an overall way of describing things at any level so that people can understand all interventions as affecting social systems (Payne, 1997 p153).

The interactive approach of The Ecological Systems Theory allows for relationship building between the client and the "department" that leads to an agreement about problems and how each would approach solutions. Through reciprocal accountability, problems are identified, priorities are agreed upon and commitments to the adaption of the clients' environment made through undamaged or improved adaptive mechanisms.

Purpose of the Thesis

Earlier works published by Trlin and Spoonley (1992) and Bedford et al (1998), cover migration but not refugees. The earliest work on refugees in New Zealand was a paper presented by Elliott (1989) at the Stout Research Centre Sixth Annual Conference.

Collins (1996) stated that Kibreab (a noted scholar in refugee studies) commented that the quality of research on African refugee problems was sadly lacking. While extensive studies have been undertaken in Europe and America about refugees since the establishment of the United Nations High Commissioner for Refugees, over the past ten years significant number of studies, many unpublished have concentrated on various aspects of refugee resettlement. More recently the New Zealand Immigration Service (2002) embarked on a longitudinal study that is ongoing, with regard to refugee settlement.

There is no past or current research or published literature on the relationship between welfare benefits and barriers to employment for refugees in New Zealand. This is due to policy within which the New Zealand Statistics Department has to work when classifying ethnicities. (New Zealand Statistics Act, 1975).

African ethnic groups were not included in past census as they were not a significant number compared to the greater population of New Zealand. According to literature at the time of this thesis the government's priority was to work with Pacific Island people and New Zealand Maori. (Ministry of Social Policy, 2001).

According to Work and Income New Zealand (WINZ) no literature, annual reports or past research included refugees/asylum seekers or barriers to employment for refugees. However, recent research was published about barriers to employment for professional migrants (Oliver 2000).

The purpose of this study is to determine why quota refugees and asylum seekers granted refugee status from the Horn of Africa[4] registered with WINZ in Auckland are long-term welfare beneficiaries, and are not making the expected transition to work within two years of arriving in New Zealand. The study is intended to determine what the barriers to sustainable employment (which is one of fundamental aspects of successful integration) were that caused these people to stay on a benefit for long periods of time.

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[4] These are people who lived in Ethiopia, Eritrea, Somalia and Sudan. These countries form the Horn of Africa. See the Map of Africa on page XII

Emphasis is placed on the aspect of perceived barriers to employment and what strategies are in place that either assist or hinder refugees in overcoming those barriers. The research focuses on a sample of beneficiaries from the Horn of Africa who received an Unemployment Benefit (Hardship) for more than 26 weeks but no greater than 103 weeks during 1 July 2002- 30 June 2003 who experienced perceived and real barriers to employment. Since the purpose of the thesis is focused on refugees and asylum seekers, the views of potential employers were not part of the study.

This thesis professes that the lack of public policy on integration could contribute to refugee benefit recipients becoming long-term welfare beneficiaries but it can also be hypothesized that refugees encounter barriers to employment and can be classified as long-term welfare beneficiaries while trying to overcome those same barriers.

In summary, this study attempts to address the following questions:

1. What are the aims and objectives of Immigration and Social Welfare legislation with regard to refugees?

2. What factors are there that contribute to refugees staying on the welfare benefit for long periods of time?

3. What welfare benefit strategies are in place that will ensure that refugees do not become long-term welfare beneficiaries?

4. To identify recommendations that could contribute to reducing the number of refugees that are classified as long-term welfare beneficiaries.

Organisation of the Thesis

Current policy related to immigration and social welfare pertaining to the study population is embedded in legislation. Though the legislation is self explanatory by nature, the various government departments administering it do have simplified explanatory notes that are easily understood by the layperson. Immigration and social welfare legislation are the policies by which both government departments are governed. For the purpose of this thesis a review reflecting and analysing the relevant sections of both pieces of legislation has been undertaken.

Dunn (1994) states that policy analysis goes beyond traditional disciplinary concerns with the explanation of empirical regularities seeking not only to combine and transform the substance and methods of several disciplines but also to produce policy relevant information that may be utilised to resolve problems in specific political settings. He further states that the aims of policy analysis extend beyond the production of "facts"' but also seek to produce information about values and preferable courses of actions including policy evaluation as well as policy recommendations.

The thesis is divided into two parts namely the literature review and the research. The literature review is divided into three parts:

1. Resettlement and barriers
2. Immigration and refugees
3. Welfare benefits

The research is divided into three parts:

1. Method
2. Results
3. Discussion and recommendations

Chapter One:	discusses the initial adjustment period for the quota refugee and the asylum seeker after arriving in New Zealand and applying for refugee status. A critical analysis of the definition of integration is made and the settlement and integration phases in New Zealand are discussed
Chapter Two:	describes the international perspective of the understanding of barriers to employment and further discusses in detail the types of barriers refugees encounter
Chapter Three:	identifies the theoretical and legal aspects pertaining to refugees. The chapter identifies the difference between a displaced person and a refugee and when a displaced person is classified as a refugee. Various types of refugees are identified and various conventions pertaining to the legal definitions of refugees are discussed

Chapter Four: examines the New Zealand refugee status determination process, the application process and the role of the Refugee Status Appeal Authority. The chapter also analyses the criteria determining who are refugees and persecution as a criteria for refugee status. The chapter finally examines the disparity in the provision of services for quota refugees and asylum seekers.

Chapter Five: examines the relationship between UNHCR and New Zealand, the New Zealand refugee quota system and the quota refugee orientation and exit from the Refugee Receptions Centre in Mangere.

Chapter Six: presents an overview of the study population who came from Sudan, Ethiopia, Eritrea and Somalia[5] and then examines the role of the OAU and the UNHCR responsibility towards refugees in refugee camps and the qualification process of refugees for UNHCR third country resettlement in Kenyan and Ethiopian processing centres. The process for arrival in New Zealand is also outlined

Chapter Seven: investigates the historical aspect that gave rise to New Zealand's welfare legislation and the transformation of that legislation within a political and social context. The chapter also discusses the role of WINZ and the transformation that took place within the organisation during 1999 -2001

Chapter Eight: examines the Social Welfare Legislation in relation to the study population and why they move from one benefit to another during the resettlement period.

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[5] Over 95% of the study population arrived in New Zealand either as quota refugees or asylum seekers and who met the criteria as participants for the research

Chapter Nine: determines what mechanisms are in place that will ensure that the refugee will not stay on a welfare benefit for long periods of time by analysing the Social Security Act and its amendments and what strategies are in place should the refugee fail to meet his or her obligations as agreed upon when accepting the Unemployment Benefit (Hardship).

Chapter Ten: describes the results of the research

Chapter Eleven: provides the analysis of the research

Chapter Twelve: summarises the key issues that arose throughout the research

Chapter Thirteen: conclusions drawn from the results of the research

CHAPTER 1

SETTLEMENT PROCESS OF REFUGEES AND ASYLUM SEEKERS

Refugee problems should be analysed from a general, historical, and comparative perspective that views them as recurring phenomena with identifiable and often identical patterns of behaviour and sets of causalities (David, 1969; Kunz, 1973; Liu, 1979). Addressing refugee barriers or problems should not be viewed in isolation. The whole past of the person must be considered. This chapter addresses the settlement and integration process of refugees and asylum seekers.

1.1   Settlement timeframe and phases

Fletcher (1999) reasonably suggests that integration is not adequately defined by states and that there is no clear point defined either by time or circumstances at which settlement can be said to be complete. Various strands of literature therefore focus on different timeframes. These range from evaluations of short-term programmes provided for newly arrived migrants (Pliner and Jones, 1998) to sociological literature concerned with the position of second-generation migrant groups. Many of these articles are in the International Migration Review, 1997, Special Issue.

Many attempts to identify stages in the settlement process are usually based on a view of migration as permanent and involving a complete break from the home country. A number of commentators have also attempted to split immigration and the stages of settlement into phases or stages. Cox (1985: p74) identifies three stages, the transition, resettlement in the new environment and finally integration that implies becoming an integral part in some way of the new environment.

Fletcher (1999) states that in recent times more recent discussions of the time frame of the settlement process have tended to shy away from attempts to specify stages too definitively. The Canadian Council for Refugees (1998) report 'Best Settlement Practices' is the best recent example.

The Canadian Council for Refugees notes that settlement generally refers to acclimatisation and the early stages of adaptation when newcomers make basic adjustments to life in a new country. This includes finding somewhere to live, beginning

to learn the local language, getting a job and learning to find their way around an unfamiliar society. Integration is the longer-term process through which newcomers become full and equal participants in all various dimensions of society. This is outlined in diagram 1.1

Diagram 1.1: The settlement/integration continuum
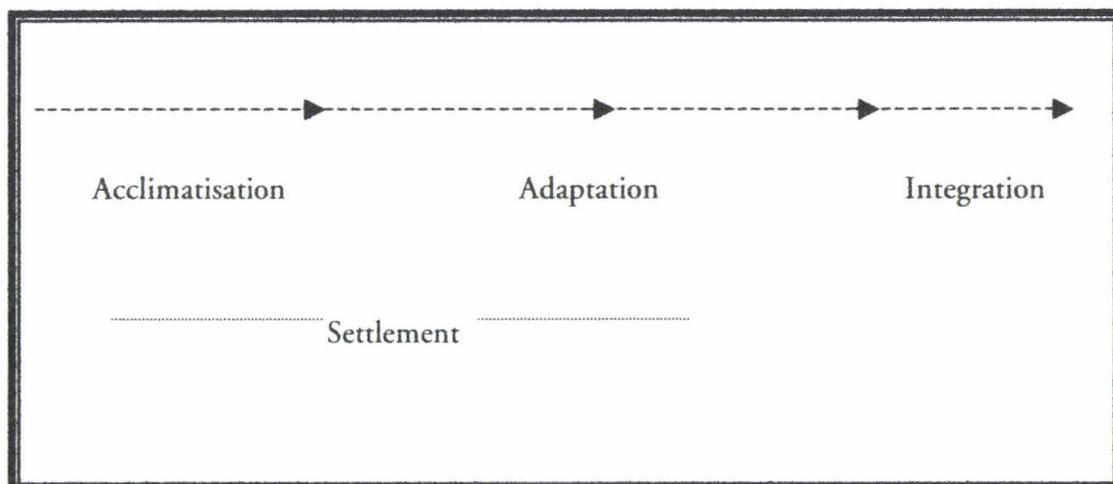
Source: Canadian Council for Refugees (1998)

According to Fletcher, the Canadian Council for Refugees approach has been followed here in New Zealand inasmuch as the focus in terms of 'settlement' is on the short-term rather than on long-term integration, while also acknowledging that time is not always a good guide to the period for settlement.

The Collins English Dictionary (1986) describes settlement as the act or state of being settled. However, settlement with regard to the refugee can be described as having two categories; physical and psychological. The Canadian Refugee Council maintains that settlement is a short-term phase with regard to the physical aspect e.g., housing and financial support.

On the psychological aspect of settlement, according to Ager, (1999), Marsella et al., (1994), factors such as 'cultural distance' (the difference between home and host cultures) may cause disjuncture between the refugees own cultural values and socialisation history, and that of the culture around them which threatens their longer term identity and their living environment in the host country. Issues of fear, identity and belonging are played out in an infinite variety of cultural contexts (Loughry, M and Ager, A. 2001).

Loughry, M and Ager, A (2001), argues that the psychological state subsequent to the refugees bereavement, separation and cultural isolation clearly interacts with the refugee's capacity to deal effectively with their social world. Equally, the social demands made upon the refugee (and, crucially, the social supports they receive) will impact on their psychological well being as they settle into the host country

1.2   Acclimatisation Internationally

According to the European Council on Refugees and Exiles (ECRE) many countries that accept refugees and asylum seekers have different acclimatisation programmes and some do not have any programmes at all for example:

- Belarus

Refugees are given a one-off allowance from the state, but there is no assistance with accommodation, which is often made more difficult because of the existence of the residence registration ('propiska') system. Recognised refugees have certain basic rights, including the right to work, to education and to healthcare. In practice, many recognised refugees have already been resident in Belarus for a number of years and so do not face serious integration problems. (Minsk/Danish Refugee Council, 2000)

- Moldova

In the absence of a refugee law, integration of refugees in Moldova is extremely problematic. Many *sur place* refugees, mainly from Afghanistan, were former students in Moldova who are unable to return to Afghanistan. If they wish to adopt Moldovan citizenship then they have to pass a Romanian language test. Asylum seekers generally cannot legalise their status in Moldova under the existing laws in force. Several developments including favourable court decisions and the amendment of Article 29 of the Maldovan Aliens Law have resulted in improved protection against refoulement/expulsion of UNHCR issued Protection Letter holders. However, other human rights are not guaranteed to asylum seekers and refugees, e.g. they cannot earn a living and become self-sustainable (UNHCR, Society for Refugees of the Republic of Moldova/Danish Refugee Council 2000).

An assessment done by the Ontario Ministry of Citizenship, Culture & Recreation (1997)[6] on Somali refugees that settled in Canada found that after dealing with the trauma of being forced to leave their own country, Somalis had to adjust to a different language, culture and a whole new way of doing things. This proved to be difficult for the refugee family as opposed to a Canadian family, because the immigrant family had different political, social, cultural and economic needs. As a result, Somalis incurred a great deal of systemic barriers in the following areas in Canada: immigration, education, employment, culture and the economic system. These barriers proved to be sources of great frustration for the Somali community, who came to Canada with many hopes and dreams of being able to live freely and make a contribution to society.

1.3:   Integration

1.3.1   Defining Integration

According to the American Heritage Dictionary of the English Language (2000), integration means "the bringing of people of different racial or ethnic groups into unrestricted and equal association, as in society or organisational desegregation." The Dictionary further explains that up until relatively recently in American history, integration strongly implied that persons of different racial or ethnic backgrounds who choose to reside in the United States (U.S.) would elect to adapt to U.S. cultural norms and customs, including learning the English language.

Castles et al (2002) argues that there is no single, generally accepted definition, theory or model of immigrant and refugee integration. The concept continues to be controversial and hotly debated.

Cowdell et al (2000) agree in their exploration of several contemporary textbooks perspective of social integration that;

> After examining the content of several sociological textbooks. Often, integration is not defined within the texts; however, when the concept is discussed it is by way of synonyms, or how a state of integration is attained. The authors do acknowledge the various forms of integration but often use integration to define

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[6] Compiled from data prepared by Research & Data Group, Ontario Ministry of Citizenship, and Culture & Recreation. All of this material is printed in the "Needs Assessment for the Somali Immigrant Aid Organisation" document, September 21, 1997

it. A "back-door approach" is also used by the authors to explain integration, or it is simply not discussed. (Cowdell et al 2000. p2)

The ambiguity surrounding integration in textbooks could be explained through two conclusions:

1. Integration may be too complex and difficult to explain; therefore a pure definition does not yet exist.
2. The scholar who authors the textbooks may not have a clear understanding of integration and resolves not to discuss the concept within the text. Because integration is not discussed, students are left to "guess" what integration truly involves, or students are struck by the fact that integration is not yet described.

A comparative study undertaken by Korac and Gilad (2001) with regard to integration of refugees also concluded that;

> The problem of how to approach the settlement issue is both conceptual and practical. Not only do researchers in the field define 'integration' differently, but also those who define and develop policies relating to refugee settlement approach the issue in different ways. Research and policies on integration are based on a set of assumptions and concepts that are multi-layered and complex, and often lack explicit definition of the term 'integration (Korac and Gilad 2001. p2).

Robinson (1998a p118) suggests that integration is "a vague and chaotic concept" whereas. Kuhlman (1991) considers integration as a complex process of structural and social adjustments and relationships and therefore refugee settlement and adjustment are relative and culturally determined.

This does not imply as may be suggested by the American Heritage Dictionary that integration is an abandonment of cultural roots and values and embracement of the host nations' culture and traditions but rather it is a process of infusion and synergy that shapes identities to accommodate the trans-national realities of the global community. The process of integration still expects the adoption of the host country's culture in order for the person to successfully integrate in the country's socio-economic and

political systems. However, integration has political connotations and in some instances is part of a host country's political and government policy. Integration is understood to be a two-way process between the individual and the host country (Castles et al 2002: p25).

Integration requires adaptation on the part of the newcomer but also by the host society. Successful integration can only take place if the host society provides access to jobs and services, and acceptance of the immigrants in social interaction. Integration in a democracy presupposes acquisition of legal and political rights by the new members of society, so that they can become equal partners. It is possible to argue that, in a multicultural society, integration may be understood as a process through which the whole population acquires civil, social, political, human and cultural rights, which creates the conditions for greater equality. In this approach, integration can also mean that minority groups should be supported in maintaining their cultural and social identities, since the right to cultural choices is intrinsic to democracy (Castles et al 2002 p2). In this context, integration is understood as being a process by which individuals and groups maintain their cultural identity while actively participating in the larger societal framework (Berry 1980).

1.3.2: Defining refugee integration

The term integration is widely used with regard to refugees, but is seldom defined with any consistency. Terms such as a holistic approach to integration, social inclusion, settlement or re-settlement are considered more acceptable by many British researchers and NGO representatives (Castles et al 2002).

Castles et al (2002) further states that in the context of refugee studies literature, integration is mainly understood in terms of practical or *functional aspects* of integration. This situation is embedded in the fact that refugee status implies the right to *special protection*. This right involves, among other things, provision of social protection and access to social services to facilitate settlement and integration of refugees. Assistance in housing, language training, education and re-training, and access to the labour market have become areas of governments concern with regard to managing refugee settlement in receiving societies. Research about integration of refugees in the UK from 1996 onwards is primarily centred on exploration of functional aspects of integration, with an

emphasis on the availability and quality of social services, as well as rights and access to them. All these aspects of integration which may be termed *"functional integration"* (Korac, 2001) have been to a lesser extent linked and explored in relation to other important aspects of social integration, such as wider societal interaction and participation in socio-cultural and civil/political spheres.

It often goes beyond theoretical considerations as to the extent of who is defining the term 'integration'. Countries who receive refugees and asylum seekers often adopt one of two approaches to integration.

A: Integration policy that is legislated and implemented by government departments and agencies. These types of strategy often adopt a "top–down" approach and do not allow refugees to raise their concerns or express their needs. Korac and Gilad (2001) argue that these policies and resources are targeted at the instrumental level and essentially approach integration as a one way assisted process, which turns refugees into policy objects, rather than approaching them as vital resources in the integration process.

B: Governments who do not have their own integration policies but who have incorporated the UNHCR convention into their own immigration policy or just abide with the UNHCR convention. Even though some might not have an integration policy they do have a reception centre and/or an orientation programme.

Weinfeld (1998) points to stages of integration in the sense of whom the migrant integrates with. The notion here is that integration is a nested process. Immigrants may integrate first into a family or extended family, into sub-groups of their ethnic group, into broader communal group and finally into wider society.

Korac and Gilad (2001) state that disadvantages involved in the lack of an organised programme of assistance for refugees, although profound, also entailed potential advantages because it permitted and enhanced refugees in reconstructing their lives. The absence of reception and integration programmes meant that refugees did not have to confront the structural limitations inherent in the encounters between the helpers and recipients, based upon unequal power and authority.

This would be true for countries that spend very little on social protection and welfare system and who do not have a well-developed public housing or welfare system for its citizens. The underdeveloped systems of such countries eventually lead to a corresponding approach to assistance for refugees and asylum seekers being minimal and do not cover even basic needs such as food and shelter. These refugees and asylum seekers are often reliant on refugee and migrant communities organisations or churches.

Favell (2001) indicates that integration should be recognised as an umbrella term suggesting a set of possible and overlapping processes and spheres rather than a standard pace, these processes in particular spheres entail different velocities as well as variables trajectories and outcomes. Vertovec (1999) acknowledges that each domain of activity (and thereby, research and policy) has its own processes, modes and meanings of integration: social, cultural, religious, political, economic, geographical/spatial, media, and leisure. With regard to each of these as with the broad notion of integration, the process as a whole, a constellation of factors, significantly influences velocity, trajectory and outcomes.

Castles et al (2002) concludes that variations in integration processes and outcomes have been attributed to a range of factors such as demographic characteristics of a group, legal status, labour market and social status, and cultural and religious elements brought from the home country. Such factors are often conceived in monolithic terms such as 'Islam' or 'village culture' of this or that country. Contemporary research and analysis demonstrates that much more work is needed on factors such as: gender relations, home country conditions and dynamics, conditions of the migration process itself, changing sources of human, social and financial capital, and the role of transnational networks and patterns of interaction in patterning migrant strategies.

1.4: New Zealand

In New Zealand the settlement of refugees and asylum seekers is determined by the resolution of issues of employment, education, vocational training, housing and health, issues of access and opportunity that lead to clear indications of the problems and obstacles that need to be removed in order to aid refugee settlement. New Zealand has a well-structured welfare and housing policy. Refugees and asylum seekers benefit from this. The reception and orientation of refugees is embedded in the immigration policies

of the country however asylum seekers are responsible for their own settlement but receive limited welfare assistance.

Even though Korac and Gilad (2001) might argue that the lack of an organised integration programme may permit and enhance personal agency of refugees in reconstructing their lives, this could have an adverse effect on refugees who reside in a country that has a well established welfare system. The welfare system provides an income that meets *only* the refugee's basic needs and therefore can constrain the refugee from integrating or prolong the integration process. In New Zealand there is no time constraint to being a welfare recipient while being in hardship, there is no urgency for refugees to learn or understand the host country's culture or language. Thus the absence of a comprehensive integration programme in New Zealand can contribute to refugees becoming long-term welfare beneficiaries according to the definition[7] of the Social Security Policy of the Ministry for Social Development.

New Zealand's classification as a welfare state does not have a national refugee integration policy according to the Ministry for Internal Affairs. The Wellington Refugees as Survivors Trust (2000) Annual Report agrees that there is no comprehensive resettlement and integration policy in place in New Zealand to meet the needs of refugee families, asylum seekers and their children. Action for Children and Youth Aotearoa (ACYA) (2003) in it's report to the United Nations Committee on the Rights of the Child, states that there is no comprehensive resettlement and integration policy in place in New Zealand to meet the needs of refugee families, asylum seekers and their children. The Auckland District Health Board's proposed strategic plan for Auckland District Health Board 2002-07, attests to the lack of national policy and local integration of health and mental health services for refugee children. The New Zealand Government has an agreed programme for refugees accepted under the UNHCR programme but no programme for asylum seekers except for some support provided by non-governmental organisations.

Quota refugees arriving into New Zealand are assisted with settling into New Zealand through the Mangere Refugee Reception Centre where they undergo a six-week orientation and acclimatisation programme. For the asylum seeker, the factors

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[7] . Social Security Policy of the Ministry for Social Development states that any person receiving a welfare benefit for more that 26 weeks is classified as being welfare dependent

influencing the speed and quality of initial adjustment is the length of time that passes before they are granted refugee status. The situation is further influenced by the conditions under which they live as asylum seekers for example; permission to work and the dimensions of economic or practical support available to them.

In New Zealand, the refugee family is provided with state housing that is normally in a high density and low cost area. The refugee is supported by the Refugee and Migrant Services during the settlement phase and is also linked to people who are of the same ethnic group. (Refugee and Migrant Services, 2000). Whereas the asylum seeker is dependent on the availability of cheap rented accommodation which is usually in high density and low socio-economic suburbs. The period that determines how the quota refugee and the asylum seeker move from settlement to the integration phase depends on the socio-economic position of the country, organisational support provided, the financial position of the individual and also their use of the English language.

A key factor which influences the resettlement of an asylum seeker, is the period it takes before refugee status is granted. According to the Refugee Status Branch of the NZIS, it will take about six to twelve months for a refugee claimant to be approved providing the information required is readily available otherwise it could take up to three years should an appeal be lodged. Once refugee status is granted the settlement process can begin.

1.4.1: Settlement and Integration in New Zealand

The settlement period for the quota refugee is different to that of the asylum seeker. Fletcher (1999) stated that there is a need for caution in interpreting studies that focus on only one aspect of settlement. The psychological aspect of settlement can be much longer. The quota refugee will have support with physical settlement and will have ongoing counselling on the psychological aspect of settlement. However the asylum seeker will have to personally deal with the physical and psychological aspect of settlement while not in receipt of permanent residence.

According to Gray and Elliott (2001), two former refugees now settled in New Zealand have developed models of resettlement.

Bihi (1999) points out that adaption is about needs fulfilment and the recovery of meaning and sense of belonging. The process can go back and forth in relation to past

memories, present conditions and projections of the future. Bihi contends that refugee resettlement should involve three simultaneous processes:

- Restoration: recovery of livelihoods, health, reconstitution of family and entitlements to basic needs
- Maintenance: retaining refugees' cultural identity
- Transformation: positive changes in attitudes, learning new ways of thinking and doing, adjusting to new conditions and improvement in many aspects of life (Bihi 1999, p12).

Liev and Kezo (1998) propose a model of integration that combines both individual and social factors. They identify three groups:

- Those who have the will to solve resettlement problems
- Those who are negative and hostile to he host community
- Those who take resettlement for granted and do not bother to make an effort to improve their situation

Integration of these groups depends on their integration success factors, which can be summarised in the following model:

$$\text{Integration} = \text{Will} \times \frac{\text{Individual Strength}}{\text{Individual Weaknesses}} \times \frac{\text{Assistance}}{\text{Stressors}} \times \text{Time}$$

The authors argue that the outcome of integration can be improved when stressors and individual weaknesses are minimised. This can be done by appropriate assistance to empower then within an optimal time frame to meet their needs (Liev and Kezo 1998. p5). Therefore, exploration of the process of integration is concerned with issues such as identity, belonging, recognition and self-respect. Because integration is such a complex process it cannot be studied from the perspective of any single social science. Economics, political science, history, sociology, anthropology, geography, urban studies, demography and psychology all have a part to play. There is no single, generally accepted definition, theory or model of immigrant and refugee integration. The concept continues to be controversial and hotly debated (Castles, et al 2002).

Tito (2002) argues that even though there are many factors that influence the successful settlement and integration of refugees, in New Zealand these processes are primarily governed in the first instance by predetermined programmes and timeframes. The early stages of integration are determined by agreements made with UNHCR and New Zealand Immigration policies.

1.4.2: Modes of Integration

In essence integration starts when the refugee arrives in New Zealand. Within the New Zealand context, integration can be viewed as *short-term* and *long-term* integration phases as outlined in Graph 1.1.

A: Short-term Integration Phase

The short-term integration phase can be defined as the period during which the refugee acquaint him or herself with their new environment and learn to adjust their life style through a gradual process. The short-term integration phase can be further divided into Arrival, Orientation Adjustment and Settlement periods.

As seen in Table 1.1, quota refugees on arrival, are processed, granted identity documents and permanent resident visas and then undergo a six week structured orientation course as discussed in Chapter Five. Once completed they are provided with housing and handed over to refugee settlement support groups while the asylum seeker follows a different process as discussed in Chapter Four. The refugees are financially supported by the welfare system of New Zealand through welfare benefits and referred to appropriate training programmes as discussed in chapters eight and nine. The whole short-term integration phase can be associated with a one way, one sided, top down approach that is supported by various government policies with regard to the initial arrival and support granted from various government departments.

Short-term integration is sometimes compared to:
- **Acclimatisation:** as discussed earlier in this chapter,
- **Assimilation:** Castles, et al (2002) implies that assimilation brings immigrants and refugees into society through a one-way, one-sided process of adaptation. The newcomers are supposed to give up their distinctive linguistic, cultural or

social characteristics, adopt the values and practices of the mainstream receiving society, and become indistinguishable from the majority population. The state tries to create conditions favourable to this process through dispersal policies, insistence on use of the dominant language and attendance at normal state schools by immigrant children. The emphasis is on the individual immigrant, who 'learns' the new culture and gives up the culture of origin through a process of acculturation. Assimilation has been the prevailing approach in many immigration countries, including the UK, the US, Australia and Canada until the 1960s, and is still important in some European countries, notably France.

Castles et al (2002) further state that the problems with the concept of assimilation is:

(1) Assimilation devalues the cultures and languages of minority groups, and thus contradicts democratic principles of diversity and free choice.

(2) It pre-supposes that a receiving society is willing and able to offer equality of rights and opportunities to immigrants who assimilate. Assimilation fails where there is discrimination.

(3) It is based on an individualistic model, and ignores the importance of family and community in social life.

(4) It gives little attention to the possibility of diverse paths followed by immigrants.

- **Acculturation:** Is defined by Castles et al (2002) as the process through which immigrants are expected to learn the language of the country of immigration, as well as its presumed dominant cultural values and practices.

Castles et al (2002) find that the problem with this concept is that it seems to pre-suppose that the receiving society is mono-cultural and that immigrants have to give up their own ethnic group cultures

- **Adaption:** Is interpreted by Castles et al (2002) as being the selective and often conscious attempt to modify certain aspects of cultural practice in accordance with the host society's norms and values. The idea may coincide with a view that 'public' behaviour should conform to UK culture, while 'private' activities may continue in line with the society and culture of the sending country.

Castles et al (2002) found that the problem with this concept is it assumes that the onus is wholly on the immigrant to 'do something' to make himself/herself 'fit in'. The public/private divides very artificial in reality and may propose that assimilationism is appropriate for the public sphere while multiculturalism is pertinent only to the private sphere.

- **Settlement:** Castles et al (2002) sees this as another attempt to find a relatively general and neutral term for the process whereby immigrants and refugees become part of society. The term is widely used in countries of permanent immigration like Australia and Canada, where the emphasis is on the role of government services in the process. However, much sociological research on settlement emphasises the active role of the immigrants and the ethnic community. Settlement is also used with reference to geography, spatial patterns and residential trends.

They found that concept of settlement is mainly used in the context of policy models, and tends to define the process in top-down or social engineering terms.

B: Long-term Integration Phase

Long-term integration can be defined as the phase in which the refugee becomes an active participant in all aspects of civil society not withstanding the fact that the psychological aspect of integration cannot be established through relevant indicators.

- **Inclusion**

The inclusion period is the time that refugees have become more settled into their environment and have the knowledge to move beyond their present living environment. They become participants in particular sectors of society (education, labour market, welfare system political system and intercultural participation) and receive support to overcome any trauma experienced before coming to New Zealand.

Table 1.1:   Settlement processes for Refugees and Asylum Seekers

Period	Quota Refugee	Asylum seeker
Arrival	Arrives at Mangere Refugee Reception Centre	Arrives at Airport and applies for refugee status.
Orientation	Undergoes a six week in house orientation programme	Is given a letter stating that the individual applied for refugee status and given date for first interview. At first interview if the individual has positive identification is then granted a work permit while waiting the outcome of their application.
Settlement	Refugee complete six weeks program and is provided with accommodation by Housing New Zealand (HNZ). Is also able to attend English course and other courses that will lead to fulltime employment (about one year long). Linked with ethnic group and provided support by NGO organisations. Provided with Income support and re-establishment grant from WINZ	Must find own accommodation. Qualifies for Emergency Benefit. Provided with support from ethnic group and individuals. Do not qualify for English courses or other courses that will lead to fulltime employment. Is able to look for work
Integration	Provided support with community organisations. Able to complete courses, Go on work experience or part-time work. Get social work and health services support. Get a greater understanding of NZ and is able to integrate to a greater extent in socio-economic environment. Attend training and counselling to help overcome barriers	Approved refugee status. Get re-establishment grant. Move to better housing or apply to HNZ. Would have already mixed with ethnic community due to need of community support. Will only be eligible for primary benefit once granted permanent residence. Have to pay all medical and residence application costs. Learn to integrate with New Zealand society and is able to attend courses after 26 week on benefit
Sustainability	On completion of courses is placed into fulltime employment and is given in-work support. Assisted with ongoing support from Welfare organisations	Completion of courses is placed into fulltime employment and is given in- work support. Assisted with ongoing support from welfare organisations
	Is eligible to apply for citizenship and receive support through the last phase of integration by various support groups	Is eligible to apply for citizenship and receive support through the last phase of integration by various support groups

Source: Hilton Tito (2002)

Robinson (1993), Elliott (1997:144) and Wahlbeck (1998), state that the existence of ethnic communities both in terms of formal and informal association, coupled with geographical proximity to allow regular social contact is critical for emotional, material and financial strength. Kuhlman (1991) points to the definition of integration as being that:

> "If refugees are able to participate in the host economy in ways commensurate with their skills and compatible with their values; if they attain a standard of living which satisfies culturally determined minimum requirements (standard of living is taken here as meaning not only income from economic activities, but also access to amenities such as housing, public utilities, health services, and education); if the socio-cultural change they undergo permits them to maintain an identity of their own and adjust psychologically to their new situation; if standards of living and economic opportunities for members of the host society have not deteriorated due to the influx of refugees; if friction between host population and refugees is not worse than within the host population itself; and if the refugees do not encounter more discrimination than exists between groups previously settled within the host society: then refugees are truly integrated"(Kuhlman 1991: p7).

Kuhlman suggests that this definition is an ideal, rarely achieved in reality, but which can be regarded as a model for assessing the degree of integration of refugees.

In his latest work Kuhlman defines integration as;

> "that outcome of an adaption process where the migrants maintain their own identity, yet become part of the host society to the extent that the host population and refugees can live together in an acceptable way"(Kuhlman 2000: p10).

- **Sustainability**

Sustainability can be defined as period when a person is able to sustain themselves or their family and they are able to make choices, as Robinson (1998 (b), p122) argues that integration is individualised, whilst many individual refugees have achieved significant social mobility, they have very different evaluations of their success (Robinson 1998 122-3). Bihi (1999) supports the idea of choice:

"They need to have the option of selecting what to retain in their culture from what is not so important to them, central to this is to have the power to make informed choices as part of the adaption process. If refugees feel comfortable to adopt more of the local culture, that is totally admissible. What is unacceptable is to impose and apply unfair pressures on refugees so that they are forced to conform to local social norms and values. That is tantamount to disempowerment and is detrimental to refugee well being" (Bihi 199. p119).

Fletcher (1999) implied that migrants may well integrate into the labour market but still be unsettled in other aspects of life. These other aspects of life as Silove (1994) describes is a 'continuum of trauma' that began with experiences of social upheaval, danger, deprivation and multiple loss at home. Conversely, the existence of the often-identified gap between new migrants and the natives earning capacity does not necessarily mean a migrant does not regard him or herself as well settled. Settlement from a migrant perspective is as much about meeting expectations as it is about the objective facts of labour market outcomes.

Fletcher concludes that the problem is compounded by the almost unavoidable bias in favour of focusing on labour market outcomes. This arises because of the much richer supply of data on migrant labour market performance and the existence of a well-developed theoretical framework (human capital theory) within which to analyse it. Chiswick (1978) agrees that there have been numerous studies in virtually every migrant receiving country analysing the process and determinants of migrant labour market performance.

1.4.3: Time aspect of Integration

Literature has shown that there are no clear guidelines to timeframes for integration. The fact that people integrate into the host society at different levels and times means it is difficult to develop a time cycle of integration. The other problem in defining refugees in relation to integration is to determine when a refugee stops being a refugee.

Castles et al (2002) states that it is important to recognise that integration does not imply a point of no return but rather it is critical to examine how these processes influence one another, and how they have become transnational issues. In New Zealand

the period for the movement of refugee and asylum seekers can be determined by the time frames (shown in Graph 2.1) that are the average time based upon the literature from the Refugee Status Branch, WINZ (period that a refugee stays on the benefit), training institutions (course timeframes) and the period in which the refugee achieves sustainability (fulltime employment being an indicator of independence). These phases are influenced by several factors that include the individual characteristics, migrant life cycle and the New Zealand economic cycle. This means that the process of settlement and integration will vary between individuals or between refugees who arrive at different periods.

The arrival and orientation period is six weeks for the quota refugee when they undergo an orientation programme at the Mangere Refugee Centre. The asylum seeker on arrival is interviewed and granted a letter stating that he or she has applied for refugee status. The process before the asylum seeker can be granted a work permit or visitors visa could take between 4 to 12 weeks as discussed in chapters four and five.

Graph 1.1: Phases to Sustainability for Refugees and Asylum Seeker in New Zealand

Source: Hilton Tito (2002)
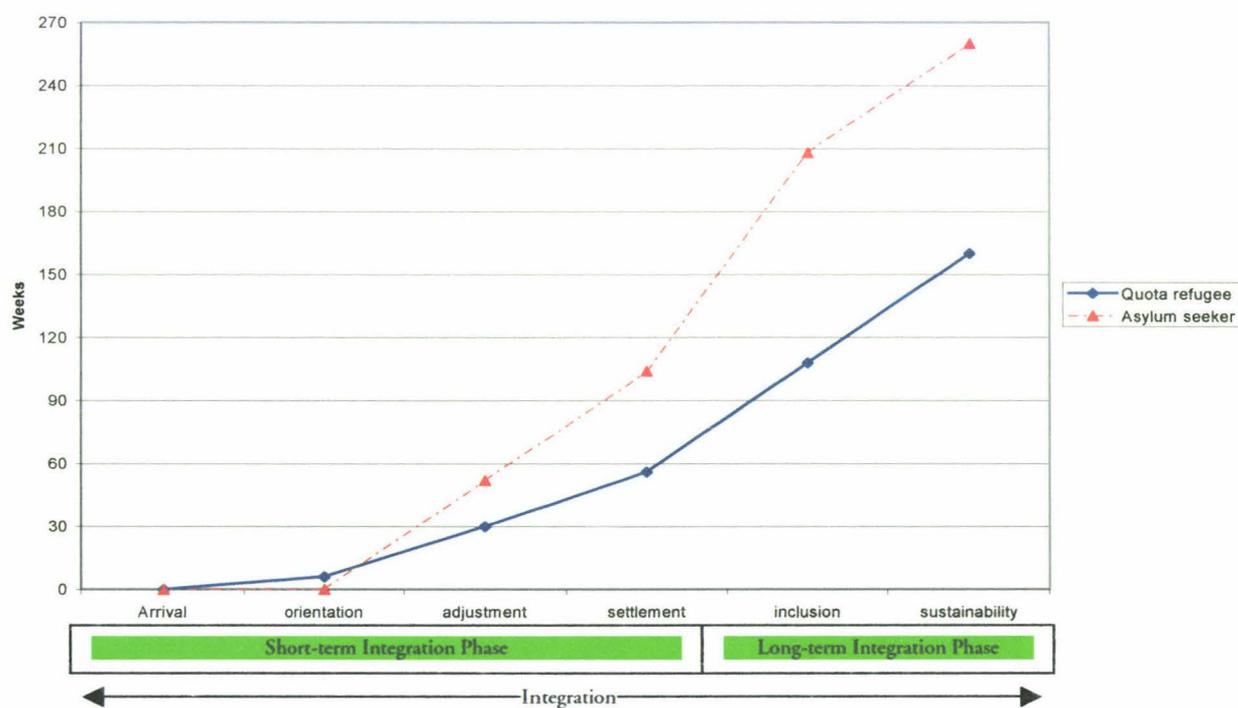
The adjustment and settlement period takes into consideration the issues of dependency and capacity building. The NZIS (2002. p61) Interim Report indicates that most refugees were on government income support with a small number also receiving a salary or wages during 2001. The refugee at this stage would have left the Mangere Refugee centre and would have been allocated a house by Housing New Zealand or rented a dwelling. Their first meeting will be with WINZ who would discuss with the refugee about future plans.

At this stage their welfare benefit would have been adjusted and the refugee is either referred to an English or skills training course. The average time a refugee stays on a benefit is between 26 and 104 weeks, with a lesser percentage continuing for more than 104 weeks. The ESOL and other skills training courses at the universities and colleges are at least one year long and refugees are able to acquire communicatable English that is sufficient to get them employment.

In Chapter Eight statistics have shown that 78% of refugees are long-term welfare beneficiaries and stay on the benefit for an average of 104 weeks. Usually after this period they are transferred to an Unemployment Benefit. The NZIS (2002. p62) Interim Report agrees that individual refugees (88%) interviewed stated that their main source of income was a government benefit.

The asylum seeker would have to provide for his or her accommodation and is only provided with an Emergency Benefit. The NZIS (2002. p121) Interim Report states that asylum seekers interviewed, on the whole came to New Zealand with more educational qualifications, and skills, and better ability in the English language than quota refugees. They also had a higher rate of employment than other groups of refugees, which can be attributable to their better ability with the English language having been in New Zealand longer than the other groups.

WINZ quarterly statistics for 2002 – 2003 have shown that though asylum seekers were less than quota refugees, a greater proportion were long-term welfare beneficiaries and some stayed on a benefit for more than two years. Castles et al (2002) believe that the processes of settlement/integration and the length of the asylum process are intrinsically linked, both conceptually and practically, because they argue, how long a person awaits status acknowledgement and what he or she does during that period has enormous

repercussions for the integration process. Gray and Elliott (2001) state that asylum seeker application for refugee status may take up to two years to be approved. Even though the asylum seeker will be in employment, the settlement/integration will not be a reality until approval is granted. Therefore from orientation to settlement this period is longer for the asylum seeker than the quota refugee.

The inclusion and sustainability time period as previously discussed is the period of participation affiliation and the ability to sustain his or herself or family. The statistics in Chapter Eight have show that the majority of refugees move off the benefit after two years and find either fulltime or part-time employment. A study undertaken by Lee in 1997, found that most Indochinese refugees become self-sufficient within 3-5 years of arrival, but most were employed in low skilled manufacturing jobs (lee 1997).

Once the asylum seeker is granted refugee status his or her settlement process can begin. Even though they may be in employment other factors such as application for permanent residence, stable accommodation and other factors affecting settlement need to be met. Thus the eventual sustainability period for the asylum seeker will take much longer than for the quota refugee.

1.5: Conclusion

In conclusion, we have found that the initial adjustment period for the quota refugee begins upon arrival in the host country and for the asylum seeker once their refugee status application is approved. Over a period of time both groups undergo settlement and integration phases that are influenced by several factors that include individual characteristics, migrant life cycle and the New Zealand economic cycle. The literature also found that the factors that influenced the settlement of the refugees were identified as being economic, socio-cultural and subjective.

It is only when the refugee has made a paradigm shift in his or her thinking about integration, that full integration can be achieved. However, Robinson (1998a: 122) argues: 'since integration is individualised, contested and contextual it requires qualitative methodologies which allow the voices of respondents to be heard in an unadulterated form.' Robinson goes on to explain that the definition of integration

success goes beyond simple, measurable, individual occupational mobility, and includes indicators such as quality and strength of social links with other compatriots.

It was found that there is still much ambiguity around the definition of integration and when integration ends.

CHAPTER 2

BARRIERS TO EMPLOYMENT

2.1:   Introduction

This chapter seeks to identify the barriers refugees and asylum seekers encounter when they are in the process of seeking employment. It further tries to establish the reasons or causes for those barriers.

Literature shows that in all countries that received refugees, those refugees have experienced barriers to employment. The British Refugee Council (2000) in the Good Practice Guide on Employment for Refugees indicated that the main barriers to employment identified could be broken down into three broad themes;
(1) Language and cultural barriers,
(2) Discriminatory barriers on grounds of race, ethnicity, gender, and age, and
(3) Legal barriers including permission to work and freedom of movement.

These areas by and large corresponded to the main barriers identified in the Refugee Employment Survey undertaken by the ECRE Task Force Group on Integration, although with a greater emphasis on discrimination and prejudice among employers as a key obstacle to refugee employment. Two other barriers to employment, which the Dalfsen participants also placed greater emphasis on compared to the respondents to the survey, were first, health problems, including trauma and lack of motivation, and second, low pay / status and job insecurity.

The review also showed that various literature indicated that barriers to employment did exist. The results of the Dalfsen refugee employment panel[8] report stated that the views of non-governmental organisations, employers and refugees with regard to barriers are quite similar. Seen through these eyes the priorities in some aspects were quite different. The following table indicates an order of priority among the main issues identified as barriers and while not scientific shows that refugees saw prejudice and discrimination as

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[8] "1995 Joint Declaration by the Social Partners" against discrimination. The Social Partners are represented at EU level by the European Trade Union Confederation (ETUC, the Union of Industries of the European Community (UNICE and the European Centre for Public Enterprise

being greater than non-governmental organisations did.

Table 2.1: Prioritisation of barriers by non-Governmental Organisations (NGO)
and Refugees

What are the biggest barriers faced by refugees according to NGO's	What are the biggest barriers faced by refugees according to refugees	Employers perceptions of barriers to employment according to NGO's	Employers perceptions of barriers to employment according to refugees
Language and communication problems	Language and communication problems	Ignorance of refugee issues, fear of culture clash	Ignorance of refugee issues, fear of culture clash
Lack of understanding of work culture	Prejudice and discrimination	Language and communication problems	Language and communication problems
Prejudice and discrimination	Low pay, low status, job insecurity	Legal barriers, permission to work, etc.	Prejudice and discrimination
No recognition of qualifications	Lack of understanding of work culture	Lack of appropriate skills	Legal barriers, permission to work, etc.
Low pay, low status, job insecurity	No recognition of qualifications	Prejudice and discrimination	Lack of appropriate skills

Source : ECRE Task Force on Integration (2000)

A review done by Oliver (2000) conceded that barriers to employment were experienced in the areas of personal, cultural, economic, societal (aspects of New Zealand society and values) and systemic (aspects of government and employment systems in New Zealand). This was further clarified by a literature review of the Refugee Voices of New Zealand Immigration (2000) who stated that barriers to employment existed for refugees and those barriers were non-familiarity with New Zealand's economic structure, poor english proficiency, low education and non-recognition of overseas qualifications.

The UNHCR (1998) overview on the integration of resettled refugees noted that the barriers to resettlement included, in order of priority:

(1) Lack of employment

(2) Racism and discrimination

(3) Delays in family reunification

(4) Inability to speak the language

(5) Lack of recognition of qualifications and experience

(6) Inadequately resourced integration programmes

Amongst these factors, family reunification was of prime concern to refugees while governments tended to put more focus on employment. However, labour market participation was identified as an important determinant of integration. The UNHCR also stated that downward job mobility in New Zealand was also a problem and was mainly due to:

- Non-familiarity with New Zealand's economic structure
- Poor english proficiency
- Low education
- Non-recognition of overseas qualifications.

In the study undertaken by Hudson and Martenson (2000), opinions were sought on the perceptions by refugees about barriers to employment and the perceptions by employers about refugees in terms of employment.

Table 2.2:   Barriers to employment from refugees point of view

- Communication problems
- Lack of appropriate skills, education and experiences for the EU labour market
- Lack of understanding of labour culture, "systems" and networks
- Prejudice and discrimination by employers, co-workers and public
- Problems with recognition of qualifications and experiences
- Low pay/status and job insecurity

Table 2.3:   Barriers to employment from employers point of view

- Ignorance of refugee/culture, fear of culture clash
- Communication problems
- Legal barriers to employment, including unclear about work permit
- Lack of appropriate skills, education and experiences for the EU labour market
- Lack of understanding of labour culture, "systems" and networks
- Prejudice, discrimination and racism by employers
- Problems with recognition of qualifications and experiences

The principal barriers in the two tables showed that from the refugees' point of view these were communication problems, lack of understanding of labour culture and lack of appropriate skills were paramount. From the employers' point of view, the main obstacles were ignorance of refugee issues and a fear of culture clashes.

It can be concluded that barriers to employment do exist for refugees. Literature has shown that the priority of barriers as expressed by refugees might not be as other organisations see them but they and employers acknowledge that barriers did exist. It becomes necessary to individually discuss those barriers that impact on the refugee's employability.

2.2: English language proficiency and accent

In any society, newcomers face a series of challenges: obtaining information about the new environment; understanding the practices and institutions that exist; and participating in new social and economic settings. For immigrants who arrive without proficiency in the language of the host society, formidable barriers can exist in the undertaking of these tasks.

Knowing the language of social discourse and business enhances the receipt of information about the new society broadens the labour market opportunities of immigrants and often is a requirement for the legal acquisition of citizenship. In short knowing the language(s) of the host country is considered to be both an indicator and facilitator of the integration of immigrants (Boyd, De Vries and Simkin, 1994: 549).

There is a common agreement that the first language of a country is the primary barrier for refugees. Literature has shown that inadequate English language is a barrier to employment. NZIS (2002) The International Conference on the Reception and Integration of Resettled Refugees (2001) stated that work related language was the barrier to employment. This was supported by Spoonley, Mclaren and Hanrahan (2002) in a report prepared for the Regional Commissioner of Work and Income (Auckland North) in which they stated that limited English language was a barrier especially given health and safety regulations in New Zealand.

However, the British Refugee Council (2002) argued that language problems could be used by employers to mask discrimination, as it was an easy excuse to say that since a refugee does not speak a host language perfectly he or she cannot get a job.

White et al (2002) states that attitudinal barriers contributed to unemployment or underemployment of people from Non English Speaking Background (NESB) and that those discriminations appeared to be a mix of linguistic, cultural and racial prejudices. The Equal Employment Opportunities Trust (1999) supported this statement by concluding that a negative attitude towards people with a non-New Zealand accent was a major form of discrimination. The New Zealand Employment Service (1996) reported that English language difficulties appeared likely to diminish refugees attractiveness to employers but also stated that employer prejudice due to ethnicity was the problem.

Lippi-Green (1997) remarked that there was a very important distinction to be drawn between a 'foreign accent' and 'poor pronunciation'. Someone with a foreign accent can speak the language perfectly, intelligently and carry on all kinds of communication without hindrance, unless they are the victims of discrimination against accent.

Fraser (2000) argued that pronunciation was one of the most important of language skills in the sense that with clear pronunciation a learner could easily be understood even when their grammar and vocabulary was not the best. Levels of English language proficiency vary greatly, but where they are low they pose the greatest barrier to training and employment. (Volhoff and Golding, 1998)

Misko (2001) argued that being of non-English speaking background seems of little relevance to being employed as an apprentice or trainee. What was important was the ability to speak English.

White et al (2002) stated that the significance of the role of English in the settlement of Non-English Speaking Background (NESB) immigrants has been underlined in a number of studies carried out in New Zealand in recent years, including Lai (1994), Boyer (1996), Roberts (1997), Barnard (1998), Pishief (1999) and Ho et al (1996).

The consensus reached in these studies was that the development of English language proficiency was critical in facilitating social contacts, in enhancing employment and

educational opportunities, and in providing the basis for productive involvement in the economic, social and cultural life in New Zealand

To conclude on the barrier of English language and accent, we have seen that refugees from NESB living in New Zealand can be placed in various categories when they are evaluated for employment. Employers have argued that limited English language was a barrier especially given health and safety regulations. The major problem identified was that New Zealanders have a New Zealand accent (different to the British and American English accent that most people are used to, and that people of other ethnicities have their own accent as many are from NESB. This creates in some instances misunderstanding, miscommunication and frustration. Employers therefore view all persons from NESB as difficult to work with and do not employ them due to the additional investment in cost and time.

There is a need for refugees from NESB to speak or learn to speak English that is understandable. Proficiency is gained through training and communicable interaction with New Zealanders. Work place English is noted as another phase that the refugee needs to acquire but this need to be more clearly defined, as different industries require education in understanding terminology and not proficiency in the English language.

Pronunciation is difficult to learn in adulthood and as pronunciation cannot be taught but be learnt through 'osmosis' may only be acquired by the second generation.

2.3: English language proficiency and earnings

One important factor that is widely accepted as critical for economic incorporation and success of immigrants is proficiency in the host country language. In recent years there has been an increased interest in the research of immigrants' attainment of language proficiency (Espenshade and Fu, 1997; Espinosa and Massey, 1997; Chiswick and Miller, 1992). The acquisition of language skills is seen as an important part of the economic, social, and political adjustment of immigrants (Leshem, 1998). Studies have shown that language proficiency enhanced absorption into the labour market in terms of the ability to find work and the ability to match occupation with immigrants' skills. Proficiency in the language raised the socio-economic status of immigrants whether or not they retained their mother tongue (Tienda and Niedert, 1984).

In terms of labour market outcomes, there have been numerous studies across many migrant-receiving countries which show that host country language proficiency has a large positive effect on migrants' relative earnings, labour market and occupational status (Fletcher, 1999).

Chiswick (1997) states that greater proficiency in English is associated with greater productivity in the labour market, and hence in higher earnings. Someone with greater proficiency could, presumably, do a job that could be done by someone with lesser proficiency, but in addition would have job opportunities that would not be available to someone with a lower degree of proficiency.

Chiswick and Milner (1992), comparing the impact of language fluency on migrants in Canada and the United States found that migrants to the United States who were proficient in English had 17% higher earnings and in Canada 12% higher earnings than other groups. This was after taking into consideration other controlling factors including source country, years of residence and education.

In a study undertaken with native-born Americans of limited English language proficiency, Chiswick (1997) found that those who spoke another language earned less than those who were monolingual English speakers at home. Earnings declined with a lower degree of proficiency in English, but even those who reported that they speak English very well received lower earnings than those who speak only English. His findings showed that those who report they are bilingual and speak English "very well" might have lower earnings than those who speak only English. The bilingual groups level of proficiency in English might be lower than monolingual English speakers because speaking in childhood and/or as adults the other language competes with their obtaining full proficiency in English.

Wooden (1994) summarises the Australian literature by stating that poor English is also found to reduce earnings amongst immigrants. By about 10% according to Stromback (1988).

According to Fletcher (1999), New Zealand research on the effects of English proficiency on labour market integration has been limited by a lack of data. However,

the 1996 census did include a question on ability to converse in English. The data was used by Winkelmann and Winkelmann (1998) to provide a descriptive analysis of the language proficiency of migrants and to assess its impact on their labour market outcomes. They reported significant levels of non-proficiency among recent (nought to five years in New Zealand) migrants from Northeast Asia (35%) and the Pacific Islands (20%). Non-proficiency rates for recent migrants from Eastern Europe, Southeast Asia and Southern Asia ranged from 13-16%. For all regions, ability to converse in English increased as years since migration increased. However, as only one data point (i.e. the 1996 census) existed it was not possible to tell how much of this effect was due to cohort differences and how much to time spent in New Zealand.

The growth in proportion of migrants from non-English speaking backgrounds to New Zealand would suggest that English may become somewhat less important in relationship to those people who are living in regions with high proportions of speakers of the dominant home language. The labour market in New Zealand could expand in industries that will employ speakers from non-English speaking backgrounds, which may allow them to be able to acquire skills to converse in only basic English.

Numerous studies from other countries showed that immigrants actually catch up with and in some cases overtake natives in terms of wages and employment (Chiswick 1978, and Lalonde and Topel, 1991).

2.4:   Recognition of qualifications and experiences

The recognition of qualifications and experience has a large impact on employment opportunities and eventual integration into a new society. In the case of immigrants, many countries require the person to have a certain level of recognised qualification to gain entry into a country whereas the refugee may have entered the country with no qualification. Sargent and Forna (2001), states that 'difficulties are frequently compounded by the manner of departure of so many refugees. Documents and certificates are left behind or may be lost or stolen during the journey'.

Political/military upheaval at home may mean there is nowhere to appeal for replacements or transcripts of these documents (Canadian Task Force on Mental Health (CTFMH), 1988). As a consequence of the prohibition of a physical re-entry to the

country of origin and the associated difficulties in either locating or contacting the professional school, refugees may simply abandon their hopes of having their professional credentials recognised (Basram and Zong 1998).

Malfroy (1999), agreed that numerous refugees who could be contributing to European societies using their qualifications are today unemployed or obliged to restart education or training already completed in their home country. Whilst many barriers can be mentioned to explain refugee unemployment, there is much evidence that systems for assessment and recognition of foreign certificates, skills and knowledge often fail to offer refugees appropriate routes into employment or further education and training.

Mata (1999), in his paper on the Non-Accreditation of Refugee Immigrants in Canada, discusses the position of refugees with professional credentials that arrive in a host country and seek to be recognised as professionals. He states their professional credentials, however, may become irrelevant in view of the presence of various obstacles that interfere in achieving a favourable accreditation outcome in the host country. Information, language-related, institutional and attitudinal barriers are omnipresent at all stages of the immigrant accreditation process. As a consequence of these barriers, one major socio-economic outcome occurs: a large number of highly qualified refugee professionals are sub-utilised or non-utilised either through unemployment, welfare assistance or performance of low-income menial types of work.

There are two types of recognition issues:

- The recognition of qualifications and experience of refugees not in possession of documents
- The recognition of qualifications and experience of refugees in possession of documents.

2.4.1: Refugees not in possession of documents

In recent years, the question of recognition of refugee qualifications has been dealt with within several European forums on refugee integration or international mobility. Conventions, like the Lisbon Recognition Convention and networks existing in the field of higher education have begun to address the particular problems of refugees.

Malfroy (1999), mentioned that often refugee qualifications had to be assessed on the basis of incomplete or even entirely missing information about both the individual qualification and the system from which it was received. In many cases the educational system may be a parallel one or may be broken down caused by a civil war or unrest.

Malfory further described the main recognition-related problems facing refugees as the following:

- Insufficient information and opaque procedures;

- Lack of provisions for various areas of assessment or recognition;

- Lack of procedures to deal with insufficient documentation;

- Additional procedures or requirements for non-EU nationals;

- Lack of financial support and bridging to mainstream education and training.

The Lisbon Recognition Convention, Article VII mentions that:

> Each Party shall take all feasible and reasonable steps within the framework of its education system and in conformity with its constitutional, legal, and regulatory provisions to develop procedures designed to access fairly and expeditiously whether refugees, displaced persons and persons in a refugee-like situation fulfil the relevant requirements for access to higher education, to further higher education programmes or to employment activities, even in cases in which the qualifications obtained in one of the Parties cannot be proven through documentary evidence (Lisbon Recognition Convention, Article VII p3).

The Danish Refugee Council (2000) agreed that an assessment of competence instead of an assessment of documents might be a more reasonable approach. This may include suitable adaptation courses to bridge the gaps and shortfalls taking into account the refugees qualifications to avoid starting from scratch. The British Refugee Council (2001), suggested that refugees who claimed to have certain skills should be encouraged to do work experience so that an assessment could be done to establish if the person was competent and thereafter referred to up skill training.

New Zealand and Australia currently do not have a system in place that evaluates a refugee's qualifications without the necessary documentation

2.4.2: Refugees in possession of documents

The procedures for assessing qualifications for refugees in New Zealand, Australia and Canada are the same as for other migrants.

According to Fletcher (1999), there are two types of recognition issues in New Zealand.

1. Occupational registration or licensing (usually controlled by a registration board or professional organisation) which is a regulatory prerequisite for employment in certain occupations.

2. Formal equivalence assessment (conducted by the New Zealand Qualifications Authority) which provides migrants and employers with independent information on how overseas qualifications compare with New Zealand standards

The professional accreditation process involves a systematic examination of pre-migration human capital factors such as foreign education certificates, language competencies and work experience (i.e. what the individual has learned through structured education and job experience in the country of origin). In order to move towards the first accreditation stage, after obtaining sufficient information on accreditation procedures, immigrant professionals must obtain an adequate academic recognition of their educational degrees (New Zealand equivalency).

After the review of qualifications, a large number of foreign-trained candidates may be asked to repeat the educational requirements of their profession and undergo retraining. For instance, foreign-trained lawyers may be required to return to school for one or two years, do their articles (practice training period after graduating from university) with a law firm, then enter a bar admission program. Foreign-trained doctors must undertake a rigorous period of pre-internship and internship training designed to evaluate and upgrade clinical skills. Engineers of "non-accredited" universities must prove that they have had a fixed period of satisfactory practical experience in order to be considered for accreditation, even after completing the examination requirements. To get "accredited",

dental practitioners trained abroad have to undertake strenuous certification exams (written, pre-clinical and clinical skill testing and in some instances English language examinations) accompanied by a minimum period of practical experience.

Iredale and Nivison-Smith (1995) expressed that in both Australia and New Zealand some professions occupational licensing requirements are unduly difficult and often contain an element of bias against non-English speaking background migrants.

Wooden (1994) after a literature survey stated that the outcome (of the licensing process) is that immigrants, and especially immigrants with poor English language skills, find themselves at a distinct handicap during the accreditation process. He also found that problems in knowing where to apply for accreditation, lack of knowledge of local laws and regulations, language difficulties and lack of interpreter services, lack of pre- and post assessment counselling and little way in the way of systematic appeal mechanisms. Wooden further states that the assessment approach itself is clearly biased against (non-English speaking background) immigrants. Testing usually takes place in English, but because problems in verification of documentation and assessing the comparability of equivalent overseas standards are typically more pronounced with (non-English speaking background) immigrants because of the weak kinks between Australian institutions and institutions in many non-English speaking countries.

Qualification assessment is of particular importance to those of non-English speaking background, as it appears that there is a relationship between the decision to seek assessment and cultural/educational similarity (Iredale and Nivison-Smith, 1995, Flatau and Wood, 1997).

Fletcher (1999) concludes in terms of assessments outcomes, he found that individuals with anything less than a full command of the English language and its subtleties are significantly less likely to obtain full recognition. Despite those with post-graduate degrees being likely to seek assessment, it is those with building, agriculture and trade qualifications who are most likely to obtain full recognition

2.5:   Labour culture and work systems

Sargeant and Forna (2001) showed that beyond the differences between cultures, there is also the work culture itself that is likely to be different. In western countries the job search itself is a discipline and not practised in most developing countries, but essential in the complex markets of industrialised nations.

Oliver (2000) stated that migrants were seen as less competent as they had less contextual knowledge about commercial systems and structures, New Zealand geography and standards and codes relevant to local industries or professions. Oliver further stated that people who employed migrants seemed not to have found New Zealand work experience a significant problem. The study also found that lack of New Zealand experience was a convenient way for some employers to hide other kinds of discrimination.

The University of Auckland Business School (2000) report to NZIS identified that the barriers to employment for migrants was a lack of local work experience, lack of social networks and cultural differences.

There are two issues that have been identified and are further discussed.

1. Workplace culture and
2. Work experience

Work Culture

For the newly arrived refugee in the workplace, the employer-employee alliance can be a delicate, if not precarious pairing. In addition to one's own individual work ethic, work mores are often culturally bound and within the place of employment, there are particular 'corporate cultures' (Bloom, 2001).

Human resource professionals who have helped immigrants obtain jobs and who have worked with companies to build better relationships with immigrant employees have identified some of the common cultural differences and misunderstandings that often show up in the workplace (Griffin, 2001; Thiede, 2001; Brian Linhardt, 1997; Johnson 1994 and Thiederman, 1991).

Some examples of these are:

- **Roles and Status:**

In some cultures, a social hierarchy often exists that can create 'bumps' in communication in the workplace. For example, in many countries, women are subordinate to men. Women from these countries may feel they should defer to their male counterparts or should not speak to or even look directly in the eyes of their male supervisors, managers or co-workers. When men innocently try to interact with them in the workplace, such women feel uncomfortable or violated in some way. In contrast, males with such cultural backgrounds may not adapt well to working equally with females or having female supervisors. Understanding the interaction between sexes and the roles assigned in various cultures is important

- **Personal Space:**

Americans typically prefer to stand about five feet a part when conversing. However, people from different cultural backgrounds may have different 'Comfort zones'. For example, Germans and Japanese like more distance while Arab and Latinos generally like to get closer. Knowing these nuances of personal space can help communications tremendously.

- **Body Language:**

Body language says a lot, but it can be interpreted differently in the world. For example: most Americans (New Zealanders) typically signal "no" by shaking their heads, but people from some countries raise their chins. Another example is eye contact. Americans like to make eye contact, and when it does not happen it can be taken as a sign of evasiveness. In some Latin and Asian countries, however, averted eyes are a sign of respect. Similarly, people from some cultures do not feel comfortable shaking hands. An American worker or manager may view this as lack of respect or ignorance.

In many cultures, religion dominates life in a way that is often difficult for Americans (New Zealand) to understand. For example, workers from some Muslim cultures may

want to pray three times a day in accordance with their values and beliefs. There may also be religious holidays on which people of certain religions are forbidden to work or need to follow certain customs. These differences need to be respected, where possible, and not ignored.

- Personal Appearance:

Hygiene grooming, eating habits and attire can vary from country to country and culture to culture. For example, sonic people may wear attire such as a headdress as part of their custom and beliefs. To remain true to their beliefs, sonic workers may want to continue to wear this dress in the American (New Zealand) workplace. Employers may view this as inappropriate or unsafe. It is particularly problematic in businesses in which workers wear uniforms. In another example, immigrants from India, Turkey or other countries may use spices in their diets that are emitted through the body. American (New Zealand) workers can interpret this as dirty or unhygienic, which is not the case.

It is not surprising that, given the variety of conflicting ethics, cultural diversity issues can fast become cultural clashes and contribute to discrimination against certain ethnic groups. The other issue is understanding how a company operates and knowing company culture in New Zealand. Every company has their own work culture that is underpinned by company policy. This is visible in New Zealand and internationally. Many refugees are required to have New Zealand work culture experience and are required to know how the company operates. Taking into consideration that every company operates differently, learning takes place on the job and is an ongoing process.

Company culture cannot be acquired outside the business, as this is a process of cultural transmission. Cultural transmission is the channel through which an individual or a group actually adopts the culture trait (Boyd and Richerson, 1985; Cavalli-Sforsa and Feldman 1982).

Cohen (2001) argues that in the workplace the role of the company in the cultural selection process assumes that there are various methods by which the reciprocity trait may be passed on or transmitted from one individual employee to another.

However, Hoffman, Mcacbe, Shachat and Smith (1994) stated that worker behaviour and culture is unchanging, but rather that a worker's behaviour must be learnt, both through the worker's interaction with different business and through their social interaction with other workers. The structure of social interaction will effect how likely it will be that individuals will learn about the reciprocity norm and will then influence the diffusion of that norm to their fellow ethnic employees (Boyd and Richerson 1985),

- Work experience

Literature has shown that a lack of technical skills or knowledge of the labour market or appropriate documentation is a barrier to employment. The common term used in New Zealand is that the person does not have 'New Zealand experience'

The barrier that is regarded as no New Zealand experience can be defined as having no relevant experience in understanding the terminology used in the workplace, how New Zealand business systems operate and not having the relevant certification and license to work in certain professions or trades.

Some professions and trades have minimum standards that need to conform to accepted international standards e.g. computer programming, medicine, health and the construction industry. However, the product used in some industries will be the same but the product names will be different. In the building industry for example; the cladding used in housing is known in Africa as Rhino board but in New Zealand it is called Gib board. A pickup van in Africa is called a utility vehicle in New Zealand.

The refugee who is new to the country cannot be required to have New Zealand experience as this comes with time but they might be required to acquire technical skills, on the job training or knowledge of the labour market appropriate to that industry.

Refugees might be skilled in their profession or trade but will need assistance with complex issues. Studies of practitioners in several professions (Farmer, Buckmaster, and LeGrand 1992) reveal that what helped them most in learning to deal with ill-defined, complex, or risky situations was having someone model how to understand and deal

with such situations and guide their attempts to do so.

Billett (1993), conducted several studies of coal miners and workers in other industries, concluding that, in the informal learning setting of the workplace, effective learning resulted from learners' engagement in authentic activities, guided by experts and interacting with other learners. Although construction of understanding was unique to each individual, it was shaped by the workplace culture of practice. To summarize, Kerka (1997) states that the workplace has a number of strengths as a learning environment:

(1) Authentic, goal-directed activities (Billett, 1996);
(2) Access to guidance--both close assistance from experts and 'distant' observing and listening to other workers and observing the physical environment;
(3) Everyday engagement in problem solving, which leads to indexing; and
(4) Intrinsic reinforcement.

Ethnic diversity is part of the new reality of the workplace. It therefore requires a better understanding of and sensitivity to cultural differences amongst workers from all backgrounds. Such understanding and sensitivity will increase recruitment, hiring, retention and advancement of immigrant workers (Johnson, 1995).

2.6: Discrimination

Discrimination and prejudice is a product of the receiving society and has the potential to hinder the process of settlement for refugees. It may be a factor affecting the economic, socio-cultural and personal aspects of the settlement process (Fletcher, 1999). However, Fletcher cautions in transferring overseas studies to the New Zealand context

Oliver (2000) stated that having dark skin in New Zealand operated against people finding jobs. This was irrespective of their qualifications, skills, experience, philosophies, English language ability, and facility and suitability for work. She further states that in Woodward, et al (1999) study of migrant engineers, the reasons given most commonly to migrants for their unsuitability for professional work were, no New Zealand experience, too highly qualified, and poor communication. Migrants in this study

identified race discrimination and employers unwillingness to get to know migrants as significant reasons.

Throughout history black and coloured skin people have always been regarded as being subordinate to other races and only suitable for labourer type work This is true when a black refugee is assessed for employment and when he is employed. The assumption is that they cannot make a valuable contribution to a company and therefore remain for long periods in low paid employment (Ahmad1990:p3).

Comhlamh, (1998) stated that African refugees living in Ireland often faced the problem of not having their qualifications and experience recognised, of being unfamiliar with the Irish workplace, or quite simply due to the language barrier. Also they sometimes face prejudice, discrimination and racism from prospective employers and workmates.

According to Chile (2000), most African refugees report that they are unable to participate in social, cultural and economic activities within their community because of discrimination and prejudice. Access to employment is hindered because they look different, dress differently and speak differently. He further states that that there is open discrimination both in finding work and at work and in the community as most refugees are not able to complain because they do not know how to, or do not have the language skills to navigate the bureaucratic maze of the complaint process

Hawthorne's (1994) longitudinal study in Australia found that the sole significant predictor of employability was ethnic origin (and) possession of advanced level English was only advantageous if the person possessing it was European.

A good example to issues of discrimination is that reported in Hawthorne (1997). She found that registration barriers for overseas doctors and engineers became substantially higher over the past decade. She concluded, that direct discrimination did occur and that in many cases inferior employment outcomes could not be attributed to poor English, inadequate technological skill or non-recognition of qualifications.
Wooden (1994, p248) argues that the differences may be due to difference in productivity enhancing effect of education in some overseas countries particularly when applied to the new labour market. Fletcher states in respect of Canada, (Sloan and Vaillancourt, 1994, p482) that 'the issue of whether migrants are discriminated against

in the Canadian labour market is unanswered.

De Silva (1996) concludes that there is no discrimination against immigrants in general, nor is there against coloured immigrants in particular the differences seem to stem from a difference in the market evaluation of Canadian verses non-Canadian education and experience. However he states that there is no way to tell incidentally whether that under evaluation represents prejudice against foreign educational credentials

At present there does not appear to be any published findings on labour market discrimination. However in terms of qualitative surveys, reports of discrimination are quite common both overseas and in New Zealand. Lidgard (1996) quotes a Korean migrant to New Zealand whose experience was that employees were chosen on race rather than on qualifications. There were also formal complaints about racism lodged with the Race Conciliator by people who were neither Pakeha (European) nor Maori (Race Conciliator's Annual report, 1998).

In conclusion, the approach taken was to report on labour market research findings with regard to barriers to employment as they affected the settlement process of the refugee. The literature found that barriers to employment did exist for refugees and that several barriers were identified as reported by refugees, employers and non-governmental organisations. The dominant barriers were identified as English Language proficiency and accent, recognition of qualifications and experiences (with and without documentation), labour culture and work systems and discrimination.

Each barrier was discussed in detail and it was found that several factors contributed to barriers to employment including lack of effective communication, lack of understanding of cultures, lack of work experience, business culture and perceived discrimination. The literature review showed that there is much published data available overseas about refugee settlement and integration including the identification of barriers but there does not appears to be few published findings about refugees in New Zealand.

CHAPTER 3

THEORETICAL AND LEGAL ASPECTS PERTAINING TO REFUGEES

This chapter identifies the theoretical and legal aspects pertaining to refugees. The chapter identifies the difference between a displaced person and a refugee and when a displaced person is classified as a refugee. The various types of refugees are identified and various conventions pertaining to the legal definitions of refugees are discussed

3.1:   Internally Displaced People (IDP)

Deng (1998) states that internally displaced persons as a new area, is increasingly recognised by the international community for its legitimacy. Indeed responsibility for international intervention for addressing the problem of persons or groups of persons who are forced or obliged to flee or leave their homes or places of habitual residence is increasing in recognition. In particular recognition is increasingly being given to people who leave their countries as a result or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human made disasters and who have not crossed an internationally recognised stated border.

Although internal displacement is not a new problem, the UNHCR has been dealing with internal displacement since 1972. The problem has increased in two dimensions, magnitude and political, in particular after the end of the Cold War (UNHCR, 1994).

Hovy (2001), commented that internally displaced persons although they are by definition not international migrants move for the same reasons as refugees. However, while their reasons for displacement may be similar, UNHCR's experience shows a great gap in data quality between refugees and those who are internally displaced. IDP estimates are often very rough, and they tend to differ greatly in terms of the source (governments, international agencies and non-governmental organizations).

She stated that the main reason for the gaps in data quality was;

- First, the internally displaced do not benefit from the same level of international protection and assistance as refugees. There is no specific international

convention protecting IDPs. Also, there is no single international body entrusted with their protection and assistance.

- Second, IDP movements typically involve short distances, and often, short time frames.

- Third, as in the case of voluntary migratory patterns, internal movements are much less recorded than international movements. The inherent interest of a receiving country in who is entering is absent in the case of internal movements, which are free of restrictions and subject to fewer administrative hurdles.

- Fourth, considering that they are still living in the country where they have been persecuted, the internally displaced may be less willing to register than those who enjoy the protection of their asylum country.

It has been recognised that internally displaced people when fleeing either settle in another village or develop informal settlements or villagisation[9] near to basic resources.

3.2:   Refugee Theory

Refugees or Asylum seekers are persons who are forced to flee their homes as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human made disasters and who have crossed an internationally recognised stated border.

3.2.1: Kunz's theory

Kunz (1981, p.44) classified refugees into three distinct groups, derived from refugees' attitudes towards their displacement.
These are;

(1)   Majority identified refugees are those refugees whose opposition to political and social events at home is shared by their compatriots, both refugees and

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[9] **Villagisation** has been defined as 'the grouping of population into centralised planned settlements.' It is frequently confused with *resettlement* as the two policies often occur at the same time and may overlap. The basic notion of villagisation is regroupment into villages, which usually does not involve moving significant distances, whereas resettlement involves large-scale movements of the population. Both involve elements of planning and control. An important distinction can be drawn between the policy of villagisation and its implementation. Lorgen C. C. (1999)

those who remain in home areas. Kunz notes that .... these refugees identify themselves enthusiastically with the nation, though not with its government.

Collins (1996) suggested that the first type of refugee, the majority identified, would be the most likely to participate in repatriation. Refugees who retain a strong attachment to both the feeling of homeland and people, who had not fled as refugees, are the most likely to want to repatriate.

(2)   Events related refugees are those who have left their home areas because of active or latent discrimination against the group to which they belong. They frequently retain little interest in what occurs in their former homes once they have left. These refugees feel that they are irreconcilably alienated from their fellow citizens.

These people are classified as people who fled their country for fear of persecution or for a well-founded reason (UNHCR, 1994). Kunz stated that Refugees who have been subjected to discrimination and outright violence feel that they are unwanted, or unsafe in their own homelands. After becoming refugees, the desire to return home can only be aroused, were there to be substantial change at home.

(3)   Self-alienated Refugees includes people who decided to leave their home country for a variety of individual reasons. These self-alienated refugees feel alienated from their society not by any active policy of that society, but rather by some personal philosophy.

Kunz states that self-alienated refugees have played a major role in the larger scale of refugees. These are people who have been displaced due to philosophical differences between them and the government. These are people who fled for religious reasons, such as refugees who fled South Africa during the apartheid era and Ethiopians intellectuals who fled the country during the Mengistu regime

3.2.2: Rogge's Typology

According to Collins (1996), the complex interplay of socio-economic factors that could lead to refugee migration does not affect each migrant in the same manner. People have different perceptions of exactly what they consider is a threat to them. In some cases, the mere rumour of instability can be enough to impel people to move whereas in other situations, people will not flee until they are overtaken by violent conflict.

Rogge (1979, p. 55) typology of refugees was based upon an examination of the activating agent for refugee migration, the objective of the migration, and whether the migrants possessed refugee characteristics. Table 1 shows the outline of Rogge's typology and identifies two classes of involuntary migration.
The two classes are:

- Forced and
- Impelled.

Forced migrants are expelled from an area by an external force; such as a government where the people involved have absolutely no choice in the matter of their removal. Impelled migrants, on the other hand, do retain some degree of choice regarding their possible flight. Before making the decision to migrate, 'impelled' migrants have the opportunity to weigh the factors involved and then make a choice between moving or remaining in the face of a threat. Most, but not all, African refugees are in the impelled category. The typology continues by outlining seven distinct types of refugees and their characteristics. These characteristics are:

- **Escapee**: moving across international boundaries and seeking refuge
- **Victim of hostilities**: internal displacement
- **Refugee sur-place**: students / intellectuals going abroad
- **Evacuee**: racial evacuation (whites moving from Zimbabwe)
- **Ecological**: Moving due to drought, famine, natural disaster
- **Expellee**: Expelled from country
- **Forced resettlement**: Forced removal due to change in

Government law (coloured and black people in South Africa due to apartheid laws)

The motivation for a refugee's migration becomes important when their legal status is determined. According to Rogge's typology, some types of refugees are more likely to obtain official recognition than others while ecological refugees may never receive international recognition as a refugee.

3.3:   Concept of resettlement

According to Zhang (1999) the two paraphrases of resettlement are:

(1) People who emigrate abroad and settle permanently;
(2) Bulky and well organised population removal. Correspondingly, the English words of the two paraphrases are immigration and resettlement respectively, where the latter is used.

Shi (2000) defines resettlement as the activity of population removal among different areas or different spots in the same area and the reconstruction of social and economic spheres. As a noun, resettlement is referred to as the people or group, say, the summation of displaced people. As a gerund (an action), it is often referred to as population removal activities.

Shi further states that resettlement may be divided into two types namely; voluntary resettlement and involuntary resettlement. Compared with voluntary resettlement, the involuntary resettlement is considerably arduous and complicated and involves many aspects e.g; society, politics, economy, culture, religion, environment and technology.

Voluntary resettlement is defined as being largely due to economic factors and the flow of labour force worldwide whereas involuntary resettlement involves political resettlement and refugee resettlement due to factors such as nation, religion and politics.

3.4:   Law related to Africa Refugees

Since the Second World War an international refugee regime has taken a form and developed a differentiated capacity to respond to refugee problems on a global scale that impacts on the original definition of 'refugee'.

The League of Nations in the inter war period was temporary and limited to specific nations. The 1951 United Nations Convention defined 'refugee' with reference to a state of affairs rather than to the identity of a country of origin. In 1967, the move from particularism to universalism was formally completed and removed the Euro-centric restrictions of the convention. This paved the way for a legal foundation for a truly global international regime to be established. Regional instruments in Africa and Latin America formulated even broader categories of beneficiaries.

The United Nations General Assembly in 1969 authorised the convention governing the Specific Aspects of Refugees and problems in Africa would henceforth be dealt with under the OAU Convention managed by the Organisation of Africa Unity (OAU).
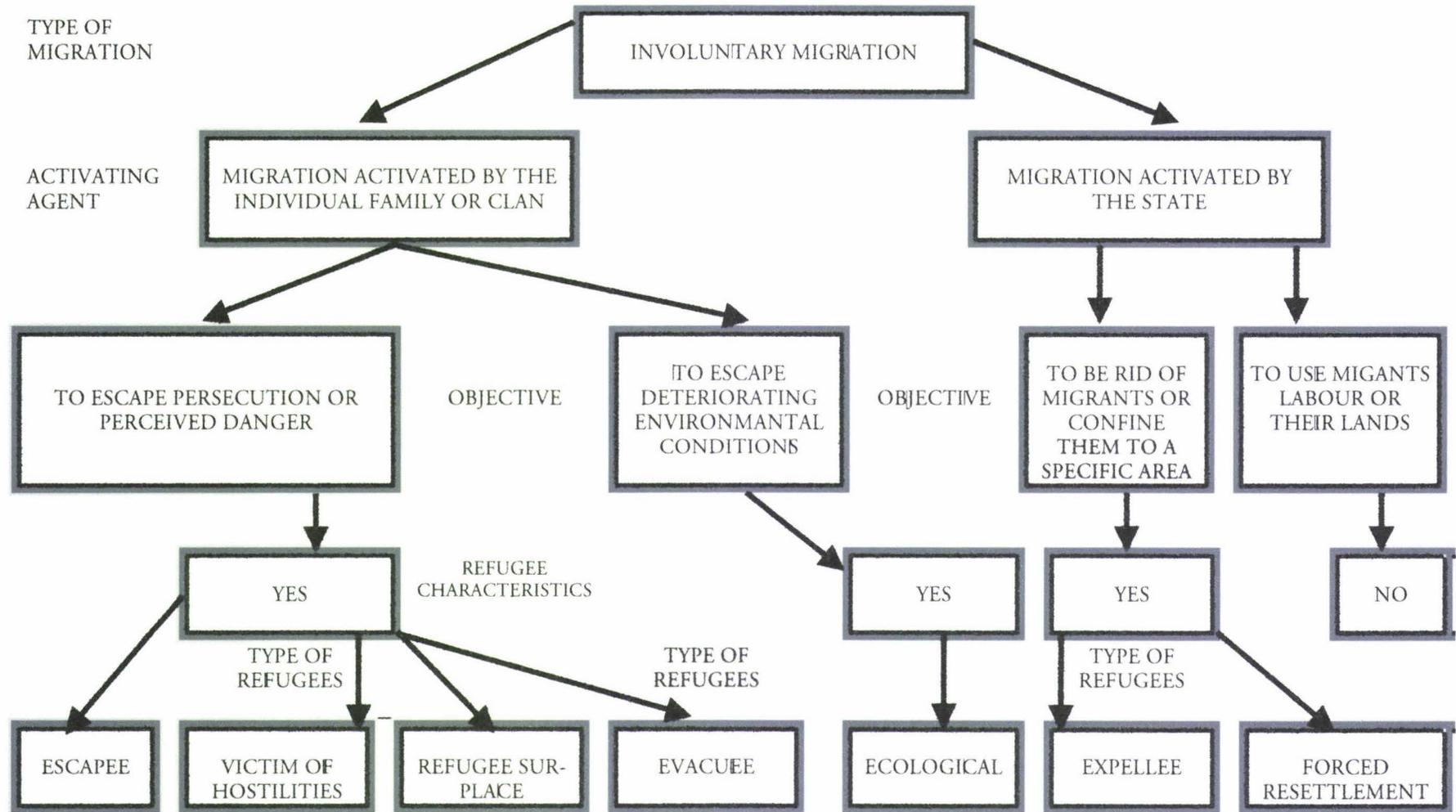
TABLE 3.1:   ROGGE'S TYPOLOGY

3.4.1: OAU Convention (Addendum 1)

The paper originally submitted to the Executive Committee Working Group on Solutions and Protection of refugees in April 1991, consisted of two parts. The first, prepared by the African Group, dealt with the Convention Governing the Specific Aspects of Refugee Problems in Africa adopted by the Organisation of African Unity in 1969 and the second, submitted by the Latin American Group, covers the 1984 Cartagena Declaration on Refugees. Both the OAU Convention and the Cartagena Declaration broaden the concept of the refugee enshrined in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. They resulted from a perception and an experience in Africa and Latin America that there was a need to complement the 1951 Convention, as modified by the 1967 Protocol, in order to provide adequate responses to new dimensions of mass displacements of persons in need of international protection and assistance.

The introduction to the paper stated that for Africa, the 1951 United Nations Convention relating to the Status of Refugees, its 1967 Protocol and the OAU Convention of 1969 must be regarded as forming a whole. The OAU Convention itself is a humanitarian response to the individual as well as the mass character of the refugee problem in Africa. It is a collective undertaking by the Member States of the OAU to receive and protect refugees in accordance with their respective national legislation. Member States undertake to apply the Convention to all refugees without discrimination as to race, religion, nationality, and membership of a particular social group of political opinion.

Despite the acceptance of these responsibilities, Africa's capacity to handle the problem (5 million refugees) is severely constrained particularly at this time when many African countries are faced with the serious problems of economic recovery and transformation. All the same, individual countries have continued to host and receive additional refugees and to provide them with assistance and protection. International burden sharing is most needed for both relief and long-term response. In recent years, however, international response has been falling behind the actual needs of refugees, and as a result, many programmes have been adversely affected to barely meet life-saving and life-sustaining requirements. (Goodwin-Gill, 1983, Grahl-Madsen, 1966, Hathaway, 1991)

3.4.2: UNHCR Convention (Addendum 2)

When the United Nations replaced the League of Nations in 1947, it established a new body, the International Refugee Organisation (IRO). The IRO's mandate was to protect existing refugee groups and one new category - the 21 million or so refugees scattered throughout Europe in the aftermath of World War 11. Initially, the IRO's main objective was repatriation, but the political build-up to the Cold War tilted the balance instead towards resettlement of those who had 'valid objections' to returning home. Such 'valid objections' included 'persecution, or fear of persecution, because of race, religion, nationality or political opinions'.

The Office of the United Nations High Commissioner for Refugees (UNHCR) replaced the IRO in 1951. By that time, international protection was firmly enshrined as the new organisation's principal *raison d'etre*. The Statute of UNHCR, adopted by a General Assembly resolution in December 1950, outlines the responsibilities of the Office. The most important of these responsibilities is to provide international protection and to seek permanent solutions for the problem of refugees (UNHCR 2002). The convention states that the term "refugee" shall apply to any person who:

(1)   Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization; Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;

(2)   As a result of events occurring before 1 January 1951 and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his

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former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Conclusion

This chapter identified the theoretical and legal aspects pertaining to refugees and also identified the difference between a displaced person and a refugee and when a displaced person is classified as a refugee. It was found that internally displaced persons, although they are by definition not international migrants moved for the same reasons as refugees however they do not benefit from the same level of international protection and assistance as refugees. Literature has shown that self-alienated refugees include people who decided to leave their home country for a variety of individual reasons and are seen to have played a major role in the larger scale of refugees.

The literature has found Rogge's typology of refugees was based upon an examination of the activating agent for the refugee migration, the objective of the migration, and whether the migrants possessed refugee characteristics. The typology continued by outlining seven distinct types of refugees and their characteristics and then some types of refugees are more likely to obtain official recognition than others while ecological refugees may never receive international recognition as a refugee.

With regard to the status of refuges, the chapter outlined both the OAU Convention and the Cartagena Declaration that broadened the concept of the refugee enshrined in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The OAU Convention itself was seen as a humanitarian response to the individual as well as the mass character of the refugee problem in Africa. The chapter finally concluded that the most important of these responsibilities of the OAU Convention and the 1951 Convention relating to the Status of Refugees and its 1967 Protocol is to provide international protection and to seek permanent solutions for the problem of refugees.

CHAPTER FOUR

REFUGEE STATUS DETERMINATION PROCESS FOR ASYLUM SEEKERS

The refugee status application process is different from the quota refugee process.
New Zealand provides assistance to two categories of refugee:

- Mandate refugees (people determined to be refugees by the UNHCR before arrival
  in New Zealand).

- Convention refugees (people given refugee status by the New Zealand Government
  under the 1951 Convention relating to the Status of Refugees and the 1967
  Protocol (New Zealand Immigration Amendment Act 1999 Section 3.5)

Each country that accepts asylum seekers has their own procedures that determine the
refugee status of applications.

This chapter examines the New Zealand refugee status determination process and look at
the application process and the role of the Refugee Status Appeal Authority. The chapter
will also address the criteria that determines who are refugees and a critical analysis of
persecution as a criterion for refugee status.

4.1:   Introduction

New Zealand's being geographical isolation ensures that the number of asylum seeker
applications received yearly is relatively small compared to other countries. According to
Immigration Regulations 1991, First Schedule (SR 1991/241), New Zealand has a visa
regime which targets potential asylum-seekers and citizens which are visa exempt are in
countries who do not currently produce refugees (Davidson, 2000).

However, persons are required to obtain transit visas before moving through New Zealand
if they are citizens of countries from which refugees flee in numbers (Immigration (Transit
Visas) Regulations 1994 (SR 1994/106) as extended by the Immigration (Transit Visas-
Extension) Regulations 1995 (SR 1995/122).

Large number of asylum-seekers who on a yearly bases apply for refugee status on or after arrival in the country often will not have valid travel documents, bringing into doubt their eligibility for a permit to make their presence in New Zealand lawful (Davidson, 2000).

The Refugee Status Authority of New Zealand has no specific data that could establish the total amount of asylum seekers from the study population but the data that is available is released on a yearly basis. A key problem encountered by the Refugee Status Authority of New Zealand is that the period between processing of applications and approval varies from year to year. The refugee status claimants, applications and people applying by business year are recorded.

The period covered for these applications is from 1990 to 1999. For this period the following applications was recorded for the study population.

Country	Number of applications
Eritrea	19
Ethiopia	67
Somalia	253
Sudan	23

Source: REFNZ, 2002

This small number of applications compared to Asian or European continents could be due to the huge travel expenses needing to be incurred should a person travel from the Horn of Africa to New Zealand. This would also create a difficulty for the person applying for refugee status, as New Zealand would not have been their first port of call.

The Immigration Act 1987 makes provision for carrier sanctions. Before a person boards an international flight destined for New Zealand, a person boarding that flight should be in possession of a valid travel document and passport. The person in charge of an aircraft is liable to imprisonment for a term not exceeding three months or to a fine not exceeding NZ$10,000 if these sanctions are not met. For the carrier, the penalty is the same except that the fine is an amount not exceeding NZ$20,000. This implies that the person might

board the aircraft and on route to New Zealand, in some instances would get rid of their travel documents and passport before or on arrival in New Zealand.

4.2:   The New Zealand refugee determination process
4.2.1: Overview of the application process

New Zealand has operated a two-tier system for determining 'spontaneous' refugee applications since January 1991. Applications are processed by officers of the Refugee Status Branch of the New Zealand Immigration Service. The Refugee Status Branch conducts an oral interview with the applicant who is entitled to be accompanied by a lawyer or other representative. The applicant is granted a letter from the Refugee Status Branch indicating that they have received an application for refugee status. (Addendum 3) They then further receive a letter stating the date of the first interview and all other requirements and conditions (Immigration (Refuge Processing) Regulations 1999 regs.19, 20).

According to Davidson (2000), the refugee applicant must satisfy all three requirements to be exempt from penalties. They:

1.   Must have come directly from a persecuting country; and
2.   Present themselves without delay; and
3.   Are able to show "good cause" for illegal entry.

In order to be eligible for the protection of Article 31(2) of the Refugee Convention, the person must first have claimed refugee status. This will ensure that the person's applicable rights under the Refugee Convention are attached. The person has met the first requirement of being a refugee claimant.

The second requirement is that the claimant must be present in the country unlawfully. If they are present lawfully, there are other provisions protecting them against detention, and, in practise, the New Zealand government is unlikely to wish to detain such persons.

The third requirement is made up of three parts, and is carried over from Article 31(1) by the term "such refugees". Those asylum-seekers wishing to claim the protection of Article 31(2) must have come directly from a persecuting country. They must also immediately report their refugee claim to airport authorities, before their entry is discovered to be illegal. Lastly they must be able to show good cause for their illegal entry, although given the difficulties inherent in determining such a thing at the airport, a refugee claimant should be given the benefit of the doubt on this point (Davidson 2000).

Haines (1995) states that where the application for refugee status is declined, there is a right of appeal to the Refugee Status Appeals Authority, an independent body presently staffed by practising or recently retired lawyers, drawn entirely from outside Government. A representative of the United Nations High Commissioner for Refugees is ex officio a member of the authority. Appeals proceed by way of a hearing *de novo* and all issues of law, fact and credibility are at large. The appellant attends in person to give his or her evidence.

All decisions of the authority are delivered in writing. The authority considers only the question of whether the appellant is a refugee. It has no jurisdiction to consider immigration issues and, in particular, whether or not an individual should be granted a permit under the Immigration Act 1987 (Haines, 1995).

4.2.2: Refugee Status Appeal Authority

The Immigration Act 1987 Section 1291, Immigration (refugee processing) Regulations 1999 regulation 10 states that if a refugee status officer declines to recognise a claim for refugee status or refuses to consider a subsequent claim for refugee status then the officer has to inform the claimant that he has the right to appeal against the decision to the Refugee Status Appeal Authority within a certain time limit. The refugee status determination procedure is non-statutory and has been set up under the prerogative powers of the Executive (Santokh, *Singh v Refugee Status Appeals Authority,* 1994).

The Terms of Reference under which the Authority operates are based on the principle that an adversarial procedure is inappropriate for the refugee determination process, and

although the New Zealand legal system is essentially based on the adversarial Common Law model, hearings before the Authority are investigative or inquisitorial in nature. That is, while the burden of proof rests on the appellant, the enquiry into the facts is shared between the appellant and the Authority. There is no other "party" at the hearing, and the New Zealand Immigration Service is only heard in rare cases (Refugee Appeal No. 523/92 Re RS, 17 March1995).

4.3:   Persecution A Criterion For Refugee Status

In New Zealand, whether or not a person is a refugee is determined strictly in accordance with the definition contained in the Refugee Convention (Haines, 2000). The Refugee Convention Article 1 A (2) states that for the purposes of the present Convention, the term 'refugee' shall apply to any person who:

> As a result of events occurring before 1st January 1951 and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (The Refugee Convention 1951, Article 1 A (2), p1)

It will be noticed form Article 1 of the Refugee Convention that only a certain group of persons are eligible for refugee status. In order for the claim to be successful, the claimant must be outside their country of origin, establish they have a well-founded fear of what meets the definition of persecution, and that the basis for that persecution is a Convention reason. (Refugee Appeal No. 1039/93, 1993)

Haines (1999) states that persecution is not defined by Article 1A(2) of the Refugee Convention and no purpose is served by attempting a definition of what is itself a definition. The interpretive approach to be followed is that prescribed by Article 31 of the

Vienna Convention on the Law of Treaties, 1969. Section 3. Interpretation of Treaties Article 31 (1) provides:

> "A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose."(Vienna Convention on the Law of Treaties, 1969 p3)

Haines (1996), further states that the three separate but related principles in this paragraph were identified by McHugh J[10] in *Applicant A v Minister for Immigration and Ethnic Affairs* (1 997) 1 90 CLR 225 at 252-253 (HCA). Brennan *CJ*, while dissenting as to the result, concurred at 231 with this aspect of the judgment of McHugh J, as did Gumrnow J (one of the majority) at 277. First, an interpretation must be in good faith, which flows directly from the rule *pacta sunt servanda*. Second, the ordinary meaning of the words of the treaty is presumed to be the authentic representation of the parties' intentions.

This principle has been described as the "very essence" of a textual approach to treaty interpretation. Third, the ordinary meaning of the words is not to be determined in a vacuum removed from the context of the treaty or its object or purpose. After referring to the controversy whether textual interpretation takes precedence over the object and purpose of the treaty, McHugh J preferred the ordered yet holistic approach taken by Zekia J in *Goider* v *United Kingdom* (1975) 1 EHRR 524, 544 (ECHR). That is, primacy is to be given to the written text of the Refugee Convention, but the context, object and purpose of the treaty must also be considered (Refugee Status appeal Authority, Refugee Appeal No 71427/99).

Haines (1999) on his decision of Refugee Appeal No 71427/99 argues that it is neither appropriate nor possible to distil the meaning of persecution by having resort to English and Australian dictionaries. This can only lead to a sterile and mistaken interpretation of persecution. He refers by way of illustration of this point to the reference (with apparent approval) by Gummow J in Applicant A at 284 to a dictionary definition of "persecution" which asserted that it was the action of pursuing with enmity and malignity.

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[10] "J" means Judge

He further stated, that this reference was subsequently treated as an authoritative statement as to how persecution was to be interpreted by the Australian Refugee Review Tribunal.

According to Haines (2000) regrettably, when the issue resurfaced in the High Court of Australia, *Chen Shi Hai v Minister for Immigration and Multicultural Affairs* (2000) 170 ALR 553 (HCA), the opportunity was not taken to shift the interpretative approach adopted in Australia away from dictionaries and towards the more contextualised approach exemplified by *Canada (Attorney General) vs Ward* [1993] 2 SCR 689 (SC: Canada), namely that persecution may be defined as the sustained or systemic violation of human rights demonstrative of a failure of state protection.

It is the latter approach, which is now also favoured by the House of Lords. *Horvath v Secretary of State for the Home Affairs Department* [2000] 3 WLR 379, 383B-H, 389A, 399H, 404F (Lords Hope, Browne- Wilkinson, Clyde and Hobhouse) (HL), a decision which should be read with *R v Immigration Appeal Tribunal, Ex Pane Shah* [1999] 2 AC 629, 644B-H, 648B, 651 A, 652C, 653F, 65SH (Lords Steyn, Hoffmann and Hutton) (HL). (Refugee Status appeal Authority, Refugee Appeal No 71427/99)

The New Zealand refugee jurisprudence as developed by this Authority has never employed the dictionary method of ascertaining the meaning of persecution. Instead it has followed *Canada (Attorney General) v Ward* [1993] 2 SCR 689. Delivering the judgment of the Supreme Court of Canada, La Forest J recognised that fundamental to the Refugee Convention is the issue of state protection.

The refugee scheme is surrogate or substitute protection, actuated only upon failure of national protection. Hathaway (1991 p 135) refers to the refugee scheme as "surrogate or substitute protection", activated only upon failure of national protection.

The principle of surrogacy, long part of the Authority's jurisprudence, has now been recognised also by the House of Lords in *Horvath v Secretary of State for the Home Department* [2001] 3 WLR 379, 383C, 389B, 404F (Lord Hope with whom Lords

Browne-Wilkinson and Hobhouse agreed) (Refugee Status Appeal Authority, Auckland Refugee Appeal No. 71427/99, p50).

Addressing the persecution element of the definition, the view taken by the Supreme Court of Canada in Ward at 733 was that underlying the Convention is the international community's commitment to the assurance of basic human rights without discrimination. The passage which follows begins with the relevant recital from the Preamble to the Convention and concludes with the adoption of the analysis by Professor Hathaway that persecution may be defined as the sustained or systemic denial of basic human rights demonstrative of a failure of state protection:

> "Considering that the Charter of the United Nations and Universal Declarations of Human Rights approved on 10 December 1948 by the General Assembly have affirmed. The principle that human beings shall enjoy fundamental rights and freedoms without discrimination" (UNHCR, 1998 Refugee Convention 1951, preamble, p 1).

This theme outlines the boundaries of the objectives that sought to be achieved and consented to by the delegates. It sets out, in a general fashion, the intention of the drafters and thereby provides an inherent limit to the cases embraced by the Convention according to Hathaway (1991 p.108)

The dominant view, however, is that refugee law ought to concern itself with actions which deny human dignity in any key way, and that the sustained or systemic denial of core human rights is the appropriate standard (Refugee Status appeal Authority, Refugee Appeal No 71427/99)

This theme sets the boundaries for many of the elements of the definition of 'Convention refugee'. 'Persecution', for example, undefined in the Convention has been ascribed the meaning of "sustained or systemic violation of basic human rights demonstrative of a failure of state protection" (Hathaway, 1991, p104-105).

According to Haines (2000), the consistently held view of the authority has been that the principled approach of Ward to the interpretation of the persecution element of the refugee definition is to be preferred to the "dictionary" approach. The authority has accordingly followed the example of the Supreme Court of Canada and adopted the formulation offered by Professor Hathaway in his seminal text. The Law of Refugee Status (1991.p104) states that refugee law ought to concern itself with actions that deny human dignity in any key way and that the sustained or systemic denial of core human rights is the appropriate standard. That is core norms of international human rights law are relied on to define forms of serious harm within the scope of persecution (Refugee Appeal No. 71427/99, Refugee Status Appeal Authority, Auckland).

Hathaway initially identified relevant core human rights as those contained in the so-called International Bill of Rights comprising the Universal Declaration of Human Rights, 1948 and by virtue of their almost universal accession, the International Covenant on Civil and Political Rights, 1966 and the International Covenant on Economic, Social and Cultural Rights, 1966 (Hathaway, 1991; p106).

Haines (2000) states, however for the reasons Hathaway has more recently and persuasively given, to the International Bill of Rights there should now be added the Convention on the Elimination of All Forms of Racial Discrimination, 1966 (CERD), the Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW) and the Convention on the Rights of the Child, 1 989 (CRC).

> We respectfully agree with this analysis and would only add that while the hierarchy of rights found in these instruments is not to be rigidly or mechanically applied, it does assist a principled analysis of the persecution issue (Hathaway, J, 1991. 104-105).

According to Haines (2000) et al, the Refugee Status Appeals Authority has accepted Hathaway's approach to determining whether persecution exists. For the purposes of the status determination process in New Zealand then, the definition of persecution is:

"the sustained or systemic violation of basic human rights resulting from the failure of state protection" (Refugee Status Appeals Authority of New Zealand, Refugee Appeal No. 71427/99).

4.4: Approval of Refugee Status Applications

Once it has been found that the asylum seeker's application has met the criteria for refugee status, he/she is granted a letter of approval of the application for refugee status and also informed that they can apply for permanent residence (See Addendum 4). Over the past ten years the New Zealand Immigration Service through the Refugee Status Appeal Authority approved an average of twenty-six refugee status applications for Africans. For the same period of time the Refugee Status Appeal Authority approved one hundred and fifty-one refugee status applications from the study population.

TABLE 4.1:   AFRICANS APPLICATIONS FOR RESIDENCE UNDER THE REFUGEE STATUS APPEALS AUTHORITY

Year	92/93	93/94	94/95	95/96	96/97	97/98	98/99	99/00	00/01
Congo	0	0	0	0	0	0	0	0	1
Egypt	0	0	0	0	0	0	0	2	2
Ethiopian	0	0	0	0	0	11	1	4	1
Ghana	0	3	0	3	0	0	2	5	0
Morocco	0	0	0	0	0	0	3	0	2
Nigerian	0	0	0	5	0	0	5	14	5
Rwandan	0	0	0	5	0	0	0	2	0
Sierra Leone	0	0	0	0	0	0	0	0	3
Somali	0	3	23	34	14	10	22	25	3
South Africa	0	0	0	0	0	0	2	3	2
Sudanese	0	0	0	0	0	0	0	1	0
Zaire	0	2	0	0	0	0	0	0	5
Zambia	0	0	0	0	0	0	0	0	1
Zimbabwe	0	0	0	0	0	0	0	0	5
Total	0	8	23	47	14	21	35	56	30

Source: REFNZ (2002)

4.5:   Policy implications

Since New Zealand has adopted Hathaway's approach to determining whether persecution exists, all refugee status applications are determined according to this definition. (Refugee Status Appeals Authority of New Zealand, "Refugee Appeal No. 71427/99"),

The onus is on the applicant to prove that his/her reason for applying for refugee status is according to the definition and policy for determining if the person was encountering the sustained or systemic violation of basic human rights resulting from the failure of state protection.

Graph 4.1: Refugee Status Applications
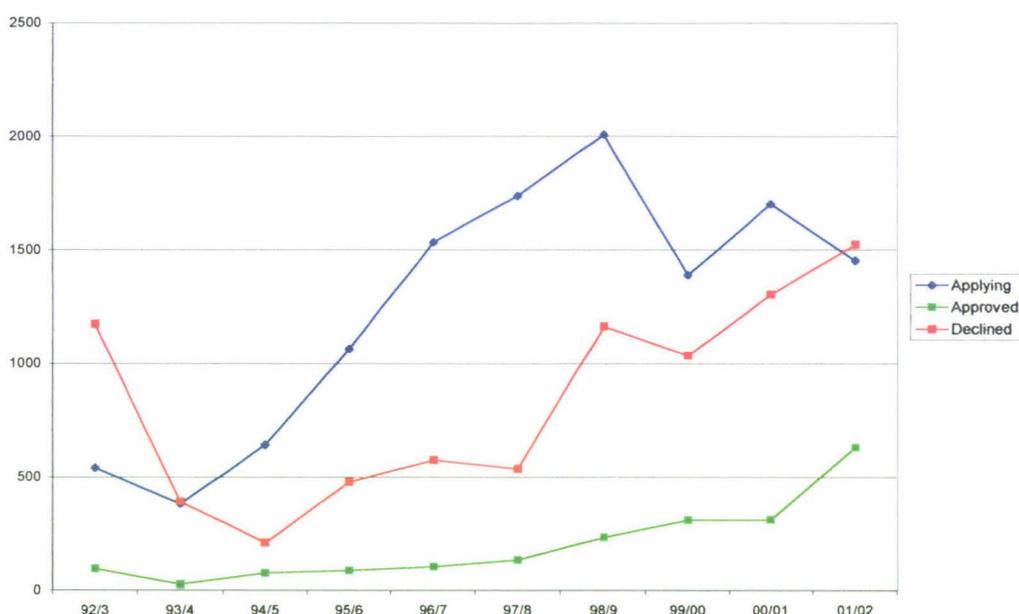
Source: Refugee Appeal Authority 2003

During the period from 1992 - 2003, the NZIS Refugee Branch received 12680 applications for refugee status. Sixty seven point eighty eight per cent of the applications were declined for not meeting the criteria for which refugee status applications are

determined. Graph 4.1 shows the difference between the amount of applications, approvals and those that have been declined over the ten years. The greater proportion of the applications cannot provide the necessary evidence that will support their claim for refugee status.

The onus of proof as stated in Section 129P(1) and (2) of the Immigration Act 1987, is the responsibility of an appellant to establish the claim to refugee status. The appellant must also ensure that all information, evidence, and submissions that the appellant wishes to have considered in support of the appeal are provided to the Authority in the English before it makes its decision on the appeal. The Act further states that the Authority may seek information from any source, but is not obliged to seek any information, evidence or submissions further to that provided by the appellant and may determine the appeal on the basis of the information, evidence and submissions provided by the appellant. According to the Refugee Action Collective (2002) the documents to support a claim must be provided in English and difficulties in translation may undermine a successful claim. There are numerous examples where these problems have lead to genuine claims going unrecognised.

The factors that also hinder the refugee from presenting a successful case is that they do not know the refugee status application process before entering the country. The applicant is often not aware that they should produce evidence that supports their claim for refugee status. The authority is not bound by New Zealand's laws of evidence and this allows for a more informal, fair and timely refugee determination, taking into account the realities of flight from the fear of persecution. The investigative nature of the Authority permits members to make their own enquiries to supplement the evidence presented by the appellant or the Refugee Status Branch where considered appropriate by the member. Corroborative evidence must be submitted to support the applicants claim that may include personal documentation, family letters, affidavits, court documentation and country information from recognised sources. In fear of letting any person know where they are living, refugee applicants have great difficulty in acquiring the supportive documentation for their claim and in many instances have fled from their country leaving behind personal documents, contact names and addresses of persons in the country from where they fled. By not being able to provide the necessary supportive evidence, their application is considered

under Section 7(1) of the Immigration Act 1987 as being unrelated to the criteria for granting refugee status or claiming refugee status in an attempt to evade normal immigration requirements.

The criteria used to determine who are refugees also exclude a large number of persons that flee from their country for various valid reasons. According to the Refugee Action Collective (RAC) (2002);

> In order to establish that they are a refugee under the 1951 UN Convention, a person must be unable or unwilling to return to their country of nationality or place of residence "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion". The mere fact that their life would be at risk if they returned is not enough. Unless they face persecution for one of these reasons asylum seekers will not be able to claim refugee status. This means that people fleeing civil war, or starvation, for instance, will not count as refugees. Persecution of women on the basis of their gender is also not recognised as persecution on the basis of membership of a social group. (RAC, 2002, p.1)

The New Economics Foundation (NEF) (2003) states that the present definition that determines who are refugees excludes environmental refugees who have been uprooted for environmental reasons caused by climate change to people physical safety and livelihoods and that the danger is not a random or natural event.

The US State Department and UNHCR both argue that environmental refugees as a category in the Convention would outstretch existing resources for international programmes and also distort current definitions of refugee status (NEF, 2003)

New Zealand follows internationally accepted guidelines for determining who is a refugee. The process for determining who is a refugee is incorporated in the Immigration Act. The New Zealand judiciary does not determine the judicial process which determines who is a refugee but independent authority that receives its statutes from the Ministry of

Immigration. The refugee status appeal process is informal allowing the appellant to provide all corroborative evidence to support their case for refugee status. It has been found that all other cases that do not meet the criteria for refugee status are not considered and could be assumed that claiming refugee status is an attempt to evade normal immigration requirements.

Conclusion

In this chapter we looked at the New Zealand refugee status determination process and examined the application process and the role of the Refugee Status Appeal Authority. The chapter also addressed the criteria that determined who were refugees and persecution as a criterion for refugee status. The literature review found that an asylum seeker had to come directly from a persecuting country, present themselves without delay to the immigration authorities and had to show good cause for illegal entry.

The literature also found that the asylum seekers case was considered on the grounds of sustained or systemic violation of basic human rights resulting from the failure of state protection. Emerging from the literature was also the fact that should an application for refugees status be declined by a refugee officer the applicant had the right to appeal to the Refugee Status Appeal Authority which is a non statutory body.

CHAPTER FIVE

NEW ZEALAND RELATIONS PERTAINING TO QUOTA REFUGEES

Introduction

In Chapter Four the issue of asylum seekers with regard to the determination process was addressed. This chapter will investigate the determination process for quota refugees, their approval and procedures for resettlement in New Zealand.

The main method of refugee selection for most resettlement countries is through dossier submissions made by UNHCR. UNHCR recommendations are either sent to the resettlement country's overseas selection missions who conduct interviews with individual refugees and decide whom to accept, or the recommendations are sent directly to the resettlement country and decisions are made based on the information provided in the dossiers. For some countries (Denmark and New Zealand) recommendations from UNHCR are accepted entirely on a needs basis (Spack, 2001 p 3).

5.1:   Background

The New Zealand government has accepted over 20.000 refugees and displaced people since the Second World War. (Refugee and Migrant Service, 1993. p5, New Zealand Immigration Service 1995, p15).

Submissions by the Human Rights Commission and the Race Relations Conciliator to the Minister of Immigration on the provision of resettlement services to refugees and their families in Christchurch (2000) stated that New Zealand has ratified a number of United Nations Covenants and Conventions that have a direct bearing on the treatment of refugees, both when applying for refugee determinations and subsequently.

TABLE 5.1:   NEW ZEALAND/UNHCR AGREEMENTS

Agreement Number 5, Name, Place, and Date	NZ Entry Date, Reservations and Treaty Series No	In Force
1. Constitution of the International Refugee Organisation. Opened for signature at Flushing Meadow, New York, on 15 December 1946	Definitive Signature 11.03.1947; No Reservations NZTS 1947 No. 18 ATS 1948 No. 16 UNTS 18 p. 3	Yes
2. Convention relating to the Status of Refugees. Signed at Geneva on 28 July 1951	Acceded 30.06.1960; Reservations NZTS 1961 No. 2 ATS 1954 No. 5 UNTS 189 p. 150	Yes
5. Protocol relating to the Status of Refugees. Done at New York on 31 January 1967	Acceded 06.12.1973; No Reservations NZTS 1973 No. 21 ATS 1973 No. 37 UNTS 606 p. 267	Yes

Source: UNHCR (2000)

Table 5.1, outlines the places, date and period when New Zealand acceded to the Convention relating to the Status of Refugees.

The key Conventions include:

- The Convention Relating to the Status of Refugees and the subsequent Protocol;
- The International Covenant on Economic, Social and Cultural Rights;
- The Convention on the Rights of the Child;
- The Convention on the Elimination of all forms of Racial Discrimination.

Having ratified these Conventions the Government undertook to honour its commitments as outlined in the Conventions. With regard to social and economic rights, the provisions of the International Covenant on Economic, Social and Cultural Rights requires state parties to progressively implement such rights.

5.2:   1987 Review of the New Zealand Refugee Quota Programme

According to the New Zealand Immigration Service (1995), in 1987 a comprehensive review of the New Zealand Refugee Quota Programme took place. As a result, the Government affirmed the admission of refugees as an ongoing humanitarian priority within New Zealand's immigration policy.

There were also significant changes stemming from the review. Firstly, the Government established an annual quota of up to 750 refugees for resettlement in New Zealand, subject to the availability of community sponsorship. This quota represents one of the highest refugee intakes per capita in the world. The Minister of Immigration was authorised to set numbers for specific categories within the quota, in consultation with other Ministers and agencies.

Secondly, whereas previously only Indo-Chinese refugees went through an induction programme at the Mangere Refugee Reception Centre, from the 1988/89 financial year all refugees coming under the New Zealand Refugee Quota Programme have been able to attend the orientation programme, usually for their first six weeks in New Zealand.

This meant that all refugees under the quota scheme on arrival are granted residential status and are immediately entitled to all rights of New Zealand residents in such matters as education, health, employment and social welfare (Crosland, 1994; Refugee and Migrant Service, 1993: p1-3).

The quota programme runs from 1 July to 30 June concurrent with the fiscal year. Consultations were held with UNHCR and other relevant agencies in New Zealand to discuss resettlement priorities before the planned composition of the quota was set by the Minister of Immigration for the New Zealand Refugee Quota Programme

Over the years the New Zealand Refugee Quota Programme has included a number of categories - for specific national, ethnic and religious groups, as well as special needs groups, such as 'handicapped' refugees, long stayers in refugee camps, refugee boat people rescued at

sea and victims of pirate attacks. Since 1992 the categories of the New Zealand Refugee Quota Programme have changed from national to worldwide categories based on current needs. This was considered a fairer and more flexible means of enabling the Government to respond to the world's refugee crises. (NZIS, 2000)

5.2.1: UNHCR / New Zealand relations

Only refugees with special needs who meet UNHCR resettlement criteria will be considered for this durable solution. UNHCR's focus is on identifying cases facing exceptional security concerns in Kenya (threats to life, detention, deportation), persons with special needs (women-at-risk, victims of torture, disabled refugees and certain medical cases), and family reunification (spouses, minor children and other persons directly depending on the principal applicant).

The decision with regard to eligibility for resettlement referral lies with the UNHCR Office in the country of first asylum. Once the UNHCR office in the country of first asylum decides that a person is in need of resettlement in New Zealand, the case is referred to the Government of New Zealand via the UNHCR Regional Office in Canberra, Australia. The UNHCR Regional Office in Canberra has no authority over this decision.

The Government of New Zealand makes the final decision on resettlement. UNHCR cannot guarantee that the New Zealand resettlement referral will be accepted. Once New Zealand has confirmed the resettlement of the refugee the role of UNHCR regarding the refugee is completed. This is when the refugee sets foot on New Zealand soil and is handed over to the New Zealand Immigration Authorities.

However, the task of receiving and settling refugees requires that UNHCR work closely with central and local authorities, non-governmental organisations (NGOs) and religious and social welfare groups (UNHCR, 2001c).

5.3:   Resettlement in New Zealand

There are three ways a refugee may be accepted for permanent residence in New Zealand.

5.3.1 Refugee Quota

Acceptance as part of the **refugee quota** may be granted under the following categories.
Women at risk (*75 places*): Women and their children who are deemed by UNHCR to be under threat in their current circumstances. **Medically disabled** (*75* places): Refugees with a medical condition or disability that cannot be treated or supported in their country of asylum, but where it is deemed that assistance would be available in New Zealand.
Protection (*600 places):* Those cases that are considered to be high priority by UNHCR.

5.3.2: Normal Immigration Policy

Many people from Sub-Saharan Africa enter New Zealand under the Family Reunion or Humanitarian categories of normal immigration policy. This avenue is open to any person wishing to migrate to New Zealand and who meets the strict relationship criteria. Even though a person may have come from a refugee situation, officially, they are considered migrants and may not be entitled to services provided for quota refugees and asylum seekers.

Normal policy requirements are often very difficult, or impossible for many refugee applicants to meet. Applications under normal policy require large fees and documentation that people cannot obtain. (Refugee and Migrant Services (RMS), 2001)

Figure 5.1, outlines the process that the application for the quota refugee takes before the refugee arrives in New Zealand

- The New Zealand Immigration Service based at the Mangere Refugee Reception Centre administers and processes all refugee applications received from UNHCR. Nominations are approved for selection process.

- The selection process is determined either by overseas post staff of the New Zealand Immigration Service or the onshore selection team at the Mangere Refugee Reception Centre.

- The refugee application, interview report, documentation and recommendation are sent to the New Zealand Immigration Service based at the Mangere Refugee Reception Centre for a decision.

The New Zealand Immigration Service either approves or declines the application. If the application is declined then the nominating agency is informed. When the applications are approved, the immigration process is complete and the appropriate visa is issued. The refugee travels to New Zealand escorted by New Zealand Immigration Service staff and arrives at the Mangere Refugee Reception Centre for a six-week orientation programme.

The Mangere Refugee Reception Centre can accommodate up to 220 refugees at any one time. The study population has mainly entered New Zealand through the refugee quota system. In recent times this has changed as New Zealand through its UNHCR programme focused on countries with the greatest refugee problems. Over the past 20 years the following refugees from the Horn of Africa were accepted as quota refugees as shown in Table 5.2

TABLE 5.2:   Study Population Accepted as Quota Refugees

NATIONALITY	01/07/92 30/06/94	01/07/94 30/06/96	01/07/96 30/06/98	01/07/98 30/06/00	01/07/00 30/06/02	01/07/02 30/05/03	TOTAL
ERITREAN	0	21	11	73	15	1	121
ETHIOPIAN	45	180	223	330	188	12	978
SOMALI	403	338	158	419	278	25	1621
SUDANESE	0	9	24	103	4	11	142
TOTAL	448	548	416	925	485	49	2862

Source: New Zealand Immigration service (2001)

8999999999899999999999999999999999

FIGURE 5.1: THE NEW ZEALAND REFUGEE QUOTA PROGRAMME SELECTION PROCESS
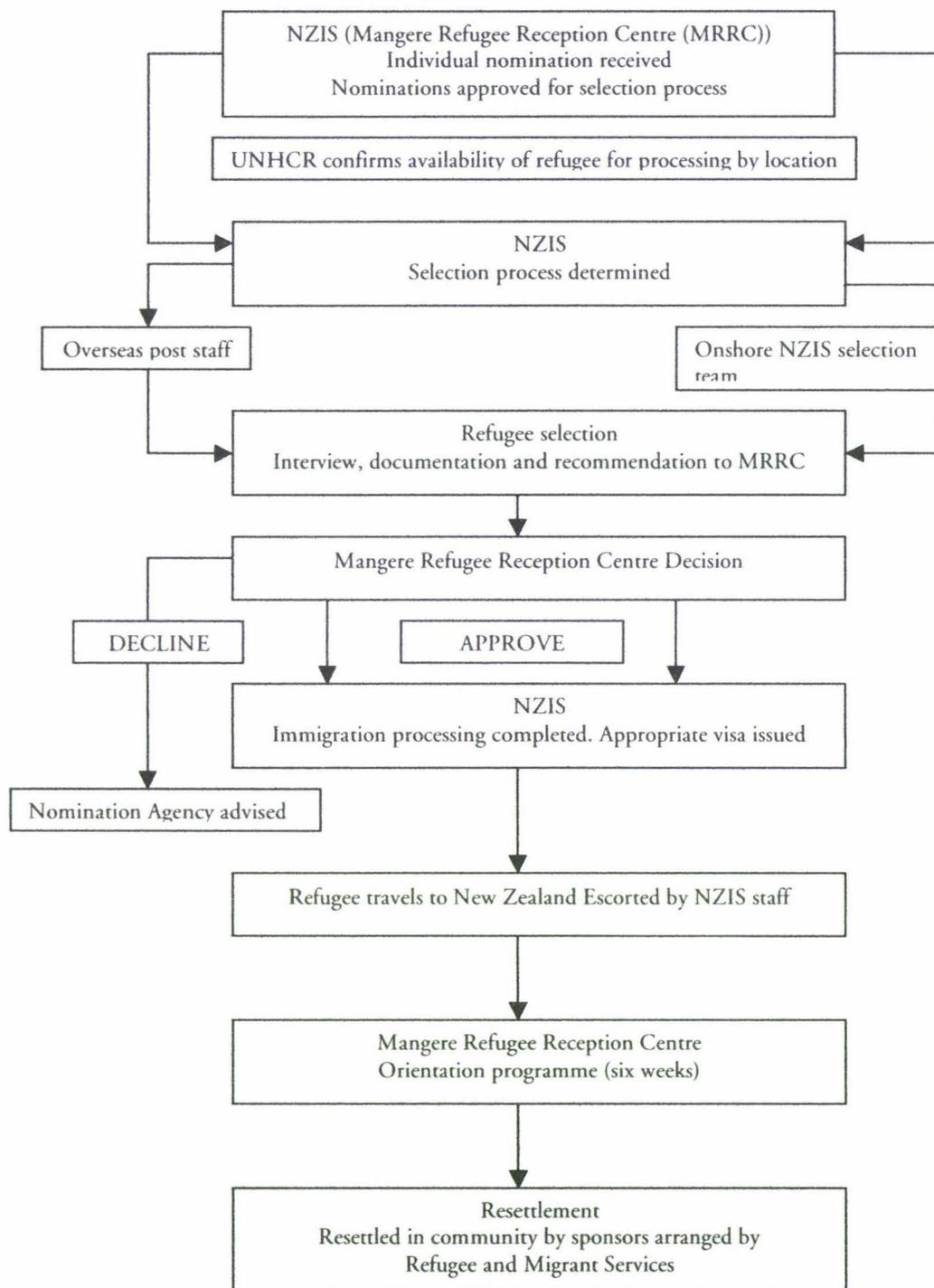
Source: Mangere Refugee Reception Centre, New Zealand Immigration Service (2000)

The New Zealand Immigration Service and the Mangere Reception Centre have very little information on the six-week orientation programme and what the day-to-day programmes are. The Reception Centre provides visitors and people enquiring about the centre with an information sheet about the Mangere Reception Centre.

According to Kennedy (1997) the New Zealand Refugee Centre is where new refugees spend their first six weeks in New Zealand. The Centre was originally an army barracks for visiting United States soldiers during the Second World War. The Department of Labour (1994) stated that in the 1950's it was acquired by the Department of Labour as a hostel for workers and new immigrants. In 1979 the Centre began its service as a residential reception centre for Indo-Chinese refugees. Since 1988 it has been used for all refugees who arrive under the New Zealand Refugee Quota Programme.

The centre is set in five acres of land in a quiet relaxed place away from the city but only a few minutes walk from shops and public transport. The centre consists of accommodation areas, a nursery, classrooms, and facilities for medical and dental examinations, dining areas and meeting rooms. There are also recreational and sporting facilities and an administration area.

Shadbolt (1996) states that newly arrived refugees undergo a six-week programme at the centre. Over a period of six weeks the programme deals with the living and psychological coping skills necessary for adjusting to life in a new culture as well as providing information needed for day-to-day interactions. Visiting speakers cover relevant aspects of New Zealand life such as health services, transport, shopping, money matters, race relations, and accommodation and work opportunities. This information is translated into the various languages required and written summaries of the talks are distributed for later discussion.

In addition, medical clearances that include x-rays and dental checks are carried out and any ongoing treatment is arranged. Other practical assistance is offered through the social workers attached to the Refugee and Migrant Service (Duncan, 1992).

There are also four agencies located on the grounds within the centre and these agencies play a vital role in the resettlement of quota refugees. Some of the agencies are involved in the orientation program and others in the post-orientation programme. In particular, according to the document 'Welcome to the Refugee and Migrant Service' it is stated that it is the responsibility of Refugee and Migrant Service to ensure the resettlement of the refugee in the local community. The agencies that are involved in the orientation program are:

The New Zealand Immigration Service

Main Role: Administers the New Zealand Refugee Quota Programme

Services: Organises the admission of refugees under the New Zealand Refugee Quota Programme (including selection of refugees, immigration processing and travel arrangements).

Administers the Mangere Reception Centre Programme.

Refugee and Migrant Service

Main Role: New Zealand's national refugee resettlement agency and the official New Zealand agent for the International Organisation for Migration.

Services: Co-ordinates refugee resettlement throughout New Zealand.

Offers sponsorship, counselling, interpreting and other assistance to refugees.

Provides advice and assistance to former refugees seeking to bring family members to New Zealand under the family reunion programme.

Auckland University of Technology

Main Role: Education of refugees and promotion of a better understanding of refugee issues.

Services:_   Provides initial and ongoing education.

Runs a documentation centre, courses and regular seminars on topics including the causes of refugee flows, the provision of aid and assistance to refugees and the resettlement of refugees.

Auckland Healthcare

Main Role: Provision of health services, including refugees and asylum seekers.

Services: Provides for a health clinic at Mangere Refugee Reception Centre (administered through Community Health Services, South Auckland)

Provides health benefits to refugees.

Assess medical/disabled cases nominated by UNHCR under the New Zealand Refugee Quota Programme and gives advice of appropriate treatment in New Zealand.

Auckland Refugees as Survivors Centre

Main Role: The Centre is a non-profit, community-based agency, which exists to support and maintain the well being of people from refugee backgrounds, who have suffered the effects of organised violence, exile and migration.

Services: To provide counselling services for the treatment and rehabilitation of survivors of torture.

To assist people to overcome pre/post-migration stress and trauma.

To work with other community agencies and professionals.

To provide education and training to professionals, refugee communities and the public of New Zealand.

The departure from the Mangere Refugee Reception Centre occurs when the client has completed the six weeks orientation programme and has a place to go and live. The refugee is then supported by various mechanisms on departure from the centre.

These are:

An Emergency Benefit from Work and Income New Zealand from the Mangere office at the Reception Centre.

Identity documents and a letter stating that he or she is a quota refugee and that he or she is entitled to a resettlement grant according to the Social Security Act.

The refugee is handed their medical records that need to be given to their medical doctor at their next visit.

The refugee is provided with support from the Refugee and Migrant Services and the Auckland Refugees as Survivors Centre.

5.4:   Conclusion

The policy with regard to Mandate Refugees is quite rigid and evolves around procedures determined by the New Zealand government through the Minister of Immigration. The Immigration Act 1987 has very little information about the mandate refugee process and is only discussed in Section 3.5 under the heading of 'Categories of Refugee'. The internal process of determining who should be accepted as mandate refugees is transparent in that there is a consultative process held with all organs of society that are involved with refugees. The selection process is finalised by the NZIS and UNHCR abides by that decision.

In conclusion, this chapter gave an overview of the United High Commissioner for Refugees (UNHCR) and its partnership with governments and non-governmental organisations including the responsibility of the host countries towards the security of refugees and humanitarian organisations that provide support to refugees. The chapter further examined the relationship between UNHCR and New Zealand, the New Zealand refugee quota system, the quota refugee orientation and exit from the Refugee Reception Centre in Mangere.

CHAPTER SIX

STUDY POPULATION ORIGIN AND MIGRATION

Introduction

This chapter presents an overview of the study population who came from Sudan, Ethiopia, Eritrea and Somalia[11] and reviews the flight of the study population from their country of origin. The chapter also examines the role of the OAU and the UNHCR responsibility towards refugees in refugee camps. An analysis is made of the qualification process of refugees for UNHCR third country resettlement in the Kenya and Ethiopia processing centres and the process they have to follow before they arrive in New Zealand. The chapter further identifies the study population here in New Zealand.

In the past 30 years, sub-Saharan Africa has become a leading source of refugees. By the end of 1993, nearly six million Africans or about one third of the global refugee population were outside their country and considered in need of protection and assistance. They were scattered among 38 countries, all but one of them sub-Saharan. In addition, nearly three million were displaced (US Committee for Refugees 1994).

According to Human Rights Watch (1997) the political upheavals in the Horn of Africa over the last ten years have provided a chilling precedent for those concerned with complex emergencies. Population displacement emerged as a strategy, rather than simply a by-product, of the civil wars in Ethiopia and Sudan.

Deng (1993) states that the connection between refugees and the fuelling of cross-border insurgency in Sudan, Ethiopia, Uganda and Somalia is well documented. Aid agencies in the 1980s faced the stark reality that famine itself had become a weapon of war. In Sudan, Somalia and Ethiopia, not only have internally displaced people (IDP) fled their villages, but established camps have been attacked. Food aid is not always neutral; it often brings the

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[11] Over 95% of the study population arrived in New Zealand either as quota refugees or asylum seekers and who met the criteria as participants for the research

international humanitarian community into the war strategies of the various fighting factions. The United Nation's access to conflict areas in the Horn of Africa was severely restricted in the 1980s. The situation changed dramatically in 1989 when Operation Lifeline Sudan (OLS) established the principle of 'humanitarian access' in wartime, made possible by negotiating parity of distribution to both sides of the conflict. Soon after, the hugely expensive, and ultimately flawed, interventions in Somalia became synonymous with 'failed aid' and the withdrawal of military humanitarianism. Throughout this period, internally displaced people adapted and responded by moving from outlying areas to be closer to the aid distribution points. Traditional, coping mechanisms such as nomadic migration and the storing of foodstuff had been disrupted.

In Sudan, conventional food destined for the south is frequently impounded by the government, which shows little concern for the civilians caught on the 'wrong' side of a seemingly endless war. Beyond the reach of aid organisations, there is essentially no protection for these internally displaced people. Almost a million people have returned to Ethiopia since the fall of communism in 1991. Many have not returned to their original homes but have found a durable subsistence living elsewhere. Drought is the main cause of the displacement of 1.5 million people today. Sudan, by contrast, has 4.5 million internally displaced people, and an estimated 2.5 million around the Khartoum. In Somalia, a highly factionalised population has found it increasingly difficult to sustain the economy given the anarchy that griped the country in the absence of a central government. In Eritrea, the efficiency of the government may have offset some of the worst problems inherited from independence but some conflict-induced displacement continues, particularly in the Red Sea Hills. Villagisation (informal settlements becoming later formal villages) has led to involuntary displacement; the tensions between traditional semi-nomadic lifestyles and the demands of environmental control mean central economic planning was likely to persist (Harkins 1998)

- **Eritrea**

Three decade of warfare from the early 1960s to the early 1990s, as well as intermittent droughts and famines from the 1970s into the 1990s, caused many Eritreans to become

displaced both externally and internally. The south western lowland region of Eritrea was known as Lower Barka during colonial times, and was renamed Gash-Setit when Eritrea became independent in 1991, and more recently was subsumed into Gash-Barka province. This frontier region (bordering both Sudan to the west and Ethiopia to the south) is especially significant to the future of Eritrea because returning refugees are being encouraged by the Eritrean government to resettle there. Eritrea has not been characterised by clearly homogeneous areas in which race, language, religion or livelihood coincided, and the interweaving has been made more complicated by historical migrations and by people changing their religions, livelihoods and identities. The following are some important historical dates relating to warfare and drought. In 1961, Ato Hamed Idris Awate announced the start of the armed struggle against Ethiopian rule. A lot of fighting took place in the Gash-Setit region, causing entire villages to move or to be abandoned. In 1969, villages in Shandeshna district were burned and abandoned; in 1976 the town of Om Hager was bombed and abandoned; and in 1980 the town of Guluj was burned and abandoned. During 1984/5 there was a drought, and many people and livestock died or were forced to migrate. Warfare continued until 1988 and, when the Ethiopian army was defeated, they retreated through the region en route to asylum in Sudan. Between 1989 and 1991 most areas experienced drought, and there was a major locust infestation in 1993. Villagers either fled from the warfare and drought as refugees to Sudan or Ethiopia, or were displaced within Eritrea. Many migrated into the Gash-Setit region fleeing war and drought. Widespread displacement caused by warfare occurred in waves that were triggered by discrete incidents that motivated one or more specific villages to flee. War, drought and famine have been factors in generating waves of IDPs and refugees, and a current programme of villagisation is forcing more displacement (Kibreab 1987).

Internal displacement varied from villagers fleeing for only a few days at a time into nearby mountains to the destruction and abandonment of entire villages and towns. This border region is the home of many IDPs and is also a key destination for many repatriating refugees. The worst regional floods in over 30 years affected parts of southern and eastern Eritrea at the end of 1997. The Eritrean Red Cross assisted 400 families with shelter materials while the government provided food assistance (Hansen and Davidheiser 1998).

- Ethiopia

In 1991, Ethiopia emerged from a period of authoritarian socialism, severe food shortage and chronic civil conflict under President Mengistu Haile Miriam, into a constitutionally based federal republic making a transition from relief to development. The Ethiopian government's policy of recognition of ethnic groups and ethnic areas has quelled a number of civil conflicts and brought the majority of the previously conflictive partners to the table in a government of national unity. Ethiopians who were forced to flee their homes due to civil conflict in the 1970s and 1980s continued to return home. An estimated one million have returned since 1991. Many have not returned to their original homes, preferring to remain either in special camps (where recent repatriates continue to receive UNHCR assistance) or integrate into local communities. At the beginning of 1997 there were less than 15,000 IDPs in the whole country. The displacement is largely seasonal and based on crop failure in small areas, and in pastoral areas due to cross border cattle raids from Kenya, Somalia and Sudan. However, severe flooding at the end of 1997 caused thousands to be displaced particularly in the Somali regional state in Ethiopia. The International Federation of the Red Cross claimed that 65,000 people were displaced by floods. In February 1997 the ICRC assisted 2000 displaced families in the Dolo area of Ethiopia, near the point where the borders of Ethiopia, Somali and Kenya converge. The families had fled the tense situation on the Ethiopia/Somali border. Around 10,000 people of the Merchan and Rahanwein tribes were receiving no assistance from either the authorities or international organisations. These people also included about 3000 Rahanwein who had fled fighting in Baidoa in Somalia. In the absence of any formal recognition of refugee status and the fact that these tribes traverse an indistinctive border, their status as 'displaced' was appropriate (Redding and Hansen 1998)

- Somalia

The character of Somalia's displaced people is complicated by several factors. Since the civil war, virtually everyone has either had to leave the country or has been permanently displaced following fighting. A large part of the population is nomadic, and so has no fixed residence. The war has taught Somalis how to be resourceful and, therefore, they could

easily 'displace' themselves if there is an opportunity to gain something relief channels. These factors make it almost impossible to put a fixed number on IDP within Somalia at any one time. The United States Agency for International Development (USAID) estimated at the end of 1995 that there were a total of 350,000 Displaced People in all areas of the country. Through the vagaries of war, this number has increased and decreased over time. In 1996, it had fallen to an estimated 250,000 internally displaced people and increased again throughout 1997. These fluctuations can only be monitored by the increase in new admissions in feeding programmes in different parts of the country. Somali IDPs are not effectively monitored and there is a lack of information on numbers and conditions within the country. A good place to start would be to define, in the Somali context, who was an IDP, and the level of needs these people have. Currently aid is indiscriminate with little follow-up, even for those in receipt of assistance. Some 13 UN agencies continue to provide emergency humanitarian assistance to Somalia in collaboration with 50 international and 10 national NGOs. In December 1996, a UN consolidated appeal requested US$ 46.5 million from the international community (plus US$ 54 million for the various UN agencies' own programmes). By August 1997 about half of this had been received. The UN estimated in December 1997 that there are approximately 1, 170,000 internally displaced Somalis. But there may actually be confusion with the number of people requiring emergency assistance, those on food for work projects, returnees and IDPS (Redding and Hansen 1998).

- Sudan

Sudan has been ravaged by civil conflict for 30 of the last 40 years, the most recent outbreak of which began in 1983. Government forces and the National Islamic Front (the northern Sudanese fundamentalist Islamic party) have been fighting a range of opposition organisations. Although some organisations are based in northern Sudan and are Islamic, the conflict is often summarised as a civil war between the Islamic north and the Christian or Animist south. In April 1997 a peace accord was signed between the government and four of the rebel factions: the United Democratic Salvation Front, the Sudanese People's Liberation Movement, the South Sudan Independence Group, and the Equatoria Defence Forces. The main rebel faction, the Sudan People's Liberation Army (SPLA), refused to enter the peace process. Four million Sudanese can currently be labelled IDPs. Of these,

90,000 are reported to be in Juba. Approximately 170,000 displaced people live in official camps in the south, and hundreds of thousands have settled themselves in rural southern areas without any official aid. There are also smaller pockets of displaced persons throughout Sudan, such as the Red Sea province, which had about 8000 IDPs as of December 1996, and the Kordofan states (14,270). In December 1997, IDPs in greater Khartoum numbered 2.6 million, with 80,000 in four official camps and the rest in squatter and settlement areas. The government has reportedly been conducting a 'campaign of genocide' against the Nuba peoples of south Kordofan state (Hamid 1997)

In January 1997, what was described by the government as an attack by Ethiopians and Eritreans in the south Blue Nile area displaced between 27,000 and 50,000 people and about 10,000 fled into the city of Damazin, where many were taken in by relatives. Approximately 12,000 others were forced to move to official displaced camps around Damazin, while families in rural areas, between their own destroyed villages and the city, hosted the rest of the displaced. The entire country has been transformed by 14 years of war. Most of the fighting has taken place in southern Sudan where more than one million have been killed and around 650,000, or 80 per cent of the current estimated population of southern Sudan (Bahr el Ghazal, Upper Nile and Equatoria), have had to flee their homes. Factors other than the civil war also displaced Sudanese people in 1996. The government forcibly relocated approximately 3000 IDP families in the Khartoum area, many to areas with no or inadequate services. Severe droughts in western Sudan forced many to migrate to camps and settlement areas in Khartoum for survival. From July to September 1996, heavy rains in the Khartoum area affected tens of thousands of families by destroying houses, threatening livelihoods and creating environmental and health hazards. The availability of information about the displaced in Sudan is strictly limited by government restrictions. It is extremely difficult for any organisation to conduct surveys or gather other formation or data in the camps and settlement areas. The lack of data and co-ordination, along with restrictions imposed by the government, are among the greatest challenges faced by NG0s working the Khartoum area. (Swahn 1998)

The majority of the study population arrived in New Zealand as quota refugees under the UNHCR programme or as asylum seekers. More recently according to NZIS, people were arriving under the refugee family reunification programme. However less than 0.5 percent of the study population arrive under other immigration categories.

6.1: Refugee Camps

Many people from the Horn of Africa fled to neighbouring countries for refuge and enter refugee camps. According to Chambers (1979, 1982) refugees who had arrived in a settlement were instantly impoverished, since they had only what they could easily carry with them during their flight and abandoned the tools with which they formerly made their living. Some refugees, due to the vagaries of boundaries fixed during the colonial era found themselves amongst people of similar ethnic backgrounds however this was not always the case as some settled in regions which were populated by different ethic groups where they were not welcomed.

Due to the increasing restrictions placed on refugee settlement in Africa, UNHCR has had to emphasise the organised settlement of refugees. Refugee settlement practices in Africa have changed substantially over the last fifteen years with an increasing use of refugee camps as places to confine refugees.

The UNHCR and the OAU Convention (Addendum 1 and 2) both play an important role in the lives of the refugees while they are in African refugee camps. The OAU's role is to monitor the member states as they implement their commitment to displaced people and refugee communities. The UNHCR's role is according to the Refugee Convention and as it implements its mandate.

6.1.1: Kenya

Kenya is a party to the Organisation of African Unity (OAU) Convention governing the specific aspects of refugee problems in Africa. According to the UNHCR, Australia (2001), Kenya hosts an estimated 203 500 refugees: 135 600 from Somalia, 54 600 from Sudan and

the remainder from Ethiopia, Uganda and countries, such as Burundi, The Democratic Republic of Congo and Rwanda.

The refugees are mainly living in two areas: Dadaab in Garissa district (north-eastern Kenya), about 1100 kilometres from the Somali border; and Kakuma in Turkana district (north-western Kenya), some 130 kilometres from the border with Sudan. Some 8400 refugees reside in urban areas in various parts of Kenya.

UNHCR has a specific role to play in Kenya. These are;

- To protect and assist refugees in Oadaab and Kakuma Camps.
- To identify and protect refugees in urban areas.
- To protect and assist needy asylum seekers awaiting a decision on their status.
- To promote voluntary repatriation of Somali refugees to northwest Somalia.
- To facilitate resettlement to third countries for those refugees who are eligible.

For resettlement in a third country there is no application process. In order for a UNHCR referral, the individual must be determined to be in need of resettlement. A refugee who has protection problems needs to meet with the local UNHCR staff to discuss his or her situation. According to UNHCR, cases are considered for resettlement only when no solution is found to meet protection needs within Kenya (UNHCR, 2001b).

6.1.2: Ethiopia

Ethiopia is also a signatory to the Organisation of African Unity (OAU) Convention governing the specific aspects of refugee problems in Africa. Ethiopia hosts around 200 000 refugees living in refugee camps (115.000 Somalis, 80.000 Sudanese, 3000 Eritreans, and 1500 from Djibouti). In addition, Ethiopia hosts a small group of refugees living in urban areas.

FIGURE 6.1: STEPS TAKEN TO BECOME A REFUGEE IN KENYA

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          ┌─────────────────────┐
          │  REFUGEE ARRIVES IN │
          │        KENYA        │
          └─────────────────────┘
         ↙                        ↘
┌──────────────────────┐  ┌──────────────────────┐
│ OADAAB REFUGEE CAMP  │  │ KAKUMA REFUGEE CAMPS │
└──────────────────────┘  └──────────────────────┘
         ↘                        ↙
          ┌─────────────────────┐
          │ PROTECTION PROBLEMS │
          │     IDENTIFIED      │
          └─────────────────────┘
                    ↓
          ┌─────────────────────┐
          │    NO PROTECTION    │
          │   FOUND IN KENYA    │
          └─────────────────────┘
                    ↓
          ┌─────────────────────┐
          │  MEET WITH UNHCR    │
          │       STAFF         │
          └─────────────────────┘
                    ↓
       ┌──────────────────────────┐
       │ UNHCR CRITERIA CONSIDERED│
       │   APPLICATION PROCESSED  │
       └──────────────────────────┘
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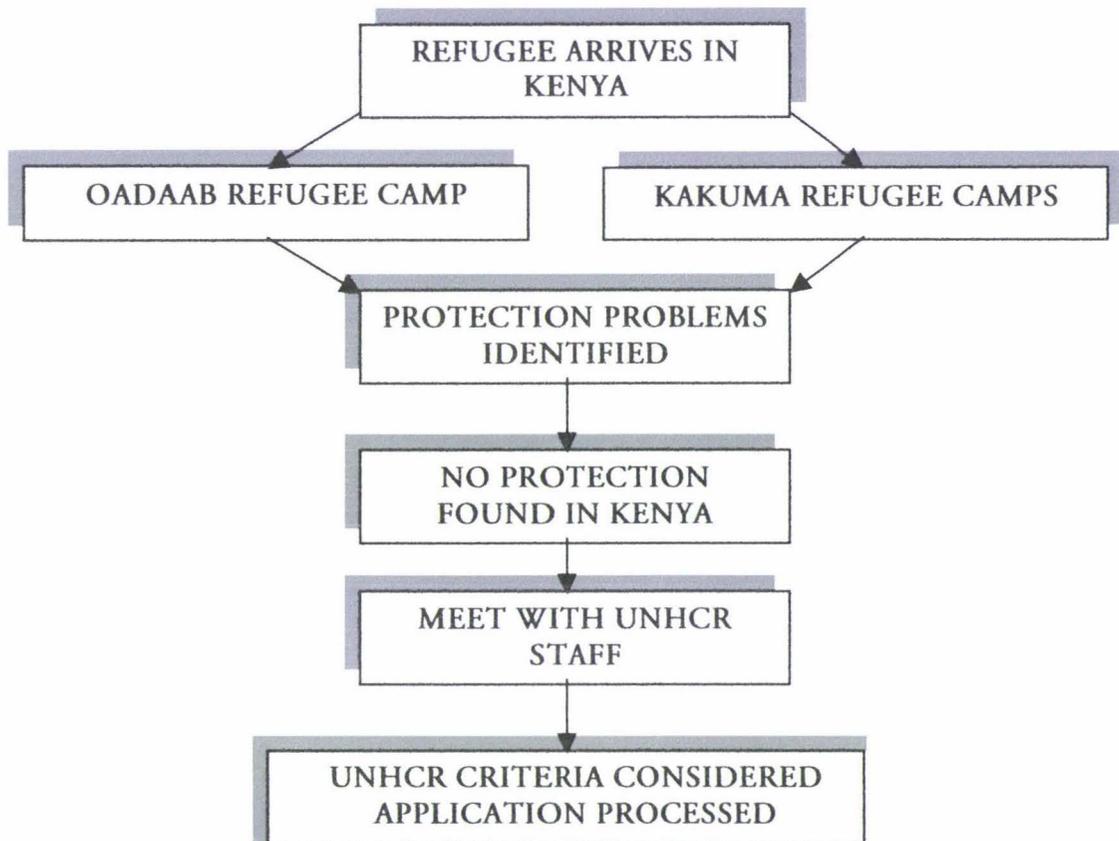
Source: UNHCR, Canberra, Australia (2001)

The Somali refugees mainly live in refugee camps located in the Somali National Regional State in Eastern Ethiopia. The Sudanese refugees are located in three settlements in the Gambelia National Regional State and two settlements in the Benishangui-Gumuz National Regional State in Western Ethiopia.

The Eritrean refugees are sheltered in a temporary site in Tigray National Regional State in Northern Ethiopia. Refugees from Djibouti are locally integrated in the communities that host the Afar National Regional State in Northeast Ethiopia and are not assisted by UNHCR.

UNHCR's role in Ethiopia is:

- To-promote the voluntary repatriation of Somali refugees to North-west Somalia;

- To facilitate dispersal of Ethiopian nationals (of ethnic Somali origin) from the camps to their communities of origin in Ethiopia;

- To meet basic and protection needs of refugees (with special attention to women, children and other vulnerable groups) and implement activities geared towards local settlement and self-sufficiency;

- To mitigate environmental degradation and rehabilitate areas in and around the refugee settlements;

- To protect and assist refugees in urban areas;

- To promote refugee law;

- To facilitate resettlement to third countries for those refugees who meet UNHCR resettlement criteria.

In Ethiopia, Sudanese and Somali asylum seekers who approach UNHCR or the local authorities for assistance are directed to the appropriate camp, taking into consideration nationality and ethnicity. They are granted refugee status on a group basis, that is, without the necessity for individual refugee status determination. Before being admitted into the camp and registered as refugees, new arrivals are screened at Sub-Office or at camp level by a committee made up of staff from UNHCR and the Ethiopian Government's Administration for Refugee Returnee Affairs (ARRA), as well as refugee elders and representatives from the local government.

For all other asylum seekers, individual refugee status determination is conducted in Addis Ababa according to the following procedure. Asylum seekers are required to undergo a pre-screening by ARRA and are only then referred to UNHCR to be interviewed and to complete the questionnaire for Refugee Status Determination. After the interview by UNHCR, the asylum seeker is referred back to ARRA, which hosts the Secretariat of the Eligibility Committee (EC), to formally lodge the application for recognition of refugee

status and asylum. Although UNHCR serves on the EC in an advisory capacity, decisions by the EC are normally made after reaching a consensus among all the participants.

Successful asylum seekers are informed of the decision in writing and are issued with a refugee identity card, which is valid for six months and renewable. At any point in time, an asylum seeker can approach UNHCR and receive advice on the procedure. It only takes a short time for asylum seekers being recognised on a *prima facie* basis to be granted refugee status and being registered at the camps. For individual asylum seekers, the process between application and final decision can take between six months and a year (UNHCR, Australia 2001a). When the UNHCR concedes that the refugees are being denied basic human rights in a country of refuge; their lives and freedom are threatened by local elements driven by racial, religious or political motives, or by attacks and assassinations directed from the outside and the authorities in the country of refuge are unable or unwilling to provide effective protection. The UNHCR will in such circumstances resort to a third country resettlement as a principal objective.

6.2: Settlement in New Zealand

Certain suburbs in Auckland with low settlement and living expenses have become first options for the resettlement of people accepted under the refugee quota programme and asylum seekers. These suburbs consist of transitional (ethnic) communities with a vibrancy of culture displayed amongst the people as group cohesion takes place.

Boardman (1973) states that the socio-economic concentration promotes spatial concentration in certain parts of the cities in which they settle. These are first those areas where rental housing is most abundant i.e.; in the zones of transition, and second those areas in which state housing predominates.

Chile (2000) agreed that many refugees tend to reside in less affluent areas and these communities are often characterised by poverty and a high degree of social problems. These areas are found in state housing and older housing suburbs such as Mt. Albert, Sanderingham, and Mt Roskill in the inner suburbs; Mangere, Otahuhu, Glen Innes and

Onehunga in the Southern suburbs; Glen Eden, Te Atatu and New Lynn in the west and Northcote on the North Shore.

FIGURE 6.2: STEPS TAKEN TO BECOME A REFUGEE IN ETHIOPIA

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              ARRIVES IN ETHIOPIA
                      │
                      ▼
          DIRECTED TO APPROPRIATE CAMP
                      │
                      ▼
        SCREENED BY STAFF OF ARRA AND UNHCR
                      │
                      ▼
             GRANTED REFUGEE STATUS
                      │
                      ▼
          REFERRED TO UNHCR FOR INTERVIEW
                      │
                      ▼
           REFERRED TO ARRA FOR INTERVIEW
                      │
                      ▼
      APPLICATION LODGED
      WITH SECRETARIAT OF  ──▶   DECISION MADE BY EC,
      THE ELIGIBILITY             UNHCR AND ARRA
      COMMITTEE (EC)                    │
                                        ▼
               APPLICANT INFORMED OF
                    DECISION
                       │
                       ▼
           UNHCR PROCESS IMPLEMENTED
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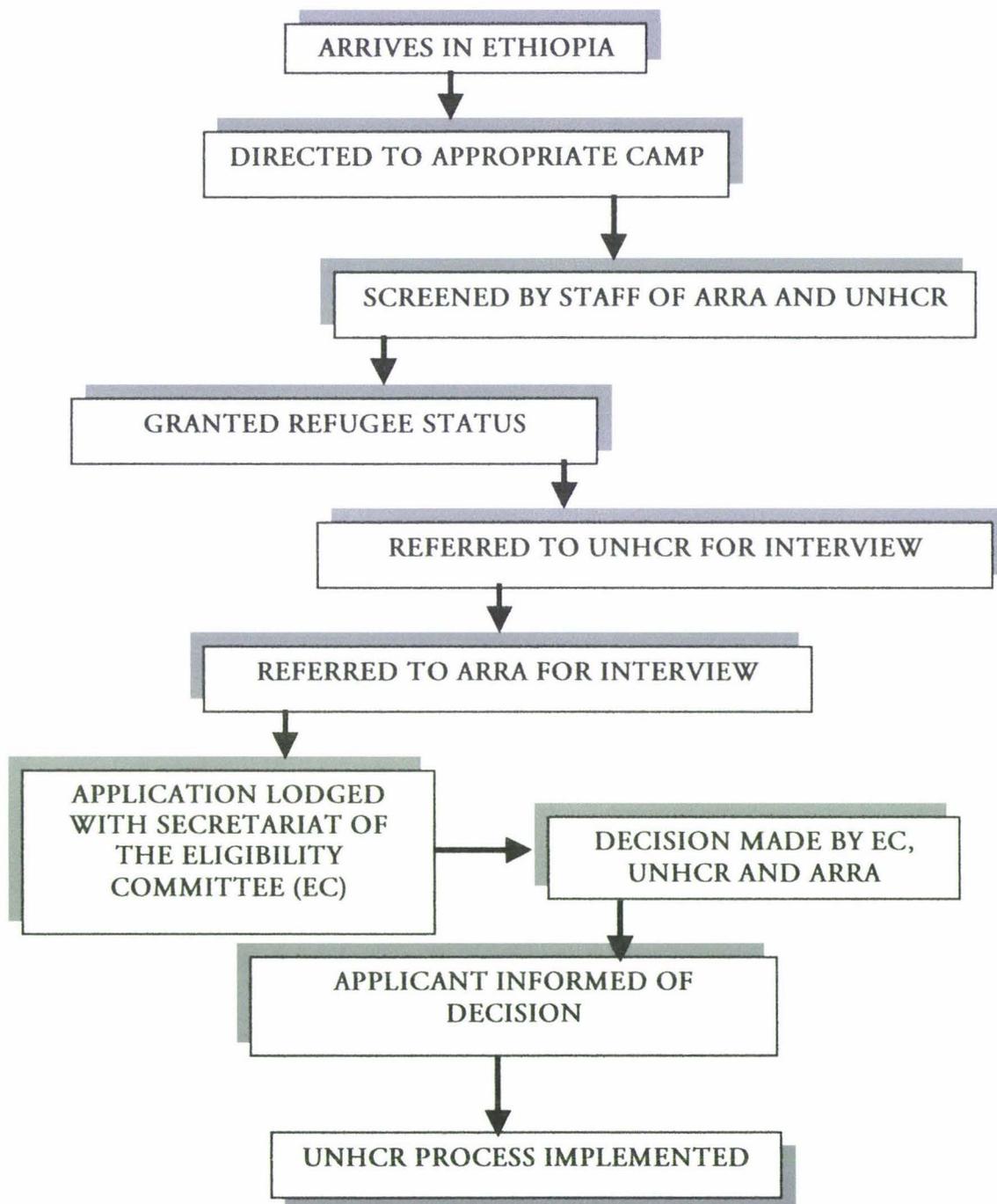
Source: UNHCR, Canberra, Australia (2001)

6.3:   Religion and Culture

The study population is distinct of each other in culture and religion. There are also intra-cultural differences in some of the study populations. This is due to language, religion and culture. In brief the Somali female population can be recognised by their popular long dress and head covering while Ethiopian and Eritrean women can be recognised by their cultural dress with distinct embroidery or a head covering that identifies from which tribe they come from. Being indigenous people from Africa they are brown to dark skinned.

The majority of Somalis and Sudanese are of the Muslim religion (Islam) and can be seen performing prayers five times a day in certain places or meeting on a Friday afternoon in a mosque (masjit). Their culture is characteristic of their religious belief and also determines their way of life. The majority of Ethiopians and Eritreas are of the Christian religion and live primarily according to old Orthodox Christian traditions. Their culture differs due to their tribal and language inherited through geographical setting in which they lived in their countries.

Conclusion

In this chapter an overview was given of the study population who came from Sudan, Ethiopia, Eritrea and Somalia. The chapter discussed the journey of the study population and their stay in the first country of refuge. The role of the OAU and the UNHCR responsibility towards refugees in refugee camps and also the qualification process of refugees for third country resettlement in the Kenya and Ethiopia were analysed. The chapter concluded with describing the qualification and processing of refugees destined for New Zealand and the identification of the study population in New Zealand.

CHAPTER SEVEN

Historical overview of New Zealand's Social Welfare system

7.1:   Introduction

The chapter investigates the historical aspect that gave rise to the welfare legislation and the transformation of the legislation within a political and social context. The intention of this chapter is to provide a pretext to chapter eight and nine.

7.1.1: Background to the Social Welfare System

According to the New Zealand Immigration Service (1995), the New Zealand Refugee Quota Programme of today continues the formal resettlement programme that began in 1944. Before this period people long sought refuge in New Zealand. One of the difficulties in the earlier times was that there was no formal means of classifying refugees or determining refugee status.

Beaglehole (1975) and Lochore (1985) stated that groups settling in New Zealand before the classification, but who may have been "refugees", mainly Jews, fled fascism and persecution in Europe between 1933 and 1941.

Harris (1975) cites that the reason people flocked to New Zealand during those early times was the perceived set of myths that surrounded New Zealand. New Zealand was seen as a land of opportunity that had no rigid class structure and through hard work and sacrifice one could rise to become an employer, merchant or landowner (Roth, 1978: p20).

The new form of industrialisation that emerged in Europe contributed to the migration of large numbers of agricultural workers to New Zealand with the promise of work and land (Harris, 1975).

Deeks, Parker and Ryan (1994) stated that British and Australian settlers arriving in New Zealand in the nineteenth century transported British capitalism to the colony. Despite the

wishes of a majority of the missionaries that New Zealand should not suffer the same evils of colonisation, and the desire of a Colonial Office that New Zealand should be settled by Europeans in a humanitarian fashion, the process of implanting British capitalism and law ensured that the conditions for class conflict would take root in the new colony

Travelling half way round the globe in search of the land of opportunity, British settlers transplanted the economic arrangements they had known at home, a system with sharp divisions between the buyers and sellers of labour power. This system has been with us since and so has the conflict it invariably generates (Roth, 1978; p20).

British customs and attitudes were assured of transplantation into New Zealand in the nineteenth centaury through the almost verbatim transfer of British law. By the English Laws Act 1858, an Act of the New Zealand Parliament, the statutes and the common law of England as at 14 January 1840 became entrenched in the young colony. The English law of contract, with its use of class-conscious terms 'master' and 'servant' was reinforced (Roth, 1978).

According to Deeks, Parker and Ryan (1994) many English statutes were simply copied by the young New Zealand Parliament. Among these was the Trade Union Act 1878 (a copy of the Westminister statutes of 1871 and 1876), which recognised the rights of unions and the use of assets and the conduction of wage bargaining. By definition a trade union was known as,

> "any combination, whether temporary or permanent for regulating the relations of workers and employers, or between workers and workers, or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or union business" (Deeks, Parker and Ryan 1994, p 35-36)

The 1878 Act provided for the registration of both workers and employer societies. The early craft unions (benevolent societies or friendly societies) provided their members with insurance against accidents, sickness and unemployment, and a variety of other welfare benefits. In consequence they charged large subscriptions. In addition to trying to influence

the wages and conditions under which their members were employed, and to control the influx of apprentices into their trades, some unions also acted as employment agencies for their members.

Unemployment marginally involved public action from the time the workingmen of Nelson raised their modest flag in the 1840's. This unemployment need was not met by any form of regular income maintenance until the 1920's, but earlier there had been a series of public actions, again characterised by interaction by private, voluntary and public (local and central) resources and control chiefly by the allocation of public works and the distribution of relief in cash and in rations by charitable bodies. There is very little known about employment during the nineteenth century in New Zealand and so even less about unemployment. It was at least certain that the level of public tolerance of unemployment was high, that individual remedies remained more significant than public action and also that the unemployed themselves did not organise effectively or agitate persistently (Campbell, 1976; Gibbons, 1970).

7.1.2: Charitable and benevolent aid

Barker (2000) stated that early provision of aid was entirely charitable, disorganised and relatively ad hoc, provided through hospitals, churches and charitable organisations. The 'Friendly Societies' are an early example of welfare organisation in New Zealand. These were collectively - based organisations imported by the settlers from 1840, and they

> "practised the ideals of self - help and self - reliance that had become part of the colonial ethos. Yet they excluded the poorer members of society, those who were migrant or were in irregular employment" (Barker, 2000 p 35).

Whichever end of the political spectrum, provision of aid to individuals who could be objectively assessed, through age or disability for example, was both easier to administer and more politically acceptable than welfare for the 'able - bodied poor', which generally meant the unemployed.

However, Chilton (1986), AJHR (1894), Campbell (1976) stated that since the 1840s some provision had been made for indigence, both short and long term, chiefly through charitable aid boards, but sometimes through wholly voluntary benevolent societies, and again in ways which combined private, voluntary and public agency. The 'state' had effectively entered here, too, albeit reluctantly. Charitable aid was primarily directed to the unemployed and their families, to the old and the young, and to the latter often through the needs of deserted wives. Old age pensions grew directly' out of the dependence of the aged poor upon charitable aid; the boards had a financial, though not an administrative, responsibility for neglected children. Wife desertion loaded the boards with the care of disadvantaged families, whose needs they tried to meet through monetary payments, fuel and rations. In addition, unemployed workers sought relief for their dependents from the boards. These boards were thus at the heart of the central social problems of the later nineteenth century. In 1905, 25 boards spent over £100,000 on relief, and received nearly 40% of it from the state.

This was made possible by The Hospitals and Charitable Aid Act 1885. The Act had its advantages in that it tried to enforce local financial responsibility and to encourage private charity. Three sources of finance were set out: charitable contributions, local rate revenue and central government subsidy. From one point of view local rates were a form of public finance but from central government's point of view they were rather a form of compulsory benevolence, encouraged by central subsidy pegged to the level of local contributions both voluntary and levied AJHR (1975, H.23: 18). The Act of 1885 became the nuclease for the social welfare system to come. However, the down side of the Act was that there were no satisfactory accountability measures in place. Duncan Mac Gregor, also Inspector General of Hospitals and Charitable Aid from 1886 to 1906 conducted an investigation and even went as far as doing house to house visits in Auckland (Chilton 1968; p152-155).

7.2:   The expanding role of the State in the Twentieth Century

By the twentieth century, New Zealand had become a kind of society in which a considerable share of resources were directed to the promotion of social welfare. Central Government, local authorities and voluntary societies in a corporate way provided a more than minimal range of services to meet the needs which colonial experience had shown to be beyond the personal provision of individuals (Oliver, 1977).

According to Oliver (1988), the first half of the twentieth century was a period when government policy shifted from an emphasis on infrastructure development to an emphasis on the creation of a welfare state. The Government passed the Unemployment Act 1930 and established a tax and levy-based fund administered by a board responsible for policy decisions and their implementation through a network of local committees. The board's two responsibilities were to put men to work and to provide sustenance for the unemployed. Its basic policy decision was to make relief payments only in return for work done. In the main this policy was adhered to, except in the case of elderly men and men unfit for manual work. The First Labour Government was elected in 1935 with a very large majority under the leadership of Prime Minister 'Micky' Savage and was viewed as the most reforming government since the Liberals of the 1890s.

The new government passed two interim measures in 1936 namely the Employment Promotion Act and the Pensions Amendment Act, which increased sustenance and relief payments. The Acts also allowed for the introduction of new benefit categories, liberalised qualifying conditions and increased the level of many benefits (Lee, 1963; Sinclair, 1974).

In September 1936, Walter Nash outlined cabinet's principles to the two committees comprising senior interdepartmental officials, which were given the task of detailed planning. The whole scheme was to be financed half from a flat tax on salaries and wages and half from the Consolidated Fund. After addressing the complexities of the brief and realising that the brief would have a major effect on taxes, the committees eventually produced a report that bore a very close resemblance to the scheme of benefits as finally put into effect. The main reductionist strategy was to introduce the 'minimum income' principle, enforced by a means test, over the range of benefits, together with only a cautious increase in level, and (for the aged) no reduction in the qualifying age. The final benefit package emerged, in the Social Security Act 1938.

The cash benefits covered all those 'who through various misfortunes of age, sickness,' widowhood, orphanhood, unemployment, or other exceptional conditions came to want. With minor exceptions, all cash benefits were designed to secure a minimum income through the application of a means test. The chief exception was the superannuation benefit

payable at age 65 (the age benefit was payable at 60 for both men and women) irrespective of income (Hanson, 1975).

Several additions and changes were made to the benefit package after the Act was passed. For age beneficiaries, residence and character conditions remained fairly strict, but more generous provision was made for dependent wives and children. Widows had to meet residence and character conditions before they could draw a benefit. There were three innovations made in the 1938 legislation. The first was the sickness benefit, which provided a minimum income related to family size for periods during which the male breadwinner could not work; a married woman was eligible only if her husband could not support her. The second applied similar provisions to the unemployment benefit. Third, the Act enabled an emergency benefit to be paid to any person who was in need, but did not qualify under any of the specific benefit categories.

Both National and Labour Governments pursued a full employment policy during this period and full employment was the cornerstone of the welfare state. Castles (1985, p.103) coined the term 'wage earners welfare state' to characterise New Zealand's welfare system at this time Even more precisely, it was a welfare state for workers in unions, covered by awards and predominantly for males. An able-bodied, full-time employed male received a 'social wage' as determined by the arbitration courts, a wage sufficient to care for his dependants, that is, a wife and three children. For people who did not fit into this category, the state provided an array of welfare benefits that remained largely unimproved during the 1950s and 1960s.

The National Party was in government for all but three years from 1946 to 1972 and while it maintained its commitment to full employment, it failed to ensure that the value of welfare and medical benefits kept pace with changes in real wages and living standards (Sutch, 1966, pp. 461-2; Easton, 1980, Ch. 4; Martin, 1981; Castles, 1985, p. 35). There was no major review of the welfare system until the mid 1960s except for the introduction of the universal family benefit.

By the beginning of 1967, New Zealand experienced the start of an economic recession and the devaluation of the currency that saw the breakdown of full employment (Hawke

1985:p325). By mid 1968, the numbers in unemployment became significant and more than 8000 registered unemployed. By 1969 the unemployed fell to about 1% of the work force due to special projects implemented by the government.

Hawke (1992), further stated that the Government seriously examined it economic structure and concluded that it needed to expand its export market beyond Britain. The government also suggested a comprehensive evaluation of social security and a more active role for the employment service of the Department of Labour. This was with the emphasis of placing long termed unemployed of the recession into work schemes.

Towards the end of the 1960s, pressures were emerging to improve the value of benefits and to remove the gender discrimination embedded in the administration of welfare. Although such pressures for change were largely successful in the short run but in the long run, changes to economic policy first undermined, and then reversed, many of the gains made during the 1970s.

Changes in social policy during the 1970s indicated a shift towards a more socially democratic model of welfare provision. In 1969, a Royal Commission of Inquiry on Social Security had been established and this reported its findings in 1972. The Commission supported a continuation of the existing welfare set-up but with specific recommendations that;

(a) Benefit rates be increased;

(b) The 'morals clause' (whereby the moral character and sober habits' of a claimant he assessed to determine eligibility) be removed; and

(c) A statutory Domestic Purposes Benefit (DPB) be introduced for sole parents, women caring for infirm and sick persons, and women alone.

All but two statutory benefits remained income or means-tested,

According to Shirley, et al (1990) in the period 1985 to 1990 New Zealand experienced the worst economic performance in its post-war history. This performance occurred in a period

when both world demand and the terms of trade were rising. Post 1984 policies have little connection with the actual record of the New Zealand economy. The promises of improved performance from these new policies have not been attained and the likelihood of their being attained by a continuation or intensification of current policies is at best unproven and in any event most unlikely.

Although the trend toward high and continuing unemployment began in the second phase of national development (from 1967 to 1984), it was the fundamental shift in economic and social relations after 1985 that produced a dramatic contraction in employment. This shift emanated out of changes taking place in the internationalisation of production, but domestic factors were most significant. In particular the policies of the New Right took the concept of laissez faire to its logical conclusion. Inflation became the government's highest economic priority and unemployment was treated as an adjustment problem en route to "a more efficient economy" (Kelsey 1995).

The most damaging aspect of this development strategy was the way in which it undermined the productive sector of society in favour of short-term financial gain. The interests of financiers were substantially advanced, while the interests of producers noticeably declined. Unemployment was demoted as the government's top economic priority (Endras, 1989) with the state executive and its economic advisors convinced that a spontaneous recovery in employment would automatically follow disinflation.

Barker (2000) stated that by the time Labour was re-elected in 1987, deep division within the labour Government was becoming apparent between the supporters of "Rogernomics", the term given to describe the economic reforms driven by Labours Minister of Finance, Roger Douglas and others who opposed the direction of the reforms.

Treasury briefing papers to the labour Government after the 1987 election, titled 'Government Management' made it clear that intensive government involvement in the provisions of social service was, ideologically, really an 'oppressive' function of the state in that it removed individual choice and it therefore recommended that social services be

funded as much as possible by private insurance, including a form of unemployment insurance. (Treasury, 1987)

The Report on the Royal Commission on Social Policy (1988), prescribed standards for a fair society that included; dignity and self-determination for individuals, families and communities, maintenance of a standard of living, genuine opportunity for all people, a fair distribution of the wealth and resources of New Zealand and acceptance of the identity and cultures of different peoples within the communities and understanding and respect for cultural diversity.

According to Kelsey (1995) a brand of ethical values, social responsibility and moral leadership could not survive the social adjustment programme, the Labour Party began to slide in polls and the National Government presided over a fundamental realignment of the state's obligations to its citizens that gave way to a limited safety net founded on "fundamental principals" that were;

- Fairness (ensuring those in genuine need have adequate access to government assistance;
- Self-reliance (policies should increase the incentive for people to take care of themselves);
- Efficiency (the highest possible value from each dollar);
- Greater personal choice (encouraging alternative providers of health, education, housing and welfare services;
- Realism (a level of state-provided social security and social services that is economically sustainable in the future years) and;
- Change management (changes to be carefully managed 'without haste and with sensitivity' so needs of users and recipients are paramount).

Kelsey further states that the transition was encapsulated in the statement of goals for the Department of Social Welfare (DSW). DSW was mandated to ensure that "All people in New Zealand are able to participate within the communities to which they belong" (Kelsey, 1995, p272). This was later reduced to ensuring that "policies for social welfare contribute

to a fair and just society and promote self-sufficiency and responsibility of individuals and their families" (Kelsey, 1995, p272).

In the 1996 Coalition Agreement the new government agreed to introduce programmes over the term of the Parliament that required the registered unemployed to undertake a prescribed level of work or training in return for the unemployment benefit by replacing the unemployment benefit with an equivalent community wage or training allowance. The first priority for the programme was addressing long-term unemployment. (Boston, 1999) The main outcomes sought by this approach were the reduction of the percentage of long-term unemployed, and maximising the involvement of jobseekers in suitable part time community work or training. Eighteen months later, Minister of Employment Peter Mc Cardle announced details of the 'Community Wage' to replace unemployment benefits from the following October.

According to the Ministerial Press Release, 22 April 1998 from the Minister of Employment Peter McCardle, he stated that all job seekers receiving the community wage would have a contract that specifies their obligations, including being available for community work and actively seeking paid employment. There will be penalties for failing to comply. This type of scheme has operated in the United States since the 1970s (Gueron and Pauly, 1991; Friedlander and Burtiess, 1995; Rose, 1995) and, more recently, in the United Kingdom (Casey, 1986; King, 1992; Jones, 1996) and in Central and Eastern Europe (Standing, 1996). Because the nature of workfare varies across these diverse locations, some writers have chosen to classify workfare regimes as either 'hard' or 'soft' (Jones, 1996). The former is specifically concerned with individuals undertaking work in return for a benefit. The latter expands this to a range of activities including education, training and supervised job search, any of which may be required of claimants. What these two forms of workfare have in common is the mandatory nature of the requirements placed on those receiving state assistance. They must participate in approved activities in return for assistance, or else they will incur sanctions such as a reduction in, or cessation of, their benefit.

While the interests of semantic simplicity are better served by making work experience the defining feature of workfare, Jones's categories are useful in at least one respect. They allow us to observe that employment assistance policy in New Zealand has, for some years, been moving from a 'soft' to 'hard' workfare regime.

McKenzie (1997) mapping this movement notes that in the 1970s and 1980s receipt of the Unemployment Benefit carried an expectation, often not formally tested, of active job-search behaviour. In 1991, a more formal test of job-search activity was introduced in which sanctions were applied if the recipient turned down a second offer of 'suitable employment' or a second job interview. In 1997, work-test requirements became more stringent, with recipients failing to comply if they turned down any offer of suitable employment or training, or refused to participate in other activities if requested to do so. Included among the range of possible requirements was participation in a voluntary 'work-for-the-dole' scheme known as the Community Task Force. At this time work testing was also extended to a wider range of beneficiaries.

With the introduction in 1998 of the Community Wage, New Zealand arrived at a 'hard' workfare regime. Under this scheme all recipients of an Unemployment Benefit became eligible to participate in work as a requirement of receiving a benefit. For beneficiaries tested for full-time work, this meant being available for up to twenty hours work per week, while those tested for part-time work could be required for up to ten hours per week.

Shifting patterns of employment assistance when the fourth Labour Government came to power in 1984, meant that thousands of job seekers were employed in a range of direct job-creation and wage-subsidy schemes operating in the public and private sectors. In 1985 the schemes were abolished, following trenchant criticism from officials about the way in which they interfered with the operation of the labour market (Treasury, New Zealand Government, 1987).

Interestingly, although workfare differs in important ways from the earlier schemes, it bears considerable similarity to them at precisely these points of criticism, namely in its potential impact on the labour market. Like workfare, many of the schemes of the late 1970s and early 1980s invited local bodies and community agencies to take on unemployed people for a limited period in return for a wage subsidy (generally at an award rate). Under workfare

the wage subsidises simply meant that the Unemployment Benefit was paid in return for a certain number of hours worked per week. As with the earlier schemes, workfare thus promises an influx into the community sector (and possibly other sectors) of a large number of unemployed people at subsidised wage rates. The government made a decision on the 1st October 1998 to merge the New Zealand Employment Service, New Zealand Income Support Service of the Department of Social Welfare, Community Employment Group and the Local Employment Co-ordination Unit into one organisation namely Work and Income New Zealand (WINZ). The primary purpose of WINZ is to assist the greatest number of people (who are eligible) to participate effectively in employment, education, training or community life through income support and/or employment assistance.

WINZ operates within the parameters of a wide range of legislation, related regulations and agreements, including the following;

- The Social Security Act 1964 [which includes the responsibility for the administration of the Social Welfare Act 1990 (Transitional Provisions) except for Part III and the Third Schedule (relating to the New Zealand Artificial Limb Board)]

- The War Pensions Act 1954

- Part XXV of the Education Act 1989 (which relates to the administration of Student Allowances)

- Sections 8,9,10,11 and 62 of the Student Loan Scheme Act 1992 – delegated by the Secretary of Education to the Chief Executive of Work and Income all powers, functions and duties relating to Student Loans. This delegation was effective from 1 November 1999 and remains in force unless required to be revoked by the Government or the State Services Commissioner

- The regulation and orders made under these Acts or Parts of these Acts.

New Zealand was not the first country to attempt a holistic approach to welfare and employment; there were a number of aspects of the "New Zealand way" which broke new ground. Certainly the previous Government was encouraged by international comment from some quarters that WINZ was an innovative model of considerable significance to

other countries with similar problems. In this respect it was at the cutting edge of international thinking with all the risks and potential benefits that implies. (Hunn, 2001: p 13)

WINZ was unique in other ways also. It was the first institutional expression of coalition politics, the personal "dream" of a senior member of one of the coalition partners which was redesigned to fit with the agenda of the other partner (and in that respect was seen as part of a continuum over a decade and a half of a progressive solution to the country's welfare and unemployment problems) (Hunn, 2001).

It was part of the last major public sector reform in the social area which had, from the outset, been much more difficult to bring off than the economic reforms and by the time it took place the electorate's taste for reform had dissolved. The unique quality of the experiment was intensified by the fact that it was an attempt at merger, whereas most of the change management experience had been learned in situations of downsizing and the transfer of departments outside the Public Service.

Organisationally WINZ was unusual in that its focus was on reducing unemployment while the bulk of its work derived from managing the benefit system. It was set up as a single purpose service delivery agency without some of the functions normally associated with a government department. It was subject to a dual monitoring regime in addition to the usual performance management and accountability structure. Differences of opinion on all three of these matters persist to the present day.

On 8 August 2000, the Labour Government introduced Bill 56-1 namely the Social Security (Work Testing and Community Wage) Amendment Bill. In the explanatory notes to the members of Parliament, the members were informed about the present state of the WINZ and the operation of the current system. The Social Security Amendment Act 2000 came into force on the 1 December 2000 with Part 2 on 1st January 2001 and Part 3 and the Schedule on the 1st July 2001. The Social Security Amendment Act 2000 created a new era in Social Security and changed the way in which Social Security were delivered to beneficiaries by WINZ. It removed all references to the Community Wage which was replaced by two separate benefits: an Unemployment Benefit and a non-work-tested

Sickness Benefit. It provided for job seeker agreements, which set out the assistance to be provided by the Department and the obligations of beneficiaries. Job seeker agreements may also include activities that will enhance the work readiness of beneficiaries, activities in the community and any participation in voluntary work. Under the provisions of the Act unpaid community work will no longer be mandatory. The Act also replaced the current three-tier work-test sanction regime with a single sanction regime targeted at serious non-compliance; it repealed the provisions relating to work capacity assessment; and it increased the income threshold for eligibility for a disability allowance.

7.3:   Conclusion

New Zealand's history since the 1800s revealed that social welfare programmes were developed primarily (not completely) to cope with the consequences of an uncontrolled and domestic market economy. Social welfare ideals and programmes, as actually implemented, posed no serious challenge to the legitimacy of the market mechanism as the primary instrument for determining production and the distribution of goods and services. In fact social welfare was introduced as a residual rather than a primary instrument for decision-making.

By the early twentieth century, New Zealand had become the kind of society that a considerable share of resources was directed to the promotion of social welfare. The growth of state provided welfare services was almost continuous over the period from the First to the Second World War. The Unemployment Act 1930 established a tax and levy based fund but the unemployed as a general category were not treated until after the election of 1935 as a class of beneficiaries. The most widely applied device was 'scheme 5' under which work was rationed out in accordance with the worker's number of dependants.

The Labour Government in 1998 attempted to implement previous government policies with regard to unemployment. The policies were directed towards developing individual responsibility and self-respect and with reducing welfare dependence and welfare budget. One means of achieving this was seen to lie in establishing a single process together with the

appropriate structure to manage it, by means of which all elements of the benefit and skill training systems could be brought together with those government functions responsible for the employment service, community work and community employment. The idea was that if all the relevant tools could be assembled in the one place the chances of solving the problem of long- term unemployment could be maximised, thus, the creation of WINZ.

In summary, this chapter has provided a background to the origins of welfare and social security policies in New Zealand and an analysis of welfare and social security policy changes that were influenced by social, economic and changes in government. The policies primary objectives were to reduce unemployment and welfare dependency and to make welfare more accessible to those in need. The increasing need for social security to be unified under one body led to the establishment of WINZ

CHAPTER EIGHT

THE SOCIAL SECURITY ACT AND ITS POLICIES PERTAINING TO QUOTA
REFUGEES AND ASYLUM SEEKERS

This chapter examines Social Welfare Legislation in relation to refugees and asylum seekers
and why they move from one benefit to another during the resettlement period.

Income support involves normative decisions about how income should be distributed and
what the respective roles of the state, the family, the individual, and the market should be in
ensuring that a person has an adequate income. Cheyne, O'Brien and Belgrave (1997), state
that the development of an effective, efficient and equitable income-support policy is not
merely a technical matter but requires assessment of a range of alternative policy
instruments and prescriptions which themselves reflect different views about the extent to
which need and inequality should be tolerated.

The social security system of New Zealand is managed through the use of various
instruments. Government through an interactive and legislated process, formulates
legislation that is either passed or rejected by Parliament (Cheyne, O'Brien and Belgrave
1997). The legislation forms the basis for the development of implementation policies that
can be easily interpreted and used at an operational level. The statutory qualification for a
benefit is embedded within the legislation and therefore this chapter uses the legislation as a
means for the analysis.

8.1:   Introduction

Many welfare models are mostly based on comparisons of first resort social security (Puide,
2001, Esping-Anderson, 1990, 1999, Korpi and Palmer 1998, Leibfried 1991). However,
there are also authors who derive welfare classifications from last resort benefit structures.
The essential objectives of the latter have been to look for similar ways to provide minimum
income to citizens (Lodemel and Schulte, 1992, Eardley et. al. 1996, Lodemel et al, 2001).

New Zealand's welfare system differs from other developed nations, apart from Australia. Income support is funded directly from government revenue, without the earnings-related features of contributory schemes. New Zealand's social security system is often described as a "wage-earners welfare state" (Easton, 1980).

According to Moroney and Krysik (1998) throughout the course of the 20th century, entitlements were based on the assumption of a strong basic wage, full male employment and the stability of the nuclear family. Transfer payments were designed primarily for a residual purpose: to provide income support as people moved between jobs (after brief periods of unemployment) or as they moved into retirement. In 1972, the Royal Commission on Social Security stated that the welfare state of New Zealand was based on four broad principals:

- Community responsibility for ensuring all its members have a reasonable standard of living
- Wide coverage of disability risk irrespective of cause.
- Selectivity based on giving help to those in need with a degree of universality based on the selection of categories where need may reasonably be assumed to exist or where some criteria apply.
- Eligibility based on residence rather than contributions. Contributions based on means (that is on the ability to pay) and flat rate benefits based on needs rather than past individual's earnings or contributions.

In a supplement to the 1991 budget (described by the then Minister of Finance as 'The Mother of all Budgets'), the Minister of Social Welfare (Hon. J. Shipley) made the case for the change and for further reform of the social security system, which she characterised as a major shift in perspective of social welfare. According to Mackay (2000), Mrs Shipley said the state will continue to provide a safety net - a modest standard below which people will not be allowed to fall provided that they are prepared to help themselves. Shipley (1991) stated that people would recognise the safety net as the basket of benefits now known collectively as social security. These measures were to protect all those who could demonstrate that matters beyond their control threatened to force them into poverty.

The government reaffirmed its commitment to protect those who were unable to protect themselves and that the government would provide sufficient assistance to maintain individuals and families in the daily essentials of food, clothing and housing ata decent level (Kelsey, 1995, p273).

This decision by government changed the social security policy from income support as people moved between jobs or as they moved into retirement, to a facilitative approach aimed at assisting people to make the transition into employment (Mackay, 2000).

This moved the boundaries beyond the Emergency Benefit (Social Security Act 1964 Section 74A) and allowed people who had permanent residence and never worked in New Zealand to apply for an Unemployment Benefit (Hardship) under Section 90 of the Social Security Act 1964.

According to the Social Security Amendment Act of 1994 (Volume 32) Reprinted Act 1st August 1994, welfare benefits can be classified into two categories;

- Primary Benefits and
- Discretionary Benefits.

Primary Benefits are governed by age and residential criteria and other qualifying conditions for each defined category of benefit. For example, according to Section 58 of the Social Security Act 1964, to qualify for the Unemployment Benefit the person must be a citizen or permanent resident and must have lived in New Zealand continuously for two years, a person need to have lived in New Zealand for ten years to qualify for superannuation.

Discretionary Benefits according to the Social Security Act are not governed by the residential criteria but are means tested[12]. These benefits are statutory in nature in that it is legislated and is granted at the discretion of the Director General (Sections 5, 10, 61and 74a Social security Act).

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[12] Means tested: Means testing is establishes that the person is without any other source of income to meet a specific need, Assistance is withdrawn once the person is again in receipt of income from another source

Discretionary Benefits are either a one off payment or for a short period of time. For example, the Special Benefit is reviewed every three months whereas the Emergency Benefit with regard to asylum seekers is for a determined period of time or until the person qualifies for a statutory benefit.

8.2: Refugee Convention and Welfare Benefits

The incorporation of the Refugee Convention 1951 into the New Zealand Immigration Act in October 2000, afforded refugees the same rights as its citizens

The Convention states in Chapter IV, Article 24; Labour legislation and Social Security that;

(1)   The Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters:

(1b)   Social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

> (i)   There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;
>
> (ii)   National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension.

Even though refugees are entitled to the same rights as citizen of New Zealand, they are not exempted from the same residency criteria as permanent residents with regard to primary benefits.

8.3   Welfare Policy and Benefits related to Refugees and Asylum Seekers

The history of New Zealand showed that since 1840 – 1929 immigrants arrived in the country through the New Zealand Company based in England whilst Chinese immigrants (gold miners) arrived by ship and lived in the Otago Region. By 1924 – 1931 British children were allowed to arrive in New Zealand under juvenile immigration schemes. Since German refugees arrived in 1930 to the present, New Zealand has had various categories of people arriving in the country. It was during the period of the arrival of German refugees in the country that the Social Security Act 1938 was passed and modifications to the Act were made that included the Unemployment Benefit and the Emergency Benefit. Though at the time the Emergency Benefit was intended for persons who did not qualify for any other benefit and only as short term relief, it was not until the Social Security Amendment Act 1991, Section 61 that the Emergency Benefit could be granted on the grounds of hardship. The Social Security Amendment Act was quite specific as to who could qualify for such a benefit. The main groups included (1) older people who did not meet the residence criteria for the Transitional Retirement Benefit or Superannuation, (2) person on home detention, (3) released prisoners who could not meet the work test and (4) persons who had caring responsibilities who did not meet the residence criteria.

By 1992 New Zealand had an increased number of asylum seekers applying for refugee status. However, the Social Security Act had no provisions to provide support to this group of people. The Social Security Amendment Act (No3) 1993 made provision under Section 74A for a person lawfully present in New Zealand while waiting for the outcome of his or her application for refugee status (provided they met the criteria), to be granted an Emergency Benefit.

The policy is quite clear with regard to the time frame and conditions for granting the benefit. For those who have a work permit it is expected that they will seek employment

during this period. The Emergency Benefit expires when the work permit expires or when the asylum seeker does not meet the conditions under which the benefit was granted.

The Unemployment Benefit unlike the Emergency Benefit is subject to the residency criteria[13] but the conditions for granting the benefit under the hardship criteria need to be met before the benefit can be granted. The Social Security Act 1964 Section 90 allows for the Unemployment Benefit to be granted on the grounds of hardship. The Unemployment Benefit was later changed to the Community Wage Benefit but the criteria for hardship remained the same

On the 1st July 2001, the Social Security Act was amended according to Social Security Act Amendment act 2001, Section 99A. This changed the way in which social security benefits were delivered to beneficiaries by WINZ. It removed all reference to the Community Wage and was replaced by two separate benefits: an Unemployment Benefit and Non-Unemployment Benefit, which set out the assistance to be provided by WINZ and the obligations of beneficiaries.

Once the Asylum seeker is granted refugee status and has obtained their residence visa they are transferred to the Unemployment Benefit (Hardship). The benefit is generally granted to persons who are regarded as not work ready or employable. Refugees generally fall into this category as they are expected to first settle into their new living environment and adapt to the social and economic culture of New Zealand. Quota refugees are granted an Unemployment Benefit (Hardship) on the day they leave the Mangere Refugee Centre.

Refugees are generally referred to the Migrant and Refugee programme of WINZ, where they undergo an assessment and are referred to either training courses at local training providers or for further bridging education at tertiary institutions. It is generally accepted by Immigration and WINZ that once a person has lived in New Zealand for two years they would have reached a reasonable state of settlement. However, this is not true of refugees as

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[13] The person must be a permanent resident and meet the hardship criteria according to the Social Security Act 1964, Section 90
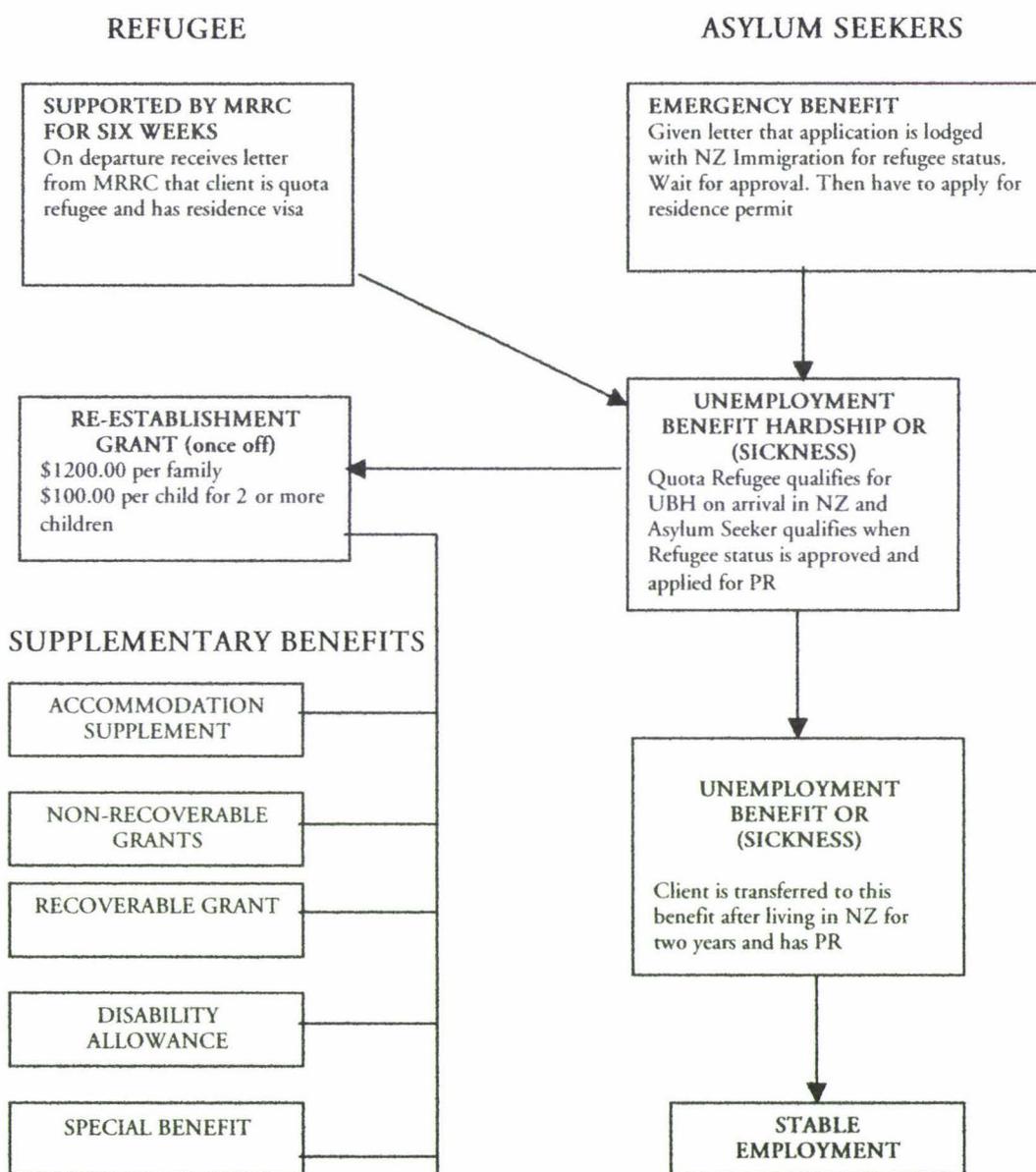
A: Re-establishment Grant

A quota refugee[14] is entitled to a re-establishment non-recoverable grant of up to $1,200.00 (if more than 2 children in the family, the maximum is increased by $1 00.00 for each additional child). The quota refugee's application for re-establishment costs must be lodged within one year of the refugee's arrival in New Zealand (or two years if the client is applying for assistance to attend English language classes).

Asylum seekers applying for refugee status are not entitled to a re-establishment grant until the New Zealand Immigration Service approves their application for refugee status. Their application for a re-establishment grant will then need to be lodged within one year of their actual arrival in New Zealand.

B: Special Benefit

A Special Benefit under the Act is to alleviate financial hardship according to the directive given on the 12 February 1999 by the then Minister of Social Services, Rodger Morrison in pursuant to Section 5 of the Social Security Act 1964. The Special Benefit is granted under Section 61G of the Social Security Act 1964.

According to the Act, the Special Benefit should not normally be granted unless the Applicant's (Refugee[15]) deficiency of income over his or her expenditure and commitments is reasonably substantial, and that deficiency is likely to continue for a period that justifies a Special Benefit being granted. The benefit should only be considered in respect of costs of the applicant that are essential and not reasonably avoidable.

They are also able to apply for assistance for such as the Disability Allowance, Special Needs Grants and Accommodation Assistance as shown in Chart 8.1

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[14] The maximum grant paid for refugees who wish to establish themselves in the community are: a recoverable grant for accommodation (bond and rent in advance) of up to $800.00 and generally only one grant per immediate family is payable for re-establishment Special Needs

[15] My own insert (In this instance reference is made to the refugee as the applicant)

8.4:   Welfare benefits and long-term welfare beneficiaries

Welfare dependence, like poverty is a continuum, with variations in degree and in duration. The United States Department of Heath and Human Science (USDHHS) (2000) states that families may be more or less dependent if a larger or smaller share of their total resources are derived from welfare programs. They define dependency as;

> "A family is dependent on welfare if more than 50 percent of its total income in a one year period comes from Aid to Families with Dependent Children (AFDC)/ Temporary Assistance to Needy Families (TANF), food stamps and/or Supplemental Security Income and this welfare income is not associated with work activities. Welfare dependence is the proportion of all families who are dependent on welfare (USDHHS, 2000 p11).

On the 22 August 1996 however, the Personal Responsibility and Work Opportunity Reconciliation Act became law and limited the receipt of welfare benefits to a lifetime limit of only sixty months (five years) in the United States of America (Haskins, 2001).

Puide (2001 p42) in her report 'Recipients and Social Assistance Dependency', about a project undertaken in seven European countries, states that in order to measure the time required to overcome a period of poverty the project used a methodological construction called a "dependency episode. She describes a dependency episode as including the time on welfare support and an additional period of twelve consecutive months without social assistance. It is assumed that the dependency ends when the former recipient has been able to make ends meet without a benefit from social assistance for a whole year.

The New Zealand social welfare definition of dependency is 'being unemployed for a period of more than 26 weeks and receiving a welfare benefit' (Barker 2000 p55). Cheyne, Obrien and Belgrave (1997), argue against unemployed people being labelled as welfare dependent and describe dependency as being the paths in and out of welfare. Adams (2003 p11) implies that for some there is an element of choice; when their circumstances allow it, they

work, and when unable to work, they go on a benefit. This she described as intermittent dependency.

In every aspect dependency is measured in duration of time, as a person is dependent on a social welfare benefit, though the duration might differ from one country to another. It can be concluded that the amount of time a person spends on the benefit will determine whether a person is a long-term welfare beneficiary.

8.4.1:   Factors contributing to long-term welfare beneficiaries

Uprety et al (1999) in their study found that asylum seekers could wait up to two years for the application for refugee status to be approved. The asylum seeker does not qualify for a welfare benefit or work permit until the first immigration interview is conducted to formally decide if they have a case to seek refugee status in New Zealand. Once the asylum seeker has attended the first interview and there is found to be grounds for the application for refugee status to be considered, the refugee is either granted a work permit or a visitor's visa. The asylum seeker is eligible for an Emergency Benefit and can remain on the benefit as long as his or her application for refugee status is considered and has a valid permit to remain in the country or finds paid employment.

The subject of barriers to employment is extensively discussed in Chapter Two however contributing factors to becoming long-term welfare beneficiaries are further discussed in this chapter.

According to McIntyre et al (2003) anecdotal evidence indicates that over the past decade, the proportion of Non-English Speaking Background (NESB) migrants and refugees among WINZ clients has increased. A substantial body of research suggests that migrants and refugee face difficulties additional to those encountered by most of WINZ client base. He further states that several studies (Childs and Hill, 1997, Abdi and Sako, 1998, NZIS, 2000, Woodward et al, 2000, Benson-Rea et al, 2000) identify the following as major barriers to migrants and refugees gaining employment,

- Inadequate level of English language skills and access to ESOL training
- Lack of qualification recognition and the ability to gain New Zealand registration
- Lack of access to New Zealand employment networks
- Lack of New Zealand experience
- Lack of interviews and inappropriate CV's

Chile (1999) notes that the New Zealand Qualifications Authority (NZQA) and professional organisations disagree on the recognition of some refugees' qualifications and professional knowledge and that this is often masked by language difficulties. He further states that english courses are not given credit at different institutions and there are limited retraining courses for professions and little discourse between migrants and professionals regarding the skills gap. Fletcher (1999) acknowledges that of all the factors that will assist resettlement in New Zealand, proficiency in English is one of the most important. Chile (2000) agrees that while African refugees are anxious to participate in New Zealand society, the lack of English language ability severely limits them.

WINZ conducted two pilot projects in the Waikato and Central Region. (McIntyre et al, 2003). The selection criteria were:

- Long term unemployed (over 26 weeks duration)
- English as a second language (Waikato Region) a reasonable standard of spoken English (Central region)
- Immigrant status was a barrier to employment
- Tertiary qualifications (not New Zealand)

The aim of the Waikato Thrive Project was to introduce intensive and successful case management, improve the quality of WINZ services and the capacity to deliver and to assist migrant jobseekers to achieve stable employment, work experience and training opportunities. The Central Region project had several objectives including identifying and reducing barriers preventing qualified migrants from entering the New Zealand workforce

and improving the understanding of WINZ staff about particular issues faced by migrant clients in accessing labour market opportunities

The outcome of the Waikato Thrive Project considered the needs of migrant job seekers in isolation from their families and communities to be counter-productive, contributing to short-term, insecure employment, poor relationships in the workplace and strained relations in the home.

The Thrive Core Team (WINZ staff) suggested that labour market issues and the very poor success rate for employment vacancy referrals through SOLO[16] had a greater effect on employment outcomes. The high turnover of WINZ staff and the need for continual re-briefing and training of new staff aggravated these problems. The WINZ staff also made a substantial argument for increased flexibility of standard case management practices; flexibility in scheduling, less emphasis on client plans and less emphasis on referral rates as key performance indicator of case management success (McIntyre et al, 2003).

The Central Region project found that employment outcomes for the participants were not as strong as anticipated. They suggested that this was possibly because it takes longer for qualified migrants than other Work and Income clients to obtain employment. Employer resistance to migrants was also seen as an issue.

The generalised findings of the projects were that;

- The English language skills of many migrants and refugees are not at the level where they have a clear understanding of the spoken and written language
- Some migrants and refugees have difficulty envisioning or entertaining a different career choice if their current one is not going to result in obtaining employment
- Migrant qualifications presented difficulty particularly in some professions
- The level of depression experienced by some of the migrants and refugees has a big impact on their ability to confidently look for work. It was found that many

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[16] Work and Income computer programme that matches clients to available jobs opportunities

participants were suffering from depression, particularly those who were long-term unemployed.

8.5:   Refugees receiving a benefit

The Christchurch City Council undertook a study in 1998 with refugees, NZ Maori and Pacific Island people. Jamieson (1998) states in the reference guide that refugees were more likely than rest of the sample to be on a welfare benefit. The study found that 77.5% (31) of the refugees were in receipt of a welfare benefit, compared to 53% of the rest of the sample. It was also found that 29 % of the refugees who received a benefit for longer than two years and 61.3% had been on a benefit for longer than one year, suggesting that many refugees were remaining on the benefit for a long term.

A similar study was undertaken by the Refugee Resettlement Research Project of the New Zealand Immigration Service on those who had their refugee status confirmed between January and July 2001. The results of the study showed (Graph 8.1) that 98% of Quota refugees and 68% of Convention Refugees stated that their main source of income was a government benefit.

This was not only an Unemployment Benefit but also included an Emergency Benefit and Accommodation Supplement (NZIS 2002). Though 55% of the Convention Refugees were in paid employment they were still receiving a statutory benefit due to their working hours being less than 30 hours per week and earnings were less than $30.000 per year.

Since 2001 WINZ started making statistics available of ethnic groups that were previously categorised as 'Other'. More recently specific data became available for refugee groups and asylum seekers (Addendum 12). The New Zealand Immigration Service released data about refugees and migrants through their requests for information under the Public Information Act.

GRAPH 8.1:   Main Source of Income for Different Refugee Groups

Percent

Government Benefit
Salaries or Wages
Salaries, wages and Government Benefit
Other

Quota Refugees   Convention Refugees   Family Reunion

Refugee Groups

N=192 80 for Quota refugees, 40 Convention refugees and 65 for Family Reunion. The rest were excluded from the question as they were dependants
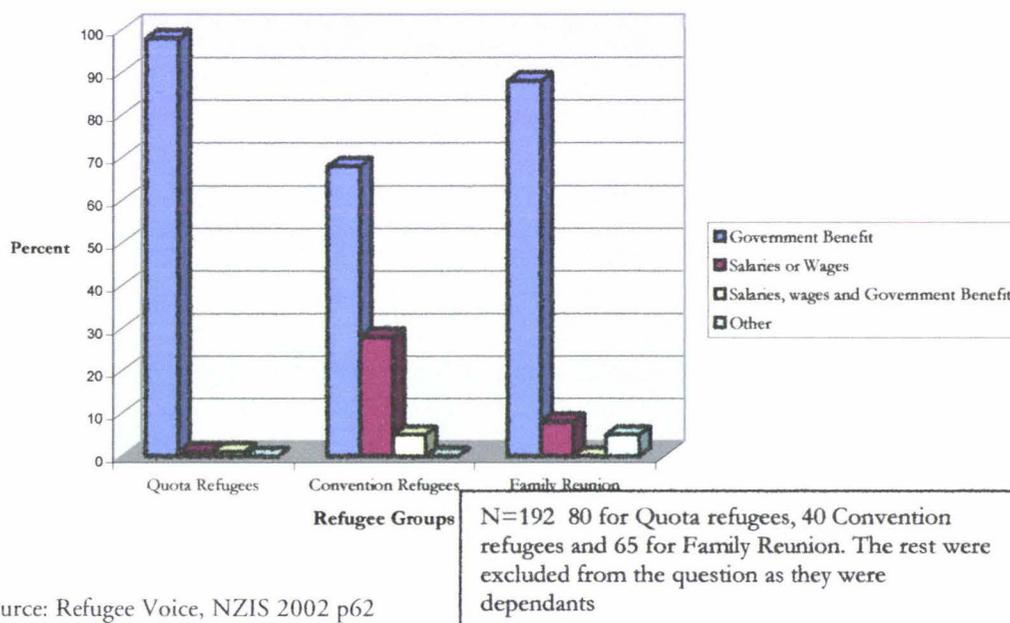
Source: Refugee Voice, NZIS 2002 p62

Before presenting the data analysis of Graphs 8.2 to 8.6, some introductory remarks on how to read and interpret the results are given since interpretation and conclusions have to be made with great caution for several reasons:

- The presented data reflects the information as people identify themselves when they register for a benefit. Some beneficiaries register themselves as being from one country but born in another as they are issued in most cases with identity cards by immigration should they not have any prior identification.

- According to WINZ there is no reliable or consistent way of extracting the information from the SOLO[17] programme so all the information is based upon the

[17] SOLO is a WINZ computer program that store all the clients work and education related inform, work plan and refers or matches the client to job opportunities

SWIFTT[18] using immigration data to identify migrants and specific Special Needs Grants to identify refugees.

- The data presented is based upon the quarterly reports that are made available to the public on request and figures are based upon the accumulative amount for that quarter. There is at present no data available that tracks the movement of individuals on or off the benefit.

In graph 8.2, a comparison is made between the quota refugees that arrived during 1st January 2001 and 30th June 2003. The data is based on the Unemployment Benefit (Hardship) granted to refugees during the same period.

The amount of refugees receiving a benefit nationally was more than 74% than the quota refugees who arrived in the country for the same period. According to immigration statistics, it was found that fewer quota refugees from the Horn of Africa arrived in the country during this period (NZIS 2003).

The movement of individual recipients by nationality who were in receipt of the benefit for that period of time was considered. Though individuals come onto a benefit at various times and also leave the benefit at various times, the total for the quarter is only considered.

8.5.1: Auckland Region

WINZ prior to 1st July 2002 had no regional statistical reports for specific ethnic groups or nationalities other than Pacific Islanders, White, Maori, and Chinese. Since July 2003 more reliable figures became available and all categories of nationalities and ethnicities including categories such as refugees and asylum seekers were included. The figures in the following graphs and tables reflect a one-year period from 1 July 2002 to 30 June 2003.

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[18] SWIFTT is the WINZ computer program that holds the critical data of a client

GRAPH 8.2:   Comparison between Quota Refugees arriving in the country and
Refugee welfare Beneficiaries from 1 January 2001 and 30 June 2003
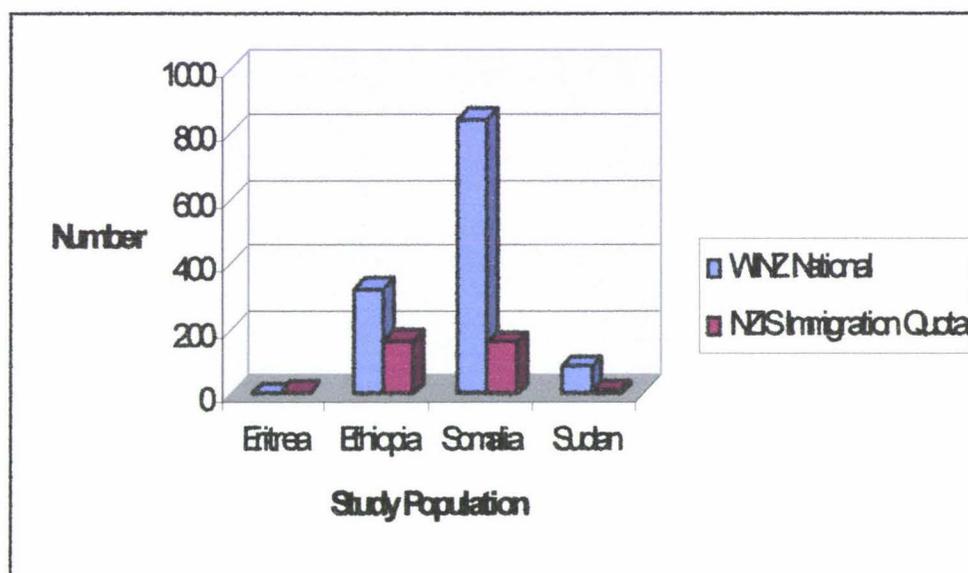
Source : WINZ 2003

In Graph 8.3, a comparison is made between the amount of beneficiaries from the study population who receive an Unemployment Benefit (Hardship) from 0 –103 and additional weeks and beneficiaries on a national level. The graph shows that the greater proportion of the beneficiaries at National level and in the Auckland region received a benefit between 26 – 103 weeks. The National level had 52 % of its beneficiaries receiving a benefit between 26-103 weeks compared to the Auckland Region that had 46 % for the same period.

The second highest number of beneficiaries was those who received a benefit for 103 weeks and more. It was found that about 28% of both National and Auckland Region beneficiaries received a benefit for 103 weeks and more. On average about 77% of the total amount of beneficiaries for the period from 1 July 2002 to 30 June 2003 received a benefit for more than twenty-six weeks.

Graph 8.3: Comparsion of duration Beneficiaries spent on the Benefit
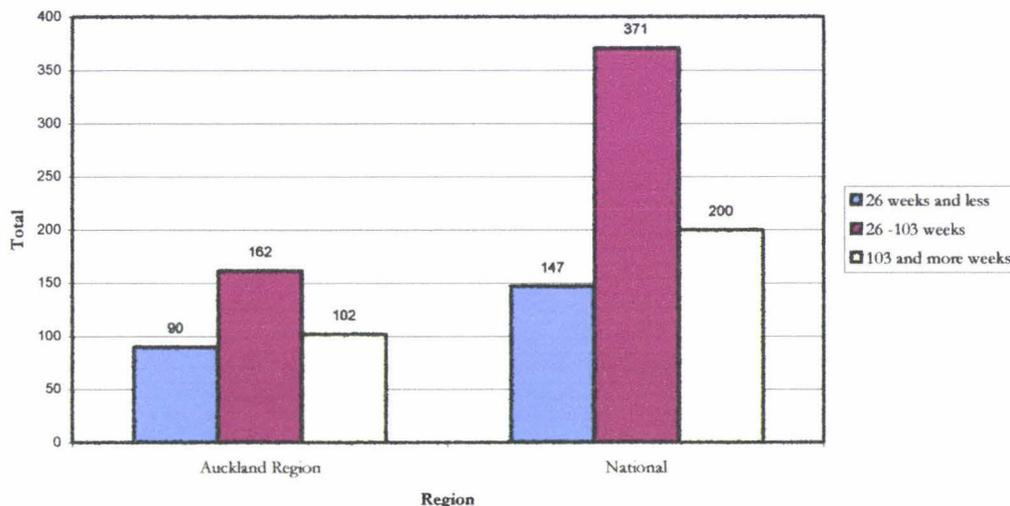
Source: WINZ 2003

An analysis of Graph 8.4 compares the national and Auckland Region total amount of beneficiaries from the study population who received a benefit for 26 weeks and more during 1 July 2002 and 30 June 2003.

It was found that during this period of time 70% of the Ethiopians, 46% of Somalis and 93% Sudanese received an Unemployment Benefit (Hardship) at national level were living in the Auckland Region. This showed that the greater proportion of the beneficiaries from the study population who received an Unemployment benefit lived in the Auckland Region except for the Somalis where 54% lived outside of the Auckland region.

GRAPH 8.4: Comparison between the National and Auckland Region
Beneficiaries by Nationality receiving an Unemployment Benefit
(Hardship) Benefit from 1 July 2002 and 30 June 2003
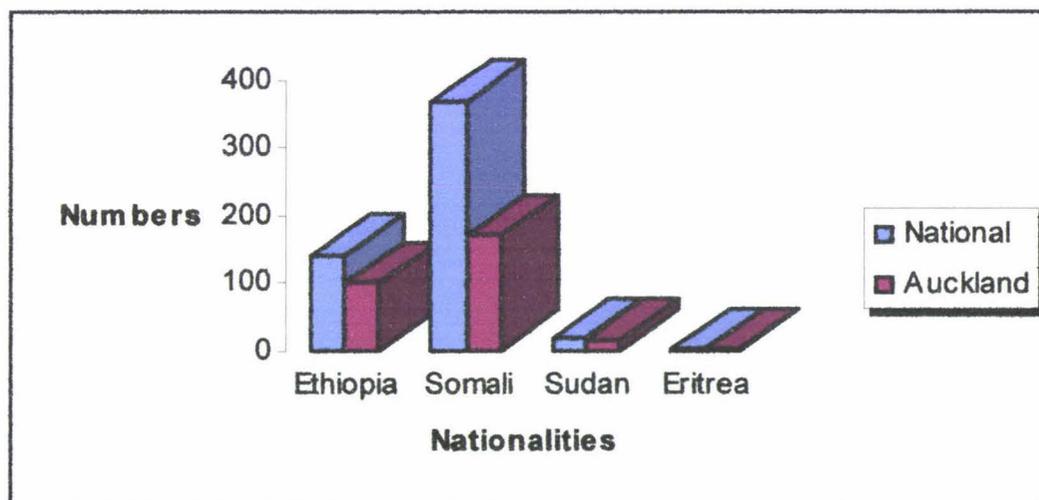
Source: WINZ 2003

The percentage proportion of the study population who received an Unemployment Benefit (Hardship) as shown in Graph 8.5 greatly differed from Graph 8.4. In graph 8.4, the Somali beneficiaries who received a benefit at National level were less than the rest in the Auckland Region but in Graph 8.5 it showed that that 60% of those who received a benefit for 26 weeks and more were Somalis.

This is due to the amount of Somali refugees that arrived in New Zealand compared to the rest from the study population. During this period of time 80 Somalis and 71 Ethiopians entered the country through the refugee quota program and 112 Somalis and 104 Ethiopians during 2001 – 2002.

Graph 8.5:   Percentage Proportion of the study population receiving a benefit
for 26 weeks and more from 1 July 2002 – 30 June 2003 in the
Auckland Region
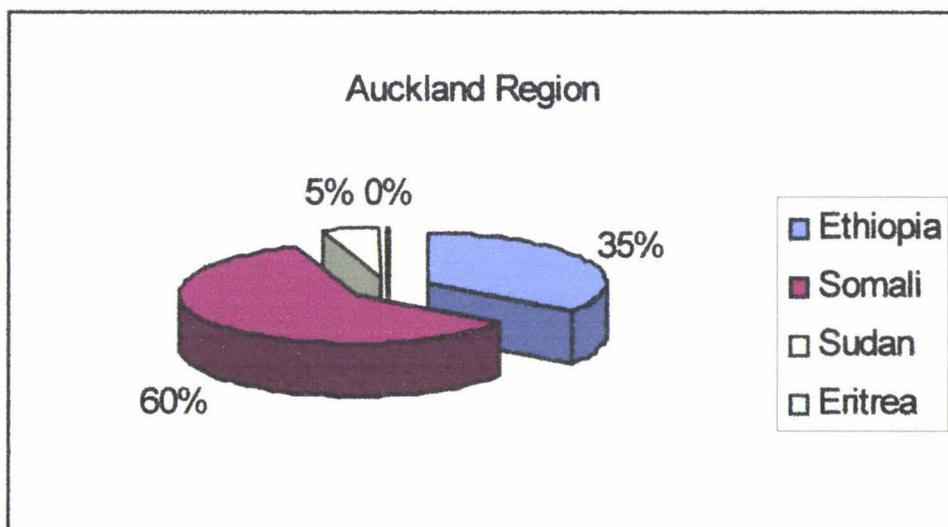
Source: WINZ 2003

8.6:   The movement of beneficiaries on or off an Unemployment Benefit
(Hardship) between 1 July 2002 – 30 June 2003 in the Auckland Region

The movement in the line graphs are presented in the accumulative with the totals reflected
for each quarter. The statistics do not show how many have left the benefit or moved on to
the following period[19], this can only be calculated from a time perspective.

The norm is that the beneficiary on the benefit for more than twenty-six weeks isclassified
as long-term welfare beneficiary. This time frame will therefore determine how many
beneficiaries have moved beyond this period.

8.6.1 Ethiopians

At the start of the first period the Ethiopians had four persons receiving a benefit but at the
end of the last quarter there was an increase of 21 % that started on the benefit as shown in
Graph 8.6

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[19] First period: 26and less weeks, Second period: 26 – 103 weeks, Third period: 104 and more weeks

**Graph 8.6   The movement of Ethiopians receiving an Unemployment Benefit (Hardship)
for the period from July 2002 - 30 June 2003**
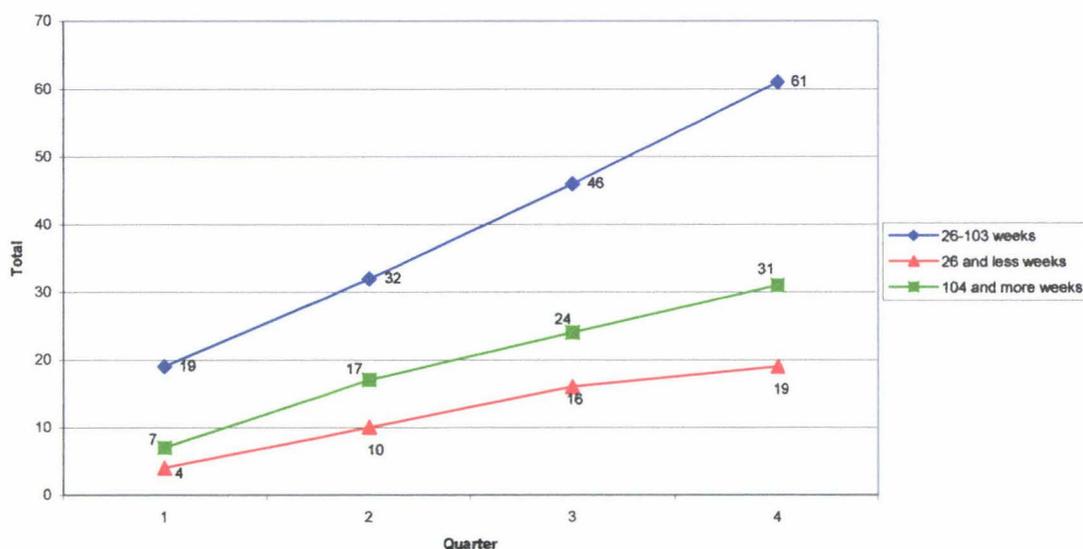
Source: WINZ 2003

The second period showed a marked difference in contrast to the first period. Even though this was over one and half years, the increase was 31%. During the third and fourth quarter there was an increase of 67 % of those who stayed on the benefit for 26 –103 weeks. Even though the total of 19 people were receiving a benefit in the first period, there were an increased number that remained on the benefit in the second period from the time prior to the sourced data. The third period had 51% less people receiving a benefit for 104 weeks and more.

This showed that though a greater number of Ethiopians remained on the benefit during the second period, many of them left the benefit before the third period started. In conclusion, lesser numbers entered the benefit in the first period but a greater number remained on the benefit during the second period. However, before the third period was reached more than 51% left the benefit either through finding employment or were transferred to the Unemployment Benefit. It can be concluded that the greater number of Ethiopians remain on the benefit for period more than twenty–six weeks but no more than one hundred and three weeks

8.6.2: Somalis

Immigration statistics have shown that Somalis are the highest number of refugees currently from Africa living in New Zealand and that 46 % were living in the Auckland Region. The amount of people receiving a benefit is therefore be greater than the other groups.

For example, 32 people in the study group received a benefit at the end of the first quarter of the first period as shown in Graph 8.7. However, there was a sharp increase of 57% between the first and second quarter and a minimal increase of 8.8% between the second and forth quarter.

Graph 8.7   The movement of Somalis receiving an Unemployment Benefit (Hardship) for the period from   July 2002 - 30 June 2003
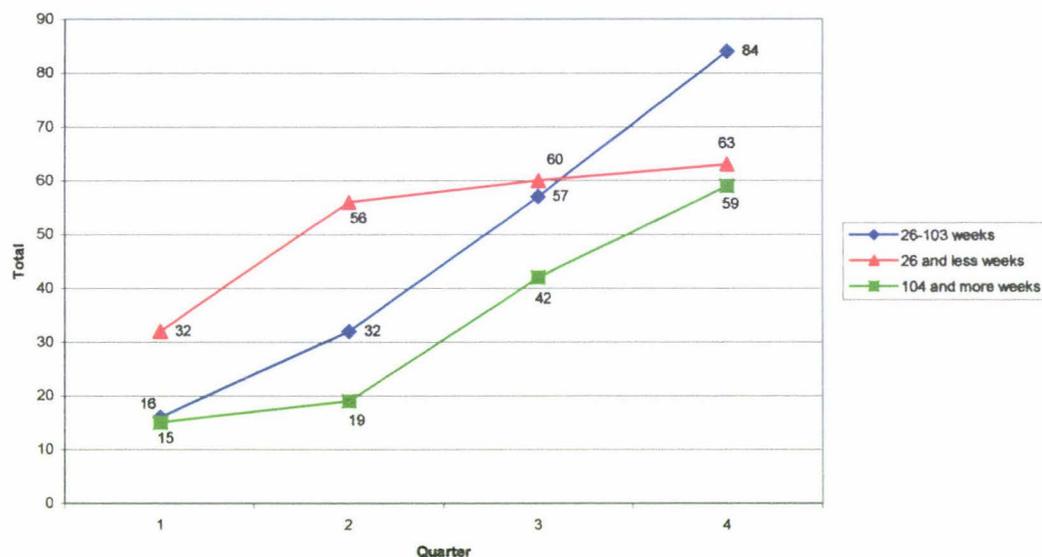
Source: WINZ 2003

During the second period as shown in Graph 8.7, there was an increase of 68 people receiving a benefit over a one-year period. When a comparison is made between the first period and the second period considering the 26 weeks time frame, then it can be notice that approximately the same number of persons continued in the second period. The end of the forth quarter showed that an additional 21 people remained on the benefit prior to the sourced data. In comparison to the second period, about 30% of the people left the benefit before the two-year period ended. The third period had an increase of 32%

considering less people (15) entered during that period. It can be noted that during the second and third quarter of the third period there was a sharp increase of 45%.

In conclusion, the Somalis that entered the benefit in the first period continued through the second period with minimal people leaving the benefit but in the third period there was a 30% reduction in those receiving a benefit compared to the second period

8.6.3: Sudanese

Few Sudanese arrive in New Zealand as refugees and the numbers that receive a benefit are low. During the first period 2 people received a benefit, however during the second period it can be noted that 4 additional people were receiving a benefit prior to the sourced data.

Graph 8.8   The movement of Sudanese receiving an Unemployment Benefit (Hardship) for the period from July 2002 - 30 June 2003
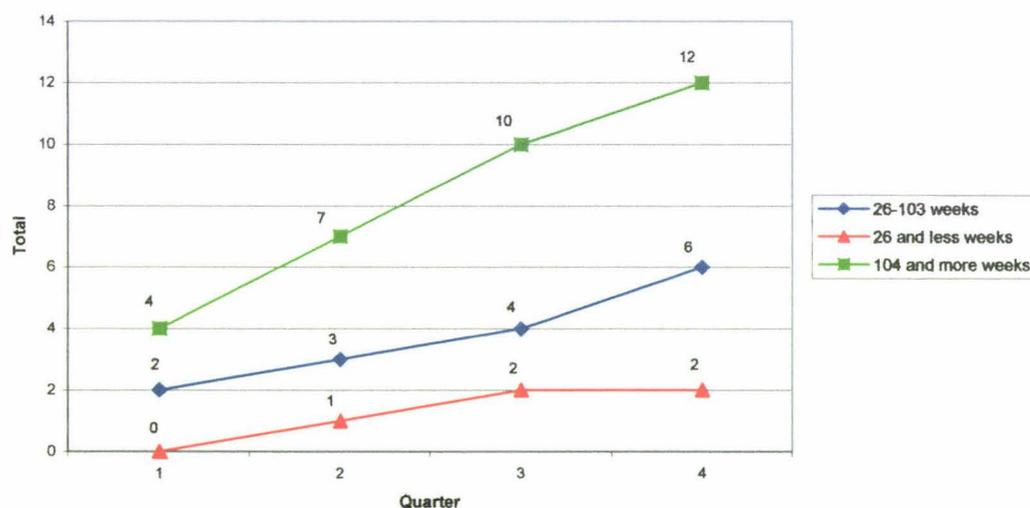
Source: WINZ 2003

A greater proportion of those who received a benefit could be found in the third period. Even though there is an increased amount staying on the benefit in the second period, it can be concluded that the Sudanese remain longer on the benefit in the third period than the other groups as shown in Graph 8.8.

The analysis of data depicted in the form of graphs and values have shown that at national and Auckland Regional level more beneficiaries in the study group remained on the benefit between 26-103 weeks. An analysis of the three nationalities living in the Auckland Region who received a benefit increased during the 26-103 periods shows a greater proportion moved off the benefit before the 103 weeks were over.

Table 8.1 shows that in the Auckland Region an average of 10.7 beneficiaries received a benefit between 26-103 weeks. An average of 15 Ethiopians, 25,5 Somalis and 1,25 Sudanese received an Unemployment Benefit (Hardship) between the 1ˢᵗ July 2002 and the 30th June 2003

TABLE 8.1:   Study population who received an Unemployment Benefit (Hardship) between 26 - 103 weeks for the period 1 July 2002 – 30 June 2003 in the Auckland Region

Period	Eritrea	Ethiopia	Somalia	Sudan
01/07/02 - 30/09/02	0	19	16	2
01/10/02 - 31/12/02	1	13	16	1
01/01/03 - 31/03/03	0	14	35	1
01/04/03 - 30/06/03	0	14	35	1
Average	1	15	26	1

Source: WINZ 2003

The average have been rounded to a whole number

8.7:   Transfer to Unemployment Benefit

Refugees who have been evaluated as being work ready or employable are transferred to the Unemployment Benefit. During the period while the person was receiving the Unemployment Benefit (Hardship) their work plans and work test (this is further discussed in the next chapter) requirements were based upon the progress they made to become work ready.

The work test requirements for the Unemployment Benefit are:

- Attending interviews,
- Job hunting and
- Interaction with the WINZ case manager.

8.8:   Conclusion

New Zealand welfare policy was designed to ensure that a reasonable standard of living would be maintained while people moved between jobs or when they moved into retirement. This viewpoint was later changed as New Zealand began to accept different categories of migrants. The new vision protected those who could demonstrate that matters beyond their control threatened to force them into poverty, was endorsed by the Royal Commission on Social Security, in that paving the way for people who were never employed in New Zealand to receive a welfare benefit.

New Zealand adopted the first resort welfare model that was practiced by many European countries. This move in welfare policy allowed refugees to now receive a welfare benefit. However, the basic benefits as outlined in the Social Security Act 1964 still remained the same with certain amendments to accommodate the new approach to the provision of welfare benefits. Asylum seekers became eligible for Emergency Benefits if they met the qualifying criteria and Quota Refugees became eligible for the Unemployment Benefit (Hardship) and other supplementary assistance.

This chapter also reviewed the factors that contributed to long-term welfare beneficiaries. It was found that asylum seekers had to wait long periods of time for the results of their application for refugee status and during this period if they had a work permit, they would be receiving an Emergency Benefit.

The Quota Refugees who were permanent residents experienced and encountered several barriers. The strongest factor was the inadequate level of English language skill and access to ESOL training, New Zealand experience and lack of access to employment networks,

Employers resistance to employing migrants were also sighted as an issue. The refugees themselves experienced problems of a personal and domestic nature. Many of the long term unemployed suffered from depression and other psychological problems.

The projects conducted by WINZ sighted that poor case management, very poor success rate of work referrals, high staff turnover and rigid case management practices were contributing factors to the length of time refugees spent on the benefit.

When considering refugees receiving a benefit and the movement of beneficiaries on and off the benefit, it was found in the Christchurch City Council study that 61.3% of refugees received a benefit for more than one year. A similar study undertaken by the New Zealand Immigration Service showed that 98% of quota refugees interviewed stated that their main source of income was a government benefit.

WINZ data showed that the beneficiaries from the study population during 1 July 2002-30 June 2003 received a benefit for more than 26 weeks. The majority of them stayed on the benefit between 26-103 weeks. An in depth analysis of the Auckland data revealed that the movement of beneficiaries from the different nationalities of the study population showed a low entry onto the benefit but an accumulative majority remained on the benefit for more than 26 weeks.

In summary, current welfare policies allow asylum seekers and quota refugees who are not work ready to receive a benefit but there are a variety of barriers which contribute to both groups remaining on the benefit for more than 26 weeks. A lesser proportion continued on the benefit for more than 103 weeks while the others either found employment or were transferred to the Unemployment Benefit.

CHAPTER NINE

THE WORK TEST

The Refugee Resettlement Research Project of the New Zealand Immigration Service (2001) stated that 'refugees who are unemployed from the outset of resettlement, or for long periods of time, are at risk of becoming socially excluded from mainstream society'

The previous chapter looked at what benefits were available to quota refugees and asylum seekers and how they moved from one benefit to another. This chapter will examine what mechanisms are in place that will ensure that the refugee will not stay on a welfare benefit for long periods of time by analysing the Social Security Act and its amendments. It will also look at what strategies are in place should the refugee fail to meet his or her obligations as agreed upon when accepting the Unemployment Benefit (Hardship).

9.0:   Introduction

Section 97 of the Social Security Amendment Act 2001 states that a person who is granted an Unemployment Benefit (Hardship) is subject to signing an acceptable job seeker agreement (Social Security Amendment Act 2001, Section 105 B) and work test (Social Security Amendment Act 2001, Section 102) (discussed in this chapter) from the time the payment of the benefit commences. The Act also states that the spouse of a person granted the benefit at a work tested married rate must comply under section 60H if he or she is a work tested spouse. This means that if the spouse has a child under six years old then the spouse is part-time work tested and if the child is over sixteen years old then the spouse is fulltime work tested.

- **Job Seeker Agreement**

In accordance with the Social Security Amendment Act 2000 provision for the formulation of a job seeker agreement (agreement) is provided.

Section 105 of the Social Security Amendment Act 2000 outlines the structure or form the agreement should have. In essence it is an individually tailored agreement between the Department and the beneficiary which outlines the agreed upon activities or job search options the refugee will follow, what assistance the Department will provide and what sanctions will be implemented should the refugee fail to implement what was agreed upon.

It will contain the responsibilities and obligations of both parties to the agreement. It also includes the work test obligations of the beneficiary and any job seeker development activity they undertake and any activities in the community or voluntary work the refugee chooses to do. The agreement also sets out the assistance to be provided by the Department. Due to the circumstances of the refugees, the job seeker development activity is progressive and requires one on one case management until the refugee is work ready.

Section 105A of the Act states that before a job seeker agreement can be signed by the client (refugee)[20] a full assessment of the refugee's (or partner's) circumstances and needs must be undertaken (this means that the barriers to employment of the refugee or partner need to be determined, career options and plan need to be developed). The appropriate job seeker agreement can include;

- Job search activities
- Job seeker development activities
- Recognised community activity
- Or other activities that is recognised by WINZ.

In most instances the refugee does not have New Zealand work experience, appropriate work skills or difficulty in communicating in the English language. Section 110 of the Social Security Act 1964 state that there are three ways in which a job seeker development activity may be negotiated and become part of the Job Seeker Agreement. WINZ may require the refugee to include a job seeker development activity in the agreement or the

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[20] My own insert as the study population is refugees

refugee may request that a development activity be included in the agreement or WINZ may request that a development activity be included in the Job Seeker Agreement.

The Social Security Amendment Bill (56-1), states that the focus of job seeker development activity is getting people into suitable work or improving their prospects of suitable sustainable employment. Such activities (defined in Clause 34, section 110 (1)) may include work assessment; participation in a programme or seminar to increase particular skills or enhance motivation; participation in a work experience or work exploration activity; or participation in employment related training.

According to Section 111 of the Social Security Amendment Act 2001, WINZ may require that at least one development activity be included in the Job Seeker Agreement. The objective of the Job Seeker Agreement is to ensure that the refugee's prospect of suitable employment is improved through the development of several job seeker development activities that is progressive. Included in the Job Seeker Agreement is the need for continuous evaluation and review of the Job Seeker Agreement. This review process can either be requested by the refugee or by WINZ. This process is informal and assists both parties to evaluate progress and to determine if the activity is no longer necessary and if the refugee or partner needed to move to a next activity that call for an amendment to the Job Seeker Agreement. The proposed changes are then renegotiated with the client and a new agreement is signed

9.1: Historical Overview of the Work Test

The earliest recorded sanctioning or non-payment of benefit was in the Unemployment Act 1930, Section 20.4 stated that;

> No sustenance allowance shall be paid to any person in respect of his unemployment if such unemployment is due to his refusal or failure to accept employment offered to him by or through the Board or to accept any other employment to him which in the opinion of the Board would be suitable in its

nature, conditions, rates of remuneration and location (Unemployment Act 1930, Section 20.4)

The Social Security Act 1964 was later amended to include in Section 54(2) C the clause;

> If the applicant or beneficiary has refused or failed, without a good and sufficient reason to accept any offer of employment.

There were no further changes to the Social Security Act until 1991 when the Social Security Amendment Act (No 2) Section 60, (Effect of refusal to seek or accept employment) came into effect. Section 60 read as follows;

> The Director General shall cancel any benefit, and the beneficiary shall not receive a benefit for a period of 26 weeks from the date of cancellation if:
>
> (a) The beneficiary fails, without good and sufficient reason to:
>
>> (1) Undergo any work assessment required by the Director-General; or
>>
>> (2) Undertake work-related training or any other activity which the Director-General considers would increase the likelihood of the beneficiary obtaining employment or
>
> (b) The Director-General is satisfied that the applicant could reasonably be expected to be in full employment, and either;
>
>> (1) Is making insufficient efforts to find full employment (including temporary or seasonal employment) or
>>
>> (2) Has declined two offers of suitable employment (including temporary or seasonal employment) without a good and sufficient reason while receiving the benefit currently payable; or
>>
>> (3) Without a good and sufficient reason has failed to make himself or herself available for suitable employment (including temporary or seasonal employment)

During the same period the Social Security Act in Section 60(m) and (n) stated that beneficiaries may be requested to participate in a Community Task Force Scheme for a

period of six to eight hours per day for three days per week lasting no longer than twenty six weeks. Should the beneficiary decline without a good and sufficient reason to participate in that Community Task Force Project or fails without a good and sufficient reason to complete his or her participation in the project then the benefit would be cancelled and the beneficiary will not entitled to a benefit for twenty six weeks.

The Tax Reduction and Social Policy Bill 1996 introduced the actual term 'work test' but only came into the legislation in 1997 (Barker, 2000). The term 'work tested' appeared in the newly created category 'part-time work tested beneficiary'. Barker further stated that the greatest changes to the legislation were the result of the two Bills introduced in 1998: Social Security Amendment Bill (No5) and the Social Security (Work Test) Amendment Bill. These two Bills significantly altered the Social Security Act 1964. These amendments have resulted in the addition of approximately thirty new sections into this legislation that pertain to new criteria for various benefits, work test conditions and penalties and sanctions.

In 1998, the Social Security (Work Test) Amendment Act 1998 was passed. The work test regime that was implemented from 1998 till 30 June 2001 was seen by many as the power of the institution to reduce or cease payment. Barker (2000 p88) stated that while it may an aim of the work test policy to increase employment opportunities or job search activity, this aim is likely to conflict with the need of the institution to administer and monitor the compulsory and punitive aspects of the work test. She further stated that the administrative and legal aspects of the work test had the most impact on work-tested beneficiaries and any employment outcome may be marginal to this fact. The Rt. Hon J. B. Bolger (1997) disagreed when he stated:

"the powers held by the New Zealand Employment Service, in conjunction with New Zealand Income Support, are to reduce levels of benefits when a person refuses to take work that has been offered to them, without "good and sufficient reason". He further stated, "I do not accept, however, that the 'work-test' provisions are in breach of any international obligations, as they only apply essentially when a person

is voluntarily unemployed, i.e., they have failed to take efforts to find or maintain employment"[21]

The matter was further exacerbated by the Department of Work and Income change that took place under the Employment Services and Income Support (Integrated Administration) Act 1998 and the establishment of Student Services Centres.

The Act introduced a three-tier work–test sanction regime. Many submitters strongly opposed the thirteen- week period of non-entitlement for both a sanction for third work test failure and for the stand-down for voluntarily leaving employment. They argued that such a long period was excessively punitive. It also encouraged crime and when invoked for voluntary unemployment it may be a disincentive to a beneficiary moving into full-time employment. (Discussion Document, Social Security Amendment Bill (No 2) 2001)

In 2000, the Social Security (Work Testing and Community Wage) Amendment Bill (Bill 56-1) was introduced. The Department came to realise that is had developed a culture that discouraged applications for assistance on the basis that the individual was responsible for their poverty and therefore were guilty of an unknown crime. The process for applying for entitlements was disempowering and the system alienated people. The coercive nature of the work test and the thirteen-week stand-down period was unduly harsh and punished families unnecessarily.[22]

During the bill discussion process, Act Party and the National Party considered the bill regressive in terms of assisting long-term unemployed job seekers back to work and signals a weakening of job seekers reciprocal obligations in return for income support. They further stated that it was clear that registered long-term unemployment continued to deteriorate and that the bill would only add to the continued growth of registered long-term unemployment.

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[21] Response letter from the then Prime Minister written on the 10 July 1997 to the Director of the Centre for Psycho-Sociological Development, 7 McCurdy Street, DUNEDIN 9001

[22] Social Security (Work Testing and Community Wage) Amendment Bill 2000,52-1, Explanatory Notes

The New Zealand Association of Citizens Advice Bureaux in their written recommendations to the Social Security Amendment Bill, the Association supported the Bill when they stated, "the Association acknowledges that this Bill will improve social assistance and the workings of the benefit system and the Association welcomes the Bill's intentions to remove compulsory voluntary work and to encourage involvement in community activities, to simplify the benefit system and sanction regime and to improve the one-on-one service that the department should be providing job seekers.[23]"

The purpose of the Bill was to replace the three-tier work test sanction regime (addendum 5) with a single sanction regime targeted at serious non-compliance. For the first failure to meet the work-test obligations, the beneficiary's benefit is suspended until they re-comply. The same is true for the second failure. After a third failure, the beneficiary's benefit is cancelled and a thirteen-week period of non-entitlement is invoked, but a provisional benefit may be paid to a beneficiary who undertakes an approved activity. If the beneficiary completed six weeks of that activity, the remaining period of non-entitlement lapsed and they may reapply for a benefit. The Social Security Amendment Act (No 2) 2001 concerning the new work-test regulations came into effect on the 1st July 2001.

9.2. Exemption from Work Test

The following legislation and regulations refer to persons that are exempted from the work test due to circumstances that are supported by documentation or qualify for a non-work tested benefit from Work and Income New Zealand

Exemptions: Section 105 (A), Social Security Amendment Act 2001

Sanctions: Section 117 Social Security Amendment Act 2001

Deferral: Section 107 Social Security Act 1964

Regulations: Section 123D, Social Security Act 1964

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[23] New Zealand Association of Citizens Advice Bureaux submission and comment on the Social Security Amendment Bill 2000 to the standing committee

Regulations 4 Social Security (Reciprocal Obligations: Exemptions and Deferrals) Regulations 1998

Regulations 5 Social Security (Reciprocal Obligations: Exemptions and Deferrals) Regulations 1998

These clients are described in Addendum 6

9.3: Current Work Test Process

The work test process can be identified by two phases which are the;

- Contact and response phase
- Re-compliance phase

According to the legislation the client or their partner will be deemed to have failed their work test if they failed to accept, attend, start or complete an agreed upon activity that is outlined in the job seekers agreement and signed by the client or their partner.

9.3.1: Contact and response phase

The client must be contacted by WINZ to establish if the client or partner had a good and sufficient reason for failing to complete the activity. The process is that WINZ can either contact the client by telephone and if the client does not have a telephone then a contact letter should be sent to the client requesting the client or partner to contact WINZ within five working day of receiving the letter.

Once the five days have lapsed and the client has not contacted WINZ or given a good and sufficient reason for failing to complete the activity then the legislation states that the benefit can be sanctioned. The legislation states that a second letter need to be sent to the client informing the client or partner that a sanction will be imposed on the benefit from the advised date and that they have five days to either review or dispute the decision.

If the client or partner do not respond to the second letter in the prescribed time then the benefit is sanctioned (see table 9.2) and a letter is sent to the client informing them that the benefit has been sanctioned and the effective pay day the benefit will be stopped.

However, should a client contact WINZ then the legislation states that the reason for non-completion of the activity should be established that could be related to unforeseen domestic problems, medical condition, childcare problems or that it was discovered that the development activity was not suitable for the client. Should the client or partner have a good and sufficient reason for not completing the task then according to the legislation they did not fail the work test.

9.3.2: Re-compliance Phase

Section 122 and 123 of the Social Security Amendment Act 2001 states that if a client or partner re-complied with their work test obligations, they may need to take part in the original agreed upon activity or in another activity as amended in the jobseeker agreement. The benefit is not be restarted until the client or partner is satisfactorily participating in either the original agreed upon activity or in another activity. The legislation states that the benefit is resumed from the date that the client or partner re-complied. According to Section 117 of the Act, this type of re-compliance and resumption can only take place at the client or partners first or second work test failure.

The client or partner will get a thirteen-week benefit non-entitlement for:

- Employment dismissal due to misconduct
- Voluntary unemployment
- Benefit sanctioned (3rd failure) for not complying with work test obligations.

The client or partner can re-comply from the day the client or partner agrees to participate in the original agreed upon activity as outlined in the job seeker agreement or another activity as per the amended job seeker agreement.

Table 9.2:   Table of Work Test Sanctions

Failure	Sanction	
	Client or Partner	Sole Parent
Grade 1,2,3	1st or 2nd Offence	1st or 2nd Offence
Client or partner refuses to co-operate in developing or signing their agreed upon job seeker agreement Client or partner refuses to accept an offer of employment that meets his or her qualification and work experience	Benefit suspended until client re-complies (If client/ partner re-compiles within the five days notification of the 2nd letter for the 1st and 2nd failure no loss of benefit)	50% benefit reduction until the client re-complies (If client/ partner re-compiles within the five days notification of the 2nd letter for the 1st and 2nd failure no loss of benefit)
	3rd Offence	3rd Offence
Client or partner refuse to attend a mandatory or any other notified interview Client or partner refuses to attend an interview for suitable employment that meets his or her qualification and work experience Failure to attend or complete a year planning meeting Failure to attend or to complete a training or other activity as agreed upon in the job seeker agreement	13 week non entitlement period (The benefit is cancelled for 13 weeks. The client must reapply at the end of that period if they wish to receive a benefit) (Grade three re-compliance activity can apply and if the client atisfactorily participates in the activity for six weeks the remainder non-entitlement period lapses)	13 week non entitlement period 50% benefit reduction until the client re-complies (Grade three re-compliance activity can apply and if the client satisfactorily participates in the activity for six weeks the remainder non-entitlement period lapses)

SOURCE: Sections 102 – 105 of the Social Security Amendment Act 2001,
Sections 115 – 123 of the Social Security Amendment Act 2001,

The legislation stated that the re-compliance must be for a continuous period of six weeks through

- Employment, either full-time or part-time (the remainder of the 13 week period is waived) or

- Satisfactory participation in a recognised activity (the remainder of the 13 week period is waived and a provisional Unemployment benefit can be granted or increased from the date of re-compliance) or

- Satisfactory participation in a job seeker development activity (the remainder of the 13 week period is waived and a provisional Unemployment benefit can be granted or increased from the date of re-compliance)or until the end of the thirteen-week non-entitlement to benefit if the client or partner refuses to re-comply.

Section 117 (2)(b) states that if a person wishes to again become entitled to a benefit, they must first reapply for the benefit and establishes his or her eligibility for it. The legislation also states that if a person on work test failure one and two cannot re-comply with the work test due to sickness, injury or physically impaired, then the client is no longer subject to the work test and the suspension or reduction of the benefit ends and the client is transferred to the appropriate benefit. The person on work test failure three who cannot re-comply with the work test due to sickness, injury or disabled can apply for an exemption from the work test.

9.4:   Conclusion

The previous Job Seeker Contract and work test contained the key elements to a contract according to Chetwin, M and Graw, S (1998). The key elements were;

- promise or promises
- The promise or promises to be between two or more legally capable persons (called 'the Parties')
- The promise or promises to create an obligation; and
- That obligation to be enforceable by law.

The Job Seeker Contract was attached to the application form for Unemployment Benefit (Hardship). The applicant (Refugee)[24] is expected to complete the application form, read the conditions and obligations for receiving the benefit and when it is understood, they sign the document. The conditions to the contract merely outlined the department obligations to paying a benefit, to ensure that the client met his or her work test obligations and the applicant making themselves available for training, meetings or job interviews. Should they not have a good and sufficient reason for not attending then the benefit was sanctioned or cancelled. There were no conditions in the contract that implied that the department would provide one on one support in finding employment.

In the case of refugee interviews are conducted at the time of application after all barriers were identified, they were referred to an appropriate training course. If the refugee failed to attend or complete the training course then the benefit was sanctioned and the refugee was informed in writing about the sanction. The intention of the legislation was to inhibit the welfare recipient from abusing the welfare benefit. I would argue though that the complexity of the work test policy created an increased administrative workload leaving few opportunities for improving beneficiaries' employability

Barker, a beneficiaries advocate for Beneficiaries Advocacy and Information Service (BAIS), stated that to have administered and monitored the compulsory and punitive aspects of the work test during the period from 1998 till the 30 June 2001, limited the performance of the Department to increase employment opportunities, job search activity and assist the refugee in overcoming their barriers to employment. Due to major opposition in regard to the conditions of the Act the government decided to amend the Social Security Amendment Act 1998 (Barker, 2000).

The provisions of the Social Security (Work Testing and Community Wage) Amendment Bill 2000 was set out to establish an inclusive and a supportive framework for people who were either looking for work or for good reasons were unable to work for a period of time. The coercive nature of work testing under the Social Security (Work Test) Amendment Act

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[24] My own insert-Applicant here is referred to the refugee

1998 was to be repealed and the culture of control and punishment which was evident in the department was to be replaced with one of respect and co-operation.[25]

The Enactment of the Bill created a paradigm shift in the way the department administered the Unemployment Benefit and the work test process. For the first time in the history of Social Welfare change was made from a job seeker contract to a Job Seeker Agreement that was a separate document to the application form. The agreement met all the legal requirements as outlined in Chetwin, M and Graw, S (1998; p 13).

These requirements were:

- **The agreement must be supported by consideration to establish the obligation.** The refugee together with WINZ is able to discuss the obligations and the barriers or career options that form part of the obligations

- **The parties must intend the agreement to have a legal force.** WINZ must at the interview with the refugee make a clear understanding that the agreement is a legal document.

- **Parties must voluntarily enter the agreement.** Once the refugee is satisfied with the pathway to employability he has to voluntarily agree to accept the agreement.

- **The parties must be legally capable of reaching a binding agreement and the subject matter must be legal.** The refugee is informed that if he/she does not understand the content of the agreement through language difficulty that they may request an interpreter who will explain the content of the agreement and that the agreement can be legally enforced.

The work test conditions that are outlined in the agreement now became binding. Should the refugee breach the conditions as agreed upon then the work test could be implemented. Breach of agreement occurs where a contract has come into being and one or other of the parties fails to perform all or some part of the obligations under it (Chetwin, M and Graw, S; 1998 p 375).

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[25] Social Security (Work Testing and Community Wage) Amendment Bill 2000, Explanatory notes

As discussed in chapter one, the resettlement process is long and requires a coordinated effort for institutions in New Zealand to assist with the resettlement process of the refugee. The participation of Work and Income in the resettlement process is the provision of a welfare benefit and the development of a job seeker agreement as an education and training process with the work test as a monitoring and evaluation tool. The Social Security Amendment Act 2001 does not contribute to the increase of long-term unemployment with regard to the refugee population. The legislation is empowering and focuses on objectives that are goal directed in respect of refugee resettlement and employability.

CHAPTER 10

METHOD

Introduction

In the previous section of the thesis, I have examined the origins of the study population and their journey to New Zealand. We have seen how the various immigration policies effected the study population on their arrival into New Zealand and also the government policies that contributed to their settlement were reviewed in detail. The welfare benefits the study population received from WINZ were discussed. Those who received a benefit for 26 weeks and more were regarded as long-term welfare beneficiaries.

The literature review then addressed what monitoring mechanisms were in place that ensured the beneficiary became employable including the Job Seeker Agreement and the work test as described in the Social Security Act.

The review also showed that various literatures indicated that barriers to employment did exist for refugees and in New Zealand barriers to employment were experienced in the areas of personal, cultural, economic, societal (aspects of society and values) and systemic (aspects of government and employment systems) areas.

The objectives of the research were to establish from a sample of people from the Horn of Africa, living in New Zealand who were refugees and also met a certain qualifying criteria, the answers to the following questions;

- Was the study population having the same experience of employment barriers after they arrived in New Zealand as described in the literature review?
- Were they able to use their existing skill and qualifications in New Zealand, if not, why not?

In identifying what research method was a viable tool to be used to achieve the objectives of the study and was appropriate to the study population, the advantages and disadvantage of quantitative and qualitative methods was addressed. Kingsbury, Brown and Poukouta (1995) stated that unlike quantitative approaches, which use easily identifiable techniques (statistical sampling, structured and close ended questions), qualitative approaches were less closely linked with one or two specific tools, and instead relied on a cluster of techniques and tools.

The tools and techniques employed depended on the questions being asked and the amount of data already available. The World Bank (1994) stated that qualitative approaches are best chosen when getting the 'story right' is of paramount importance. However, when reliability, validity, precision and generalisability of data are required then quantitative approaches are likely to be more useful.

In considering the use of quantitative methods it was found that there was insufficient information on refugee statistics available in New Zealand. The qualitative approach was adopted to make the study more rigorous, verification of information and data through triangulation techniques (relevant literature, interviews and focus groups) was used to allow data to be checked for some degree of consistency.

The method of this qualitative research in terms of reporting peoples' perceptions of their experience can be said to be precise descriptions of reality. Conclusions drawn from such analysis are ultimately speculative and therefore, definitions and explanations can only be approximations (Guba, 1990).

10.1: Study Design

The design of the study had a qualitative approach in the form of face-to-face individual interviews and focus group discussions. A stratified random sample was used for both the individual interviews and the focus groups. Bayless (1981), Hoyle et al (2002) states that stratified sampling divides the population into sub-populations (strata). After dividing the population into strata the researcher can sample randomly within the strata using simple

random or systematic sampling. Neuman (2000) argues that the researcher controls the relative size of each stratum, rather than letting random process control it. He further states that this guarantees representativeness or fixes the proportions of different strata within the sample on the basis of supplementary information.

The study population currently living in New Zealand exceed 2500. This excludes those who arrived in the country under the NZIS humanitarian or general category. During the period in which this study was conducted many have made a transition to employment, entered the country, received a benefit for less than twenty-six weeks or received a benefit for more than 103 weeks. Those that have made a transition to employment, entered the country, received a benefit for less than twenty-six weeks or received a benefit for more than 103 weeks were excluded as the stratum of interest was a small percentage of the population (Neuman 2000) and that the proportion of the stratum differed from its true proportion in the population (Davis and Smith 1992). Neuman (2000) states that disproportionate sampling helps the researcher to focus on issues most relevant to the sub-population

Individual interviews were held at a venue that the participant agreed upon. In most instances the interviews were held at the participant's home. The interviews took the form of semi-structured interviews with informal conversations that included theme based standardised open-ended questions.

The focus groups consisted of two groups of six participants. Hoyle et al (2002) and Bloor et al (2001) agree that the typical size of a focus group consists of 6 to 10 individuals. However, according to Bloor et al (2001) focus group sizes ranged from three to fourteen as reported in Pugsley (1996) and Thomas (1999). Woods and Catanzaro (1988) suggested that five participants studied over a relatively short period of time were a reasonable number for a master's thesis. Each group was further sub-divided into two smaller groups of equal proportions.

The smaller groups reflected those people who either came from the same country, spoke or understood the same language or belonged to the same religion. This approach gave the group the chance to clarify into words attitudes and beliefs what they were feeling but were

unable to articulate. Allen and Skinner (1991), states that this type of approach can produce results that may directly represent how people are feeling as they often re-create the social situation.

10.2: Sampling

10.2.1: Individual interviews

I contacted the Director of the Somali Concern and Refugee organisation in writing for permission to do a study of members that met a certain criteria and who were on their register. A round table discussion was held with the executive committee of the organisation. When they understood the process written permission was granted (Addendum 7).

The director gave me access to the historical documents of the organisation so that I could get a clear understanding of the clients the organisation dealt with. The director of the organisation then randomly selected names of people from the register that were from the Horn of Africa and who met the criteria for selection.

The criteria were;

- WINZ beneficiary that was receiving a benefit for twenty six weeks or longer but living in New Zealand for two years and less
- Must have entered New Zealand under the New Zealand Refugee Quota programme[26] or an asylum seeker who received refugee status.
- Must have been registered first with WINZ on an Emergency Benefit and then transferred to Unemployment Benefit Hardship (UBH)(previously Community Wage Emergency Job Seeker)[27]

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[26] A person that enters New Zealand under the quota agreement between United Nations High Commissioner for Refugees and the New Zealand Government and recognised as a refugee according to the Immigration Act 1987

[27] Quota Refugee spends their first 4 – 6 weeks in New Zealand at the Mangere Refugee Reception Centre. The quota refugee receives a benefit for 26 weeks or more and by this time the refugee is classed as a long-term welfare beneficiary

- One married couple, both of whom must be long term beneficiaries
- Four people (including the married couple) from each of the following ethnic groups: Somalis, Ethiopians, Sudanese and Eritreans

The director informed me that she used the following method to derive at an acceptable sample. After selecting the names of people (that met the criteria) from the register, she then separated the names into ethnic groups (strata) that were representative of the membership in the organisation (the organisation has over 200 members on their register).

She then randomly selected 30 names from the ethnic groups that reasonably represented the social and educational spectrum of each ethnic group (stratum) with which they were associated[28]. The director of the organisation then wrote to the 30 selected members to request their permission for their names and addresses to be given to me so that I could get their consent to participate in the study. The participants responded by contacting the director of the organisation and myself.

Twenty people responded to the initial letter. I then made an appointment with each participant who responded to the letter sent by the director of the organisation to further discuss the purpose of the study and inquire if they needed further clarity and to answer any questions they had. Sixteen prospective participants (including one couple) agreed to participate in the individual interviews. (Addendum 8)

They were then asked for an appointment and venue where the interview could take place. At the start of the interviews the participants were again informed of their rights and were then asked to read the consent form. When they understood it and they were satisfied, I asked them to sign the consent form before I proceeded with the interview.

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[28] The selection was made by randomly selecting every third name from the Somali and Ethiopian groups. Since the other two groups had less than 10 members all the people on the list were contacted.

10.2.2: Focus group interviews

Eight participants of the individual interviews agreed to participate in the focus groups. I then contacted the initial prospective participants that did not agree to participate in the individual interviews if they would like to participate in the focus groups. Bloor et al (2001 p 36), states that individuals may be more likely to attend a group than one-to-one interview as they may feel reassurance that they are with a group of individuals who share a particular characteristic or experience and that attention is on the group rather than the individual. I was able to get consent from four people who agreed to participate in the focus group.

Two focus groups were conducted. Each focus group consisted of 6 participants that were selected from the face-to-face interviewees and four individuals from the initial prospective participants. The focus groups were divided into groups with a common language and similar culture. At the start of the focus group the participants were again informed of their rights and were asked to read the consent form, privacy form and when they understood it and they were satisfied, I requested them to sign the consent form before I proceeded with the focus groups.

10.3: Generalisability

The results of the study are generalisable to the sub group in the study population from Somali, Ethiopia, Sudan and Eritrea who resided in Waitakere City, Auckland City and Manukau City. The participants did not all live in close proximity of each other but were spread over the three cities with the majority of the participants in the sample living in the Auckland City and Waitakere City. The sample (16 individual participants and 4 focus group participants) being a sub group of those who are receiving an Unemployment Benefit (Hardship) will seem small in comparison to the population of each ethnic group as it excluded those who;

- Made a transition to employment,
- Were at the time receiving other welfare benefits
- Were not receiving a welfare benefit and,
- Were dependent on other means or form of support.

- Children
- Those outside the study period

Graph 8.4 showed that the greater proportion of the study population, who received an Unemployment Benefit (Hardship) for twenty –six weeks or more, lived in the Auckland Region except for the Somalis where 54% lived outside of the Auckland Region.

The calculation of the sample was made from Table 8.1 in Chapter 8 and the data in Addendum 12. A sample of 46% was taken from an average of 43 beneficiaries in the sub-group who were receiving an Unemployment Benefit (Hardship) between 26-103 weeks for the period from 1st July 2003 – 30 June 2003 in the Auckland Region. According to current statistics from WINZ (Addendum 12), the location of beneficiaries from the study population receiving an Unemployment Benefit (Hardship) for more than twenty-six weeks is as follows;

- 58% living in the Auckland Region
- 27% living in the Wellington Region
- 15% living in the other regions of New Zealand

There is a greater chance that the study can be replicated producing similar or equal results due to the data in Addendum 12

10.4: Anonymity and Confidentiality

Participants were informed of the nature of the research and their rights and that I could only give an assurance of confidentiality and anonymity to the extent by which the law allowed.

I ensured the confidentiality and anonymity of the participants by having taken practical steps to ensure the security of the data through;

- identification of participants through the use of numbers;
- separate storage of taped information from transcripts or other

       identifying material;

- coded storage of information;
- kept the whereabouts of information, key words and codes secret;

While every care was taken to ensure confidentiality, anonymity of the participants could have been compromised due to the size of the focus groups.

10.5: Ethical Consideration

The consent form was provided to participants for signing prior to the beginning of the interviews. Where the participant was unable to provide written consent because of a disability, oral consent was obtained. The participant was requested to make an oral statement on audio recording tape and consent was sought of the participant to have a third party present to witness the consent at the recording.

The aspect of religion within the various ethnic groups was also considered. Many of the participants had very strong religious beliefs. This was discussed in the preliminary interviews and I assured the participants that this was to be considered. Clarity was sought from religious leaders regarding the methods used in conducting the qualitative part of the research. The methods were discussed in detail and the religious leaders of the different ethnic groups agreed that the method to be used would not contravene their religious ethics. This ensured that neither the researcher nor the participants were contravening any code of their religious beliefs.

The application for the research was done and required the approval of the ethics committee of Massey University. The required application forms with supporting documents were completed and submitted for consideration. The approval process included a meeting with the ethics committee. After meeting additional requirements the ethics committee of Massey University approved the application.

10.6:   Data collection

Data was collected from two sources, face-to-face interviews and focus group discussions.

10.6.1:   Individual Interviews

The interviews were all held at the different participants homes at a time agreed upon by both the participants and myself. The interview was either audio taped or hand written. Notes were made where the participant requested that the interview should not be audio taped.   However, in all instances important comments were noted on the interview schedule. I took the role of directing the discussion to some extent so that the required information could be obtained but allowed the participants to converse on the area on their own terms and from their own position. The interviews concluded with a recapping of the main theme points that I wrote down so that clear understanding of what was discussed was agreed. This eliminated researcher bias when the data was transcribed and analysed (Addendum 13).

10.6.2:   Focus Groups

The focus group discussion was audio-taped and both the observer and I took hand written notes. On completion of the discussion, the notes taken were compared to ensure the observations and comments made by the participants were correctly interpreted. At the start of the focus group discussion, I informed the participants that a series of individual participant interviews were held and that several barriers were identified. The objective of this focus group was not to analyse the responses of the individual interviews but as a group they should work together and collectively discuss, identify and prioritise the most important barriers that they as a group agreed upon.

The group was sub-divided into two smaller groups of equal proportions and were given a large sheet of paper on which they had to write down all the identified barriers the group agreed upon. Once this was completed, each then had to present to the other group the reasons for identifying those barriers.

On completion of the presentation the participants were asked to compare the barriers identified on two newsprint sheets and the identical barriers were grouped as one barrier.

The six focus group members were then asked to rank the barriers in an order of descending priority (high to low). They had an in-depth discussion of each of the barriers and then reached an agreement on the ranking order of the barriers. The same process was repeated with the other focus group.

10.7: Validity

Internal validity was sought by first doing a test focus group meeting on the proposed discussion process and then repeating the same exercise with both focus groups and also establishing if the same instrument could be used successfully in the different ethnic communities in New Zealand. In order to make the research more scientifically rigorous, triangulation was used, that is, face-to-face interviews, a literature review as well as focus group discussions.

10.8: Reliability

Reliability refers to the degree of similarity of the information obtained when the measurement is repeated on the same subject (Katzenellbogen et al, 1991). I had the interviews audio-taped or, when I was requested by the participant not to tape record the interview, I asked if I could make hand written notes. Throughout the interviews clarity was sought of the participant by either repeating the question or getting clarity from the participant by repeating what they said by asking "do you mean this...or do I hear you say that... ?" This method allowed me to ensure that the information received from the individual participant interviews was reliable.

The focus groups each received the same general instructions. The two focus group discussions were held at different times allowing the individual groups to express their opinions and make their own conclusions. The process of recording information used at the

first focus group was successfully implemented by the other focus group. The transcription of the interviews was theme based and this ensured that the researcher could identify key words and phrases that were transcribed. After repeating the same process final transcription of the interviews were done.

10.9: Data Analysis

The theme based method of analysis meant that the data collected was broken down into segments and placed into certain categories that reflected commonalities.

Jorgenson states that analysis is a breaking up, separating, or disassembling of research material into pieces, parts, elements or units. With facts broken down into manageable pieces, the researcher sorts and shifts them searching for types, classes, sequences, process patterns or wholes. The aim of this process is to assemble or reconstruct the data in a meaningful or comprehensive fashion (Jorgenson, 1989: p107).

All data collected by means of interviews and focus group discussions were coded by making use of key words or phrases. Charmaz agrees that disassembling and reassembling occurs through a the coding process, He further states that codes serve to summarise, synthesise and sort many observations made of the data, coding becomes the fundamental means of developing the analysis. Researchers use codes to pull together and categorise a series of otherwise discrete events, statements and observations that they identify in the data (Charmaz, 1983: p114). The transformation of qualitative data into a quantitative format was done to allow statistically based analysis.

Qualitative data is often much more difficult to handle and needs to be interpreted rather than analysed. Moreover, quantitative statistical analysis techniques can rarely be used to analyse qualitative data (Rimmer, 1997a). However, Mikkelson (1995) states that a reduction in the potential biases that are associated with this type of approach can be achieved by increasing the use of sampling techniques to select respondents and the transformation of qualitative data into a quantitative format to allow statistically based analysis.

CHAPTER 11

RESULTS

11.1: Individual Participants Composition and characteristics

11.1.1: Composition

The composition of the individuals that participated in the individual interviews was representative of the study population. There were;

Eritreans   2

Ethiopians   5

Somalis   6

Sudanese   3

There was a greater representation of male than females as indicated in addendum 9.

11.1.2:   Parental Status of Individual Participants

The results of the individual interviews revealed that the participants could be categorised into three groups namely;

- Single with no children
- Sole parent with one or more children
- Married with children

TABLE 11.1:   PARENTAL STATUS OF INDIVIDUAL
PARTICIPANTS

Status	Eritreans	Ethiopians	Somalis	Sudanese
Single with no children	1	3	4	1
Sole parent with one or more children	1	1	1	0
Married with children	0	1	1	2

The single participants represented 56% of the individual participants with the majority (5) being from Somali. Five of the single participants arrived in New Zealand as asylum seekers and four arrived through the quota refugee programme. The sole parents represented 19% of the individual participants. These participants arrived in New Zealand under the category of *Women at Risk* of quota refugee programme as described on page 78. The married participants arrived in New Zealand through the quota refugee programme. Two of the participants were married but were without their spouses in New Zealand. They did not regard themselves as married in New Zealand. The two Sudanese were a married couple.

11.1.3: Education levels

When interviewing the participants it was essential to get an educational background to the participants in order to be able to analyse the relationship between the educational background and the responses to barriers to employment. The results were that the participants had various qualifications and skills as shown in the table 11.2.

TABLE 11.2: EDUCATION AND SKILLS

Education and skills	Percentage of participants
< than Form 5	37.5% (6)
Skill or trade	25.0% (4)
Professional qualifications	37.5% (6)

Form 5: New Zealand high school education standard that is equivalent to standard eight (Old British Education system)
Year 11 or grade 10

The results of the comparison made with the New Zealand education system, found that the majority of the participants had either less than Form 5 or professional qualifications.

11.2:   Themes

11.2.1:   Theme 1

The participants were asked to explain what type of work they did in their country of origin. The results showed the following;

Teacher: Five participants responded that they were teachers. One participant stated that she also had her own small business in trading.

Student: Four participants responded that they were students at university and one stated that he was at a secondary school[29]. Two participants also stated that while they studied they also worked. Another stated that he helped at his parent's business.

Entrepreneur: One participant stated that he had his own business (Buying and selling material and clothes).

Medical Profession: Two participants responded that they were in the medical profession. One was a doctor and the other a dentist.

Tradesmen: Two participants stated that they were tradesmen

Herdsman: One participant stated that he was a herdsman and also a trader.

11.2.2:   Theme 2

The second theme was to determine if the participants were able to find same or similar work in New Zealand as what they did in their country of origin. The results showed that most of the participants could not do the same or similar work.

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[29] Secondary school is equal to the intermediate school (Form 3 -5) in New Zealand

Teachers: Three participants answered no. One participant stated that it would be very difficult to use his skills and another commented, "I will be able to do the same job here in New Zealand."

Students: Three participants stated that they could not use their skills and another stated that he could use his skills in New Zealand. The secondary school student stated "I used to help my mother with the fishing business. The village had a fishing business and all worked there"

Entrepreneur: The participant stated no. "I am unable to do the same type of business". (Buying and selling material and clothes)

Medical Profession: One participant stated that, "I cannot practice in New Zealand as I struggle to get registered. I have all the skills to do the job'. Another stated that "I have the skills but I cannot use them."

Tradesmen: One participant answered no and the other stated that, "I applied to many companies for a job but was told I need to get a qualification"

Herdsman: The participant answered no. He stated, "I cannot as I need to have land and animals". The table 11.3 below shows the outcome of the participant's responses.

TABLE 11.3: SAME OR SIMILAR WORK

Response	Percentage of participants
No	75% (12)
Yes	12.5% (2)
Can use my skills but difficult	12.5% (2)

11.2.3:   Theme 3

In Theme 3 the participants were asked to identify why they were unable to find the same or similar work in New Zealand. They were also asked to identify the barriers they encountered when they were looking for work or try to start their own business. During the discussion, the participants identified several barriers that were derived from the diagrammatic analysis in Addendum 10 and then grouped under different headings as shown in Table 11.4. The figures in category 'participants identifying barriers' are the amount of participants that indicated that they had that type of barrier. The results showed that the participants identified eleven barriers.

TABLE 11.4: PARTICIPANTS IDENTIFYING BARRIERS

BARRIERS	PARTICIPANTS IDENTIFYING BARRIERS
Age	1
Client management by WINZ Officers	2
Commitment to religion / culture	3
Childcare	4
Discrimination / racism	3
English language / Foreign accent	10
Lack of relevant New Zealand experience	12
Low paid jobs	3
Business finance	5
New Zealand qualifications / skills	9
Post traumatic stress disorder	3
Registration process to professions	2

11.3: RANKING OF BARRIERS AND NUMBER OF PARTICIPANTS

In Table 11.5 the barriers are ranked in order of descending priority[30] and also states the number of participants that identified the barrier. In the ranking order of barriers, 12 participants identified a lack of relevant New Zealand experience as the most prioritised barrier.

Ten participants identified English language and foreign accent attached to speaking English as the second most prioritised barrier. Lack of New Zealand qualifications and skills were ranked third

TABLE 11.5: RANKING OF BARRIERS AND NUMBER OF PARTICIPANTS[31]

Barriers	Ranking	Number of participants
Lack of relevant New Zealand experience	1	12
English language / Foreign accent	2	10
New Zealand qualifications / skills	3	9
Business finance	4	5
Childcare	5	4
Commitment to religion / culture	6	3
Discrimination / racism		
Low paid jobs		
Post traumatic stress disorder		
Client management by WINZ Officers	7	2
Registration process to professions		
Age	8	1

[30] Rank order of the Barriers. NB. The higher the proportion, the higher the ranking
[31] Derived from Addendum 11

11.4: Education and skills in relation to barriers

The ranking of education and skills in Theme 1 was compared with the average amount of barriers for participants when considering the total barriers as described in Addendum 11

TABLE 11.6: EDUCATION AND SKILLS IN RELATION TO BARRIERS

Education and skills	No. Of Participants	Average Barriers
< Than Form 5	5	5
Skill or trade	5	2
Professional qualifications	6	2

The results of table six showed that participants with less than Form 5 had an average of 5 barriers. Both the skills/trade and professional qualification categories had two barriers.

11.5: Barriers in relation to family structure

The results of barriers in relation to family structure showed that nine single participants had different amounts of barriers with three participants having five barriers. The sole parents had an average of three barriers with two participants having five barriers. The four married participants had an average of three barriers with one participant having five barriers.

TABLE 11. 7: BARRIERS IN RELATION TO FAMILY STRUCTURE

Family structure	No. of Participants	%. of Participants[32]	Barriers	Average Barriers
Single	9	11% (1)	7	3
		11% (1)	6	
		34% (3)	5	
		22% (2)	4	
		22% (2)	2	
Sole parent	3	66% (2)	5	3
		34% (1)	4	
Married	4	25% (1)	5	3
		50% (2)	3	
		25% (1)	2	

11.6: FOCUS GROUPS

Each focus group was divided into two sub-groups and was asked to discuss and identify barriers to employment. Table 11.8 and 11.9 represents the results of the comparison made from each sub-group after all duplicate identified barriers were deleted. The focus group one identified nine barriers whereas focus group two identified eleven barriers. The barriers in both tables were not placed into any order of priority.

TABLE 11.8: FOCUS GROUP 1

GROUP 1
• Culture difference • Communication: accent • New Zealand experience • Income support – little help and salary too low to support family • Low wages for refugees • Childcare • De-motivated, depression • Lack of confidence – employers • Doctors – selection process and exams

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[32] Figure in brackets indicates number of participants

TABLE 11.9: FOCUS GROUP 2

GROUP 2
• Accent - English language - way of pronunciation of words • New Zealand work experience • Discrimination – Refugees • Transport – public transport not reliable – difficult to get to jobs • Qualifications – Academic: - lost in camps and no proof • Family support – low wages – low paid labour jobs • Jobs – do not get work as per qualifications and experience • Religion – prayer times • Women – Islamic dress – covering of head and long dress • Cultural impact – worry about wife and children • English language

11.6.1: Prioritisation of focus group barriers

Each focus group was asked to identify five barriers that they would conclude as being the most prioritised barriers. After completing the identification of the barriers they were requested to priorities the barriers in a descending order. Table 10 details the results of the prioritised barriers in a descending order.

TABLE 11.10: FOCUS GROUP RANKING OF BARRIERS

GROUP 1	RANKING GROUP 2	GROUP 2
• Communication: accent	1	• References - New Zealand work experience
• Low wages for refugees	2	• English Language
• Demotivation, depression	3	• Discrimination -Refugees
• New Zealand experience	4	• Qualifications – Academic-lost in camps and no proof
• Culture difference	5	• Women – Islamic dress – covering of head and long dress

There was no further ranking done by either bringing the two focus groups together or making a comparison.

11.7: Analysis of results

The results show that the participants were representative of the study population. They were living in New Zealand for different periods of time and came from different educational and skills backgrounds. The results also show that the family structure was diverse and included sole parents, single and married people.

The information about the ages of the participants was not pursued (most of the participants did not volunteer this information) as I felt that the objective of the study was intended to determine what the barriers to employment were that caused clients to stay on the benefit for long periods of time.

I also wanted to ensure that the confidentiality and anonymity of the participants was maintained as far as the extent of the law required. My observations lead me to believe that the ages of the participants ranged between 24 –54 years old.

The results of theme one indicated that there were six skills categories. They comprised of teachers, students, entrepreneur, medical, tradesmen and herdsman. These categories were identified as their main skill however the results of the interviews as shown in Addendum 10 showed that some participants had more than one skill. The results revealed that three university student participants indicated that while they were at university they also worked. One student stated that he worked in the engineering industry while another worked in the automotive industry and the other in his parents business. A teacher also indicated that while she was teaching that she also had a business in clothing manufacture.

The results of theme two showed that most of the participants (75%) could not do the same or similar work in New Zealand. Two participants stated that they could do the same work in New Zealand but stated that they would need to have training. Another two participants stated that they could use their skills but it would be difficult.

The results of theme three showed that the participants in the individual interviews indicated that barriers did exist. The amount of barriers indicated by individuals were associated with the circumstances they found themselves in and also the level of skills and experience they possessed. The participants identified twenty-five barriers to employment that were placed into twelve categories.

11.7.1   Interpretation of Barriers

During the interviews it was important for me to establish what was meant when a participant mentioned a particular barrier. The majority of the discussion was to establish the true meaning in the fashion presented by the participant. The participant would mention a word but would later explain what they meant when they made that particular statement. In order to interpret the meaning of the statement used, it was important to define the statement.

The English spoken by the participants was explained as having the ability to speak and understand a little English, which would allow them to be understood by other people. They were unable to communicate, write or read in manner that will allow them to get a job in New Zealand. Whereas others stated that they were able to speak, write and read English but their accent in their opinion caused New Zealanders not to understand them.

On the issue of New Zealand experience the participants were confused with what people meant when they stated that they did not have New Zealand experience. This was often confused with not having skills relevant to New Zealand, New Zealand work experience and New Zealand culture.

The majority agreed that in their opinion that this meant that they either did not know how New Zealander operated or that they did not know what the New Zealand lifestyle was. They concluded that there was a difference between the two and that New Zealand experience meant that they did not know how new Zealanders went about doing things e.g. applying for jobs, writing a *curriculum vitae*, or approaching people for work, what the New Zealand culture was, how New Zealanders lived and their life style.

In regard to the issue of New Zealand qualifications, work experience and skills relevant to New Zealand, the participants clearly identified that their professional qualifications were not acceptable to New Zealand business even though some of them stated that their qualifications were NZQA approved. They were either told to do additional courses at university or bridging courses so that their qualifications could meet the New Zealand standard for registration in their profession.

They all agreed that they did not have work experience and skills relevant to New Zealand. However some stated that certain trades and jobs were universal and did not need to have New Zealand experience. However, there was consensus that the terminology used for the same material in certain industries was different and that this could be why they lacked New Zealand experience.

The participants expressed their concern about the matter of low paid jobs and that the rate of pay was not suitable to support their families. They stated that what was meant was when they applied for jobs they were looked upon as people only suitable for general labourer type or work that used minimal intelligence. This was coupled with a minimal wage that was unable to support a big family. The income was less than what they would get if they remained on a welfare benefit.

When the issue of job finding skills and lack of information on integration into New Zealand was discussed, there was a general agreement that this meant that they knew very little about how to find a job or who to contact to find out about a job. This was with the lack of understanding of how to integrate into New Zealand. The little information they received on entry into New Zealand was more about knowing how to get about in Auckland and nothing on how to work towards integration. This they said was why they stayed in their community and moved very little outside those parameters.

On the barrier of registration and entry process to professions and gate-keeping in certain professions, there was much discussion on the process used to get foreign professional people accredited so that they can work in New Zealand. They saw the process as being very complex, too academic and interpreted it as gate-keeping control. They saw that certain

bodies established stringent entry standards that were outside the ability of people that had been practising professionally for many years and they were now required to sit exams similar to university students.

The results of the individual interviews showed that a greater proportion of the participants identified lack of relevant New Zealand experience, English language and foreign accent attached to speaking English and New Zealand qualifications and skills as the three most prioritised barriers. The participants who previously had a business in their country of origin identified the business finance barrier as a priority and saw it as an obstacle to starting a business in New Zealand.

On the issue of education and skills the results have shown that the participants with the lowest level of education and skills had the highest average amount of barriers. Whereas the majority of participants with professional qualifications, skills or trade had an average of two barriers. This gave an indication that participants who had a low education background had more barriers to overcome than participants in the other two categories.

11.7.2: Family structure

The results of the family structure in relation to the barriers have shown that certain barriers are unique to the different family structures. The issue of childcare was distinctive to sole parents. All three sole parents stated that childcare was also a barrier to employment as it was too expensive for them, care services was not widely distributed geographically and transport provision was poor and services were not easily available.

The sole parents also commented that there was no appropriate childcare to put their children. The participants mentioned that the present childcare facilities were for Pacific Island people, Maori and other New Zealanders and there were no facilities that had multi-lingual childcare minders that could look after their children. Two of the sole parents expressed that they had four barriers and one sole parent had five barriers.

When analysing the barriers of the single participants it was found that five participants had expressed that they had to overcome five and more barriers. It was also found that 55% of single participants identified foreign accent attached to speaking English as a major barrier and 44% identified English language, lack of relevant of New Zealand experience and no qualification as the second major barrier to overcome.

The married participants had to overcome an average of three barriers. Distinct to married participants were the barriers of age, professional registration and entry process to professions. This was specific to the married couple and could not be generic to all refugee married couples. Further study will need to be done to establish if these barriers are generic to refugee married couples.

11.7.3: Focus Groups

The results showed that the group identified similar and additional barriers to what was stated in the individual interviews. New Zealand experience was expressed in the same manner as the individual interviews as well as low wages for refugees but also stated that employers had a lack of confidence in them. The issue of culture was identified as the refugees had difficulty in learning a new culture and maintaining their own culture. On the barrier of difference in pay some expressed that when they were offered jobs, they were discriminated against by being offered a salary lower than what was offered to other New Zealanders.

Many of the participants stated that they had the skills but were not even allowed to get a trial period to prove their skills as one participant stated. "I am a tailor and I do not need to get New Zealand experience as making a suit or upholstering a lounge suite is the same from one country to another." Another stated "that when I go for a job the employer sees that I can do the work but when it comes to the pay he tells me that I do not have New Zealand experience so I cannot expect the same pay as the other workers yet I have to do the same job."

Focus group two identified similar barriers as that of focus group one, however the group also identified additional barriers.

The issue of prayer times as a barrier was discussed as most of the refugees from the Horn of Africa belonged to the Islamic religion. They said they are required to pray five times a day and their women had to be covered from head to toe making it difficult for them to maintain New Zealand work conditions.

Two women participants stated "I am bound my religion to be covered at all times when I am in the public or in the presence of strange men. It is difficult for me to get a job were there are only women present, so I have to stay at home."

The cultural impact was also identified as a barrier experienced by the wives and children. The women stay at home for fear of moving outside their home and this requires the men to transport their wives around and take the children to school. This prevented them from getting full-time employment.

One male participant stated "I cannot get a fulltime job as I have to take my children to school and fetch them as my wife lives in fear as we come from the rural part of our country and do not see so many cars and people."

Both the individual interviews and focus groups identified barriers to employment. In most instances similar barriers were identified by both groups, however the focus groups identified additional barriers. My observations lead me to believe that some barriers are related to the need to acquire competency in communication and job entry requirements while the other barriers was of a personal nature with regard to the struggle between New Zealand work ethics and personal culture/ethics.

11.8: Delimitation

The participants were all people that were currently receiving a welfare benefit from WINZ. They expressed their willingness to participate in the interviews as they were supportive of

the research and they felt that their contribution would assist with further research and development of programmes.

Absent from data sources of this thesis are refugees that previously received a benefit from WINZ. These people would have been in the country for more than four years and have established themselves within the New Zealand community and would have made the transitional to employment. They were not included as I thought they would give an historical perspective of their experiences and also that the Immigration Act and the Social Security Act 1964 was amended several times over the past four years. Some of them were approached for my own edification and as a sounding board for valuable additional information that was incorporated in the thesis. Potential employers were also not approach as the study was to determine the barriers to employment from refugee's perspective.

11.9: Limitation

11.9.1:Literature

The availability of data and literature on the study population and specifically on the receipt of benefits was not available. Statistics New Zealand does not have specific data on the study population. The literature that is available describes the barriers that refugees and migrants encounter in general.

The other literature discusses the whole issue of welfare benefits in relation to the policies, recipients, and the agency. However there is much overseas literature available but it addresses the whole issue of refugees and not the relationship between refugees from the Horn of Africa and welfare benefits.

11.9.2:   Participants

Some of the participants were sceptical about the research even though they knew what the research was about, they still needed the assurance that their names were not going to be given to the New Zealand Immigration Service. The participants also did not agree to have a translator present in the interviews even though at some interviews certain people who they knew were present. Their reason was that it was a private matter and this limited their

ability to fully express themselves in a second language. In my opinion it was cultural and personal pride.

The other limitation was that some participants declined to have the interview audio-taped. They expressed their fear that the information could at later stage fall into the wrong hands (immigration and welfare), as this was their experience in prison and refugee camps. This information was mentioned *before* I explained to them that the tapes would be destroyed.

The understanding of barriers was another limitation as some participants saw barriers as the lack of meeting their domestic financial needs and their children. After a lengthy discussion they only understood the meaning of barriers.

11.9.3:   Own limitations

My experience of working with the people from the Horn of Africa was valuable but my ability to speak the languages limited my depth of the research. The people are able to express themselves much easily and openly when communicating in their first language.

My other limitation was the time allowed for the actual interviews. The majority of the participants come from the rural parts of their country and treat guest differently. The first part of the interviews was an exchange of greetings and the sharing of a meal with talk about the problems, culture and New Zealand in general.

By this time the participant would have talked about their barriers they encountered in different areas. This gave me a limited time to interview the participant as most of what needed to be recorded had been discussed over a meal.

CHAPTER 12

DISCUSSION

The movement of refugees across Europe, Africa and Asia has increased over the past few years due to the instability of socio-economic and political conditions in certain countries, and intra, and inter country conflict from which refugees and asylum seekers emanated. Many countries including New Zealand have opened their doors to refugees and asylum seekers through formulating policy with regard to the acceptance of refugees and asylum seekers.

The formulation of these policies were either the result of an agreement signed with UNHCR with regard to quota refugees or a signatory to the Convention relating to the Status of Refugees. Different countries in Europe have their own informal and formal policies that deal with refugees and asylum seekers while the USA has a structured programme with a fixed timeframe for approved refugees. New Zealand is a signatory to the UNHCR Convention and accepts 750 quota refugees annually under various categories through the UNHCR third country resettlement programme

Refugees from the Horn of Africa were drawn from widely varied cultural backgrounds even those from the same country of origin came to New Zealand with very different experiences, expectations, education and abilities. Arrival in New Zealand inevitably meant that refugees had to adapt to the ways of the host country in some respects and few refugees were unaware of this adaption process.

The initial process of adjustment required the quota refugees to learn new forms of public behaviour, local and cultural celebrations, foods, laws and customs and language and at the same time dealing with the trauma experienced while fleeing from their country and living in refugee camps. The New Zealand Immigration Service six-weeks orientation programme at the Refugee Reception Centre at Mangere is the Department's first objective to provide services and information that will assist the quota refugee in adapting to New Zealand.

To the asylum seekers it meant the anxiousness and helplessness experienced while waiting the outcome of the refugee status application. The conditions under which they lived as asylum seekers, the dimensions of economic or practical support available to them, and their own social, psychological and practical resources within their first period of adjustment. The literature showed that New Zealand did not follow the same trend as Europe or the USA with regard to the acceptance of refugees and asylum seekers but had their own system of dealing with them. New Zealand's membership as a host country with UNHCR governed the acceptance and integration of quota refugees and the New Zealand immigration laws outlined the procedures with regard to accepting asylum seekers.

Even though New Zealand had a six weeks orientation programme for quota refugees, contracting non-governmental organisations and other government departments to assist with the settlement of the refugees, it was found that New Zealand does not have an overarching national policy on resettlement and integration of refugees.

Financial support to both refugees and asylum seekers is managed and provided in accordance with the Social Security Act of New Zealand. The welfare system of New Zealand continually evolved throughout history to accommodate the changing trends in unemployment and long-term welfare beneficiaries. Combating long-term welfare dependency was continually addressed through programmes such as welfare that works, workfare and several government initiated projects. However, the welfare in New Zealand is still a one-tier system and it emerged in literature that in some instances still bore the resemblance of the welfare system created in 1938.

During the latter part of 1997 the government changed its welfare strategy and reviewed the Unemployment Benefit and work test procedures. This allowed WINZ to assess for work readiness of unemployed people (including refugees) who received a benefit and who signed an Job Seeker Agreement, WINZ was able to refer them to participate in activities, projects and/or training programmes and also to sanction the benefit for non-compliance.

There are two factors that contribute to long-term welfare beneficiaries for the refugee and the asylum seekers in New Zealand as shown in the literature and research. This was the

long period of time the asylum seekers had to wait before their refugee status to be granted. The other were the barriers to employment the refugees encountered while searching for work and also the period it took them to overcome those barriers. While the asylum seekers were waiting for a response from the Immigration Department about their refugee status, the welfare department could not impose any form of sanction (except when they have not notified the Department of a change in circumstances) on the welfare benefit even if the refugee was receiving a benefit for more than six months.

Long-term welfare dependency is not well articulated in New Zealand literature but is only defined in the welfare policy of WINZ as a person receiving a welfare benefit for more than twenty-six weeks. The broad definition of long-term welfare dependency did not take into account beneficiaries that did not have previous New Zealand work experience or those with recognised barriers to employment. The beneficiary was only considered according to the period that they were receiving a benefit. In the case of a refugee, the person needed to acclimatise, resettle and then be able to understand the language, culture and work ethics before they could be classified as being work ready. This could result in the refugee receiving a benefit for more than two years.

The literature review identified that refugees and asylum seekers world wide including New Zealand encountered barriers to employment. These barriers were identified either by the refugees or as shown in the literature review by researchers who spoke to potential employers. The literature review identified that refugees were confronted with psychological and social barriers when entering a host country, work experience and ethics when searching for work and the interpretation and prioritisation of barriers as perceived by organs of civil society.

Internationally, researchers identified and grouped barriers to employment into at least six categories whereas the research results have found that barriers to employment for refugees in New Zealand were grouped into twelve categories. The diversity of the refugee target population from non-English speaking background and the inclusion of single parents depicted the enormity of the barriers encountered and the amount of barriers each sector of the population had to overcome in order to successfully acquire fulltime employment.

The Social Security Amendment Act 2000 implemented by WINZ allowed refugees to work towards overcoming their barriers by participating in various types of programmes that would assist them in getting fulltime employment. A job seeker agreement signed by WINZ and the refugee, set out the mutually agreed upon activities the refugee would participate in and what work test steps would be implemented should the conditions of the agreement be contravened.

The section of the Social Security Act on work test was never put into place as a means to prevent voluntary unemployment or to reinforce work related citizenship obligations for refugees. It was also not the intention of the work test regime to use this mechanism to reduce unemployment. The literature has shown that the work test procedures was included into the job seekers agreement as notification to the refugee about what were agreed upon and also as a measure that will assist in the prevention of him or her becoming a long-term welfare beneficiary.

Concluding comments

This thesis has shown that refugees in New Zealand encountered barriers to employment while integrating into New Zealand society. The literature has also shown that while refugees settle into their new environment in New Zealand they receive a welfare benefit. This benefit is, for many, the only source of income in their early days in New Zealand. Over a period of time some of them make the transition to either fulltime or part-time employment.

Due to the New Zealand definition of welfare dependency many refugees are classified as being long-term welfare beneficiaries while overcoming their barriers to employment by receiving a welfare benefit for more than twenty-six weeks. Within this context it is a fact that according to this research and supported by literature, that refugees are long-term welfare beneficiaries while adapting to the New Zealand's socio-economic conditions. The refugees will continually be dependent on the country's welfare system until they have overcome the barriers to employment.

It was found that limited English language given the health and safety regulations in the workplace in New Zealand is a contributing factor to the non employment of refugees especially those from non–English speaking backgrounds. It is an accepted fact that refugees need to acquire work related (New Zealand) experience and overcome communications problems. Therefore the need to address the issue of barriers to employment have precedence over the need to reduce long-term welfare beneficiaries in that once the refugees have met the requirements for employment, long-term welfare recipients will be reduced.

CHAPTER 13

CONCLUSION

On arriving in New Zealand many refugees are given a new identity and in some instances a new date of birth. Some have gone so far to acquiring a new name to ensure that they would be accepted into the New Zealand community. In the struggle to uphold and maintain the very last remnants of their own culture, they are faced with having to learn a new culture and life style. In the process, they have to overcome their own personnel barriers of trauma, depression and loss of identity.

Many factors that emerged from the literature review and the research were identified (within the New Zealand context) as contributing to the refugee's barriers (perceived and actual) to employment. Current government welfare and immigration policies are used as a vehicle to assist refugees to meet their basic needs but to this extent no changes were made to the legislation that addresses the existent problem of long-term welfare beneficiaries and unemployment amongst refugees.

The following recommendations have been identified as possible solutions that could contribute to reducing unemployment amongst refugees and also contribute to better integration of refugee and their families

13.1: Policy

• **Integration Policy**

The lack of an overarching national policy on resettlement and integration of refugees has allowed the government to only meet their obligations with regard to the UNHCR Convention 1951 through contracting non governmental organisations and government departments to meet the conditions of the Convention.

It is recommended that government and organs of civil society develop a strategic plan to harness together all spheres of integration under one national integration policy

- Welfare Benefits

The literature has shown that asylum seekers receiving an Emergency Benefit while awaiting the outcome of their application for refugee status have the right to continue to receive the benefit from WINZ. It is not required of them to seek employment should they only have a visitor's visa and not be in possession of a work permit or if they had barriers to employment. Asylum seekers do not qualify for training courses, English classes and other skills training while awaiting the outcome of their refugee status application. This process has serious financial implications on the State's welfare budget and also requires continual monitoring of the asylum seeker's application.

It is recommended that the Emergency Benefit should have a separate agreement that outline the conditions and obligations while the asylum seeker is in receipt of the benefit and should these conditions and obligations not be adhered to without a valid reason that the benefit could be suspended or cancelled. These changes will then allow WINZ case managers to implement a structured plan for each client from the time they apply for an Emergency Benefit.

The case manger will be able to assess their skills, qualifications and previous experience and determine what appropriate training or work experience is required for the client to become work ready. By allowing this, the client's progress can be monitored and evaluated periodically. By including this agreement into the Emergency Benefit with regard to refugee status applicants applying for a benefit, it will help with the resettlement of the asylum seeker and reduce the period they receive a benefit once their refugee status is approved.

- English language related training

It can be concluded from the literature review and the research that one of the main barriers to employment for refugees and asylum seekers is the lack English language. This was the

priority barrier to employment as it is the medium of communication in New Zealand and very important in relationship to health and safety regulations within all industries as seen in the literature reiview. The world of work is divided into different industries such as, health, building and construction, commercial, technological and communication. Each industry has its own terminology for products and services. The person is required to have a basic understanding of the terminology and work ethics.

It is recommended that training institutions that provide skills training in a specific industry should also provide English language training that is related to the industry so that refugees are able to have an understanding of the terminology used for products and services of that industry

- Employer interaction and relationship building

The literature has shown that there was a definite reluctance from overseas employers to readily employ refugees from non-english speaking background. However, in certain instances employers are forced to recruit refugees due to the labour shortage of general hand workers in certain industries. In the literature review employers identified their own barriers and what they perceived to be the barriers of refugees.

It is recommended that:

- Government should identify skill shortages in the various industries and train refugees in those fields to the point that they are work ready.
- Government agencies should facilitate discussion forums where qualified refugees can be marketed for their skills and employers are able to raise their concerns about refugees and also interact with them
- Build the confidence of private and public employers to employ refugees
- Government should develop policy that will ensure that links are built with public employment services, private enterprise and real job opportunities for refugees.
- Develop strategies that will address the need for better partnership to be established between employers, refugee agencies and organisations working with refugee

13.2: Further study

It is also recommend that further study be conducted in the field of refugees that would include:

- The perceptions of employers about creating work for refugees in New Zealand,
- The industry as a whole with regard to recognition of qualifications and work experience and
- Documenting experiences of refugees who have successfully integrated into New Zealand.
- Developing education material that would assist and build the capacity of refugees to integrate much more easily into New Zealand's socio-economic environment and culture.
- Developing a holistic English training course address the proficiency in written and spoken English and English for the industries.
- Developing a proposed overarching national integration policy that will include welfare, education, employment and health for refugees.

13.3: Personal experience

The twenty years of working with displaced people and refugees in Africa have enlightened my understanding about their plight, trauma and rebuilding of destroyed values. It takes about five years for a refugee to settle into a new country.

The integration process is long and slow, and requires a paradigm shift to take place in the refugee's life style and culture before he or she could enjoy their new home.

Addendum 1

OAU Convention

The paper was originally submitted to the Executive Committee Working Group on Solutions and Protection in April 1991, consisted of two parts. The first, prepared by the African Group, dealt with the Convention Governing the Specific Aspects of Refugee Problems in Africa adopted by the Organisation of African Unity in 1969 and the second, submitted by the Latin American Group, covers the 1984 Cartagena Declaration on Refugees.

Both the OAU Convention and the Cartagena Declaration broaden the concept of the refugee enshrined in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. They resulted from a perception and an experience in Africa and Latin America that there was a need to complement the 1951 Convention, as modified by the 1967 Protocol, in order to provide adequate responses to new dimensions of mass displacements of persons in need of international protection and assistance.

The introduction of the paper stated that for Africa, the 1951 United Nations Convention relating to the Status of Refugees, its 1967 Protocol and the OAU Convention of 1969 must be regarded as forming a whole. The OAU Convention itself is a humanitarian response to the individual as well as the mass character of the refugee problem in Africa. It is a collective undertaking by the Member States of the OAU to receive and protect refugees in accordance with their respective national legislation. Member States undertake to apply the Convention to all refugees without discrimination as to race, religion, nationality, and membership of a particular social group of political opinion.

The paper further defined the root causes:

• The factors compelling departure on account of man-made disasters are complex, and are not easily separated from causes of other refugee flights. In the African experience, among the earliest of such causes was the struggle for national independence. Liberation movements sprang up in many countries across the continent, and as their activities

were viewed as subversive by the erstwhile administrative powers, they invariably had to conduct their operations from outside their national boundaries. Independent African governments regarded the struggle of the liberation movement as legitimate and readily offered asylum to their members. The number of refugees in this particular class, however, has greatly diminished over the years following the national independence of most African countries.

- Persecution, or fear of it by individuals or group of individuals, by a State or by forces within a given country which the State cannot control or is unwilling to control also give rise to refugee movements in Africa. Likewise dictatorship and authoritarianism resulted in gross and persistent violation of human rights. The victims can be individuals, groups of individuals or large segments of population. Where oppressive government policies combine with economic hardships and other natural or ecological disasters, the compulsion to leave becomes more urgent.

- By far, the biggest cause of refugee outflows in Africa today is armed conflict. When such outflows do occur, they are distinct in their mass character. The factors that ignite these conflicts range from inter-racial and inter-ethnic rivalries, to border clashes. In some cases, it could be a combination of several factors. Similarly, the support given by third countries to insurgent movements especially in Southern Africa is also a factor in this regard. Furthermore, institutionalised racism, most notably under the policy of apartheid that also involved the denial and violations of human rights, has precipitated departure into exile. The destabilising policies of the South African regime against its neighbouring States are already well known to the international community as major causes of huge population displacements in that sub-region.

- The OAU Convention does not refer to people who are forced to leave their respective countries of origin due to economic deprivation or chronic poverty but this cause is assuming increasing significance in Africa. So also is the category of people who are forced to leave by a combination of factors. This includes victims of man-made disasters who are at the same time victims of natural disasters. This cause or category of people is not explicit in the OAU Convention, but reference in the Convention to "events

seriously disturbing public order in either part or the whole of his country of origin or nationality", can be construed to cover this category.

OAU Convention and Signatories to the Convention offers protection

- The OAU Convention is a regional complement to the 1951 United Nations Convention. It broadens the definition of a refugee and offers legal protection to a wider category of people in response to the growing refugee problem in the continent. The wider definition has made it possible for the Convention to be applicable to groups of refugees as well as to individual refugees. This significant distinction will be appreciated when formal aspects or recognition of refugee status on an individual or collective basis are being considered.

- All 41 States, which were independent when the Convention was adopted in 1969, signed the Convention and more States have acceded to it as they became independent. However, some members of the OAU have not acceded to the Convention of 1951 and the Protocol of 1967. For effective universal protection of refugees, accession to both instruments is essential.

- Through the Convention the Member States of the OAU undertake not to reject refugees at the frontier, return or expel them to the country of origin. Where a Member State finds difficulty in continuing to grant asylum to refugees, it may appeal directly to other Member States and, through the OAU, take appropriate measures to lighten the burden of the Member State granting asylum. Where a refugee has not received the right to reside in any country of asylum, he may be granted temporary residence in any country of asylum in which he first presented himself as a refugee pending arrangements for his resettlement.

- The OAU Convention has been recognised by the General Assembly and the international community. The people covered by it have received protection and material assistance from the international community so long as they remain in Africa. Once they are out of the continent, their protection is ad hoe or non-existent. The

Working Group may wish to examine how international humanitarian law can further be developed to provide a legal regime for the protection of persons forced to leave by man-made disasters in all regions of the world.

- The other distinct characteristic of the OAU Convention is in the progress it made in the direction of strengthening the position of the individual in relation to asylum. Whereas, in the 1951 Convention and the 1967 Protocol the granting of asylum is left to the discretion of States, the OAU Convention made it an obligation for Member States to "use their best endeavours consistent with their respective Legislation's to receive refugees and to secure their settlement". (Article II, Para. I).

- The countries of first asylum in Africa are severely constrained in providing asylum and protection to refugees by lack of adequate resources to assist, settle and where possible integrate refugees. Most of these countries are under-developed with serious economic and social problems. They have to cope with massive numbers of refugees on a continuous basis. Some of the countries of first asylum are themselves producers of refugees. Refugees in these countries lead a precarious existence because the ability of the host country to sustain them is limited. Sometimes even the political climate for effective protection is uncertain or non-existent.

- Traditional African hospitality has been the basis of acceptance and assistance to refugees in Africa. However, with pressing economic and social problems, asylum countries (Governments and people) tend to be more positively inclined to receive and offer protection to refugees if there is assurance of burden sharing from the international community and an in-built package for durable solutions. Refugee caseloads, which go on for several years without a durable solution, may generate tensions and frictions with the host communities.

- The OAU Convention stated: "that the grant of asylum for refugees is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State". Despite this provision some refugees have been subjected to physical threats and harm by agents of the countries of origin. Some asylum-seekers get involved in political and

military activities that may jeopardise their status and strain relation between the country of asylum and the country of origin. This security aspect needs to be considered with the right of refugees to return to their country of origin.

Broader Responses

The spirit of the OAU Convention is to accept the principle that African refugees are essentially an African responsibility. The principle of voluntary repatriation is also recognised and in recent years root causes are being addressed and the responsibility of the State of origin is being recognised.

Addendum 2

UNHCR Convention

Chapter I: General Provisions
Article 1:   Definition of the term "Refugee"

A. For the purposes of the present Convention, the term "refugee" shall apply to any person who:

> (1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization; Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;

> (2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

> In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

B. (1) For the purposes of this Convention, the words "events occurring before 1 January 1951" in Article 1, Section A, shall be understood to mean either

> (a) "events occurring in Europe before 1 January 1951"; or

> (b) "events occurring in Europe or elsewhere before 1 January 1951", and each Contracting State shall make a declaration at the time of signature,

ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.

(2) Any Contracting State, which has adopted alternative

(a) may at any time extend its obligations by adopting alternative

(b) by means of a notification addressed to the Secretary-General of the United Nations.

C. This Convention shall cease to apply to any person falling under the terms of Section A if:

(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily re-acquired it, or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(5) He can no longer, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;

Provided that this paragraph shall not apply to a refugee falling under Section A (1) of this Article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;

(6) Being a person who has no nationality he is, because of the circumstances in connection with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;

Provided that this paragraph shall not apply to a refugee falling under section A (1) of this Article who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.

E. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations that are attached to the possession of the nationality of that country.

F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

Article 2: General obligations

Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.

Article 3: Non-discrimination

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Article 4:   Religion

The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practise their religion and freedom as regards the religious education of their children.

Article 5:   Rights granted apart from this Convention

Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to refugees apart from this Convention.

Article 6:   The term "in the same circumstances"

For the purposes of this Convention, the term "in the same circumstances" implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfil for the enjoyment of the right in question, if he were not a refugee, must be fulfilled by him, with the exception of requirements which by their nature a refugee is incapable of fulfilling.

Article 7:   Exemption from reciprocity

1. Except where this Convention contains more favourable provisions, a Contracting State shall accord to refugees the same treatment as is accorded to aliens generally.

2. After a period of three years' residence, all refugees shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.

3. Each Contracting State shall continue to accord to refugees the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.

4. The Contracting States shall consider favourably the possibility of according to refugees, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to refugees who do not fulfil the conditions provided for in paragraphs 2 and 3.

5. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in Articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.

Article 8:   Exemption from exceptional measures

With regard to exceptional measures, which may be taken against the person, property or interests of nationals of a foreign State, the Contracting States shall not apply such measures to a refugee who is formally a national of the said State solely on account of such nationality. Contracting States, which, under their legislation, are prevented from applying the general principle expressed in this Article, shall, in appropriate cases, grant exemptions in favour of such refugees.

Article 9:   Provisional measures

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a refugee and that the continuance of such measures is necessary in his case in the interests of national security.

Article 10:   Continuity of residence

1. Where a refugee has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is resident there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory.

2. Where a refugee has been forcibly displaced during the Second World War from the territory of a Contracting State and has, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence, the period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.

Article 11:   Refugee Seamen

In the case of refugees regularly serving as crewmembers on board a ship flying the flag of a Contracting State, that State shall give sympathetic consideration to their establishment on its territory and the issue of travel documents to them or their temporary admission to its territory particularly with a view to facilitating their establishment in another country.

Chapter II: Juridical Status
Article 12:   Personal status

1. The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.

2. Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognized by the law of that State had he not become a refugee.

Article 13:   Movable and immovable property

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

Article 14:   Artistic rights and industrial property

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic, and scientific works, a refugee shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting State,

he shall be accorded the same protection as is accorded in that territory to nationals of the country in which he has his habitual residence.

Article 15:   Right of association

As regards non-political and non-profit making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances.

Article 16:   Access to courts

1. A refugee shall have free access to the courts of law on the territory of all Contracting States.

2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from caution judicatem solvi.

3. A refugee shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.

Chapter III: Gainful Employment
Article 17:   Wage-earning employment

1. The Contracting State shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.

2. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions: (a) He has completed three years' residence in the country, (b) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefits of this provision if he has abandoned his

spouse; (c) He has one or more children possessing the nationality of the country of residence.

3. The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.

Article 18:   Self-employment

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable that that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

Article 19:   Liberal professions

1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

2. The Contracting States shall use their best endeavours consistently with their laws and constitutions to secure the settlement of such refugees in the territories, other than the metropolitan territory, for whose international relations they are responsible.

Chapter IV: Welfare
Article 20:   Rationing

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals.

Article 21:   Housing

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

Article 22:   Public Education

(1) The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.

(2) The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

Article 23:   Public relief

The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

Article 24:   Labour legislation and social security

(1) The Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters:

(a) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities: remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining;

(b) Social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension.

(2) The right to compensation for the death of a refugee resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting State.

(3) The Contracting States shall extend to refugees the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

(4) The Contracting States will give sympathetic consideration to extending to refugees so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and non-contracting States.

Chapter V   Administrative measures
Article 25:   Administrative assistance

(1) When the exercise of a right by a refugee would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting States in whose territory he is residing shall arrange that such assistance be afforded to him by their own authorities or by an international authority.

(2) The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to refugees such documents or certifications as would normally be delivered to aliens by or through their national authorities.

(3) Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities, and shall be given credence in the absence of proof to the contrary.

(4) Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services. The provisions of this Article shall be without prejudice to Articles 27 and 28.

Article 26: Freedom of movement

Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.

Article 27: Identity papers

The Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document.

Article 28: Travel documents

(1) The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to any other refugee in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence.

(2) Travel documents issued to refugees under previous international agreements by parties thereto shall be recognized and treated by the Contracting States in the same way as if they had been issued pursuant to this article.

Article 29:   Fiscal charges

(1) The Contracting States shall not impose upon refugee duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.

(2) Nothing in the above paragraph shall prevent the application to refugees of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.

Article 30:   Transfer of assets

(1) A Contracting State shall, in conformity with its laws and regulations, permit refugees to transfer assets which they have brought into its territory, to another country where they have been admitted for the purposes of resettlement.

(2) A Contracting State shall give sympathetic consideration to the application of refugees for permission to transfer assets wherever they may be and which are necessary for their resettlement in another country to which they have been admitted.

Article 31:   Refugees unlawfully in the country of refuge

(1) The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

(2) The Contracting States shall not apply to the movements of such refugee's restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The

Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

Article 32:   Expulsion

(1) The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.

> (3) The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

> (4)   The Contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures, as they may deem necessary.

Article 33:   Prohibition of expulsion or return ("refoulement")

(1) No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

(2) The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.

Article 34:   Naturalisation

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

ADDENDUM 3

New Zealand
Immigration Service
Te Ratonga Manene

06 September, 2001

Application Number:
Client Number:

Dear Sir,

We confirm that this Branch received a Confirmation of Claim to Refugee Status Form from you on 06 September 2001.

Important General Information

If you decide to change your address, leave the country, or if you have residence application approved you must contact this office immediately to advise us of this change in your circumstances. Any correspondence that you send to this Branch should clearly state your client number and your full name and date of birth.

It is important that you keep your permit valid while your claim to refugee status is being processed. This can be done applying to your nearest New Zealand Immigration Service Visas and Permits office. If your permit is issued for a 12 month period or longer, you may also be required to complete a medical certificate. Present immigration law makes it difficult to obtain a further permit if you let your current permit expire.

This letter also confirms that we have no objection to you attending an ESL course at the Auckland University of Technology or another technical institute provided that a place is available. You may be required to pay a fee. It is important to note that permission is given for the ESL course only and not for courses of any other nature.

If you decide to employ a representative please give him or her a copy of this letter and advise this Branch of your decision to employ a representative. All further correspondence regarding your claim to refugee status in New Zealand will then be sent to your representative.

Yours faithfully

for Manager Refugee Services

REFUGEE STATUS BRANCH Level 12, 280 Queen Street, P O Box 90533,
Auckland, New Zealand
TELEPHONE 64-9-914 5999 FACSIMILE 64-9-914 5298 www.immigration.govt.nz

A service of the
Department of Labour

ADDENDUM 4

New Zealand 181
Immigration Service
Te Ratonga Manene

Client No:
Claim No:

Dear

RE:

We refer to your client's claim to refugee status in New Zealand, which was lodged with this Branch on 07 August 2001.

It is found that your client is a refugee within the meaning of Article 1A(2) of the Convention. As such we are pleased to advise that your client's claim to refugee status in New Zealand has been approved.

If your client wishes to apply for residence your client should apply to the nearest Visa and Permit Branch of the New Zealand Immigration Service (NZIS). See attached leaflet "Residence requirements for refugees recognised in New Zealand".

Yours faithfully

Refugee Status Officer
Refugee Status Branch

encl.

REFUGEE STATUS BRANCH Level 12, 280 Queen Street, P O Box 90533,
Auckland, New Zealand
TELEPHONE 64 0 914 5000 FACSIMILE 64 0 914 5200 immigration.govt.nz

A service of the
Department of Labour

Addendum 5:   Table of Work Test Sanctions

Failure	Sanction	
	Primary/Partner	**Sole Parent**
Grade 1 Failure Client refuses to accept an offer of suitable employment	1st Offence: 100% benefit reduction for a minimum of 1 week and continue suspension until client re-complies.	1st Offence: 50% benefit reduction for a minimum of 1 week and continue suspension until client re-complies.
	2nd Offence: 13-week non-entitlement period (The benefit is cancelled for 13 weeks. The client must reapply at the end of that period if they wish to receive benefit.) Clean Slate activity can apply.	2nd Offence: 13-week non-entitlement period (50%) payable. Clean Slate activity can apply.
	Legislation Section 115, SSA 1964	**Legislation** Section 115 SSA 1964[1] Section 121 SSA 1964
Grade 2 Failure Client refuses to attend an interview for suitable employment	1st Offence: 100% benefit reduction, until the client re-complies (if a client re-complies within a week, no penalty)	1st Offence: 50% benefit reduction until the client re-complies (if a client re-complies within a week, no penalty)
Client refuses to take part in training or other organised activity Client does not attend a work focus interview	2nd Offence: 100% benefit reduction for a minimum of 1 week until the client re-complies	2nd Offence: 50% benefit reduction for a minimum of 1 week until the client re-complies

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[1] SSA (Social Security Act), SSAA (Social Security Amendment Act),

Client leaves training or other organised activities, such as community work or part-time work of less than 15 hours per week	3rd Offence: 13-week stand down. Clean Slate activity can apply	3rd Offence: 13-week stand-down (50% payable) Clean Slate activity can apply
Dismissal for misconduct from training or other organised activities, such as community work or part-time work of less than 15 hours per week	**Legislation** Section 116 SSA 1964	**Legislation** Section 116 SSA 1964 Section 121 SSA 1964
Grade 3 Failure Client refuses to attend a mandatory interview	20% reduction in benefit in the week which the refusal occurred.	
Grade 3 Failure Client fails to complete a task from an organised activity	10% reduction in the week which the task was not completed.	
Grade 3 Failure Late arrival or absence from an organised activity or an exercise	Between ¼ of an hour and 2 hours	8% reduction
	Between 2 and 4 hours	16% reduction
	Between 4 and 6 hours	24% reduction
	Between 6 and 8 hours	32% reduction
	More than 8 hours	40% reduction
	More than one penalty can apply each week, but the total penalty cannot be more than 40%. If two offences occur on the same day, the highest penalty will apply.	
Grade 3 Failure Failure to complete a Yearly Planning Meeting or non completion of a Work Preparation Activity Failure to answer questions during, or to otherwise co-operate in a Yearly Planning Meeting	10% deduction in the week which the refusal occurred.	

Grade 3 Failure Failure to attend a Yearly Planning Meeting or non attendance at a Work Preparation Activity	20% deduction in the week which the refusal occurred.	
	Legislation Section 117 and Section 121, SSA 1964	
Grade 4 Failure Voluntary unemployment and dismissal from paid employment	13-week stand down. Clean Slate activity can apply	13-week stand down. (50% payable) Clean Slate activity can apply
	Legislation Section 60H and Section 121 SSA 1964	

Addendum 6:

Exemption from Work Test

Primary Clients (Refugee)[1]

In approved training

When a client is attending an approved training course and the training is 20 hours a week or more and lasts longer than 4 weeks, then they are exempted from the work test obligations.

Bereavement or separation

A person who is a widow's or domestic purpose beneficiary is not required to comply with the work test for a period of six months from the date of the death of the person's partner or from the date the person started to live apart from the partner

Clients who are sick, injured or disabled

If a client becomes sick, injured or disabled, their work test obligations may be deferred until they are well again. However, the client need to provide proof from a health professional stating what the illness is and the length of time the client should be deferred

Aged 55-59 years

Clients aged between 55 and 59 can apply for an exemption from meeting their work test obligations if they have been subject to the work test for 6 months since turning 55 years old. They can be referred to activities and approved training, but a sanction can't be imposed against their benefit if they refuse to attend.

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[1] My own insert "Client here is referred to the refugee who is receiving a statutory benefit that is work tested"

Aged 60 years or older

Clients aged 60 or over may apply for an exemption from meeting their work test obligations, as they are not required to be subject to the work test. They can be referred to activities and approved training, but a sanction can't be imposed against their benefit if they refuse to attend.

Pregnancy

A client who is pregnant, may be exempted from their work test obligations once the client is 27 weeks pregnant and from the day they provide proof from a health professional (Doctor or registered midwife).

Home Detention

A client who have been sentenced to home detention is exempted from the work test until the sentence is completed

7.2.2: Partners

With no children or youngest child 14+

Partners may be deferred from the work test if they are:

- Sick, injured or disabled (Medical certificate)

- In approved full-time study (proof of attendance)

- Applied for an exemption from their work test obligations. (Proof of the situation)

Aged 55-59 years

Partner aged between 55 and 59 may apply for an exemption from meeting their work test obligations if they have been subject to the work test for six months since turning 55 years old.

Aged 60 years or older

Partners aged 60 or over may apply for an exemption from meeting their work test obligations straight away. They are not required to be subject to the work test.

Caring for sick, injured, disabled

A partner may be exempt from their work test obligations if they are caring for a person (patient) who is sick, injured or disabled and who is required to be cared for on a full-time basis. The partner must provide proof from a health professional stating:

- That the patient needs the partner's full-time care and

- The length of time the patient will need that care

Could receive Invalids Benefit

If a partner has an illness, injury or disability that would enable them to receive the Invalids Benefit, they may be exempt from meeting their work test obligations. The partner must provide proof from a health professional stating:

- what the illness is

- The length of time the partner should be exempt and the recommendation that they could receive the Invalids Benefit

Caring for child with special needs (work test)

A partner may be exempt from their work test obligations if they are the principal caregiver of a <u>dependent child</u> with special needs. The child must be living at home with the partner and require full-time care. The child must have a:

- Physical or intellectual disability

- Medical condition

- Chronic or recurring illness **or**

- Learning or behavioural difficulty

If the partner is not receiving a Child Disability Allowance for the child then they must provide written proof from a health professional stating:

- What the child's illness is or

- An assessment of the child's behavioural difficulty and

- The need for full-time care

- The risk to the child if the partner is sent to training or an activity and the length of time the partner should be exempted

Caring for a child under 6 who is not their dependent child

A partner may be caring for a child who does not meet the definition of <u>dependent child</u>. This can include Foster children and children under the Department of Child, Youth and Family Services care who are not financially dependent on their caregiver and a child for whom the partner receives Unsupported Childs Benefit or Orphans Benefit. These partners cannot meet their work test obligations and may be exempt.

Home Schooling

A partner may be exempt from their work test obligations if they are home schooling a dependent child. These are:

1. Partners who have a child who is studying by correspondence and who cannot attend school for behaviour or health reasons, may apply for an exemption under caring for a child with special needs.

2. Partners who home school under the Ministry of Education can purchase courses provided by the Correspondence School as part of their child's education programme. They must provide their 'Certificate of Exemption from Enrolment

at a Registered School' (issued by the Ministry of Education). If the child being home schooled is aged 17 or 18 years, then to apply for an exemption from their work test obligations

Pregnancy

If a partner is pregnant they may be exempt from meeting their work test obligations once the partner is 27 weeks pregnant and from the day they provide proof from a health professional (Doctor or registered midwife).

In approved study

Partners with no children or with their youngest child aged 6 or over can apply for an exemption from their work test obligations if they were in full-time approved study at the time they became subject to the work test. This situations where a partner was part way through a course of study at the time that the client applied for a Unemployment Benefit, or part way through a course of study when their youngest child reached the age of 6 years. They can be exempted up until their current course of study has finished or the end of the current academic year whichever is the earlier date.

Youngest child 6-13

Part-time work test obligations apply to a partner with a youngest child aged between 6 – 13 years

ADDENDUM 7:

SOMALI CONCERN REFUGEE AND MIGRANT ORGANIZATION
3 PINEWOOD STREET – BLOCKHOUSEBAY
P.O. BOX 147080 PONSONBY - AUCKLAND
TELEPHONE: 09 8287350
FAX NO: 09 8287351
E-MAIL: aminiatf@ xtra.co.nz

6 June 2001

Associate Professor Mike O'Brien
The Chairperson
Human Ethics Committee
Massey University
Private Bag 102 904
North Shore MSC
Auckland

Dear Associate Professor Mike O'Brien and Committee

RE: CONSENT TO DO RESEARCH AT THE ORGANISATION

Our organisation has been asked to assist in the research study project which aim to determine why Sub-Saharan Africans registered with Avondale Work and Income, New Zealand and living in the surrounding suburbs, are long-term benefit dependants.

The request for consent was made by Hilton Tito who is undertaking research to determine what the barriers to sustainable employment are that cause clients to stay on the benefit for long periods of time.

We have agreed to grant Hilton Tito consent to do the research in our organisation. Hilton is a volunteer and is the organisation's development advisor and a Community Advocate. We also agreed to grant him consent because we view such research valuable to an organisation such as ours who work with Sub-Saharan Africans.

The consent and assistance is granted for but not limited to:

1. Access to historical literature of the formation of the organisation.
2. To request of the director permission to 30 names and addresses of the organisations clients that are registered with the Avondale Work and Income office as beneficiaries.
3. To do a random selection of the 30 names and to contact 15 clients in writing to request permission for them to be interviewed.
4. To have focus group discussions which will be 2 groups consisting of 6 –8 participants selected from the 15 face to face interviewees and will include one married couple.
5. To approach the organisation's translators for permission to translate at interviews or focus groups whenever it is required.

We value the work Hilton Tito has done in the past for the organisation and look forward to being of assistance with regard to his research project.

Yours Faithfully

Ms. Aminaa Daud Timayare
Director

SOMALI CONCERN REFUGEE
& MIGRANT
ORGANISATION INC.

ADDENDUM 8

Massey University
COLLEGE OF HUMANITIES & SOCIAL SCIENCES

School of Social and
Cultural Studies
Private Bag 102 904,
North Shore MSC,
Auckland,
New Zealand
Telephone: 64 9 443 9
Facsimile: 64 9 441 81

WHY LONGTERM WELFARE DEPENDENCY? - A Study of Barriers to Sustainable
Employment for Sub-Saharan Africans in Auckland.

INDIVIDUAL CONSENT FORM

I have read the Information Sheet and have had the details of the study explained to me. My questions
have been answered to my satisfaction, and I understand that I may ask further questions at any time.

I understand I have the right to withdraw from the study at any time up to 30th September, 2002 and to
decline to answer any particular questions.

I voluntarily agree to provide information to the researcher on the understanding that my name will not be
used without my permission.
(The information will be used for this research and publications arising from this research project It may
also be used for conference papers and presentations).

I agree/do not agree to the interview being audio taped.

I also understand that I have the right to ask for the audio-tape to be turned off at any time during the
interview.

I agree to participate in this study under the conditions set out in the Information Sheet.

Signed: ....

Name: ....

Date: ....

Te Kunenga ki Pūrehuroa

Inception to Infinity: Massey University's commitment to learning as a life-long journey

ADDENDUM 9:   INDIVIDUAL PARTICIPANT COMPOSITION

Description	Country of Origin	Male	F/male	Family Structure	Education / skill Level	Immigration status
Eritrea	2					
Ethiopia	5					
Somali	6					
Sudan	3					
Male		9				
Female			7			
Single				9		
Married				4		
Sole parent				3		
< than Form 5					6	
Skill/ trade					4	
Professional qualification					6	
Asylum Seeker						5
Quota Refugee						11

ADDENDUM 10:

RESPONSES FROM PARTICIPANTS

THEME 1	THEME 2	THEME 3
Type of work done in country of origin	Ability to find same or similar work in New Zealand	Difficulties or barriers faced when looking for work or starting own business
Participant 1 I was a teacher and have a teacher's diploma. Women training centre and trained women in many skills including gardening. Teach women to start a business	Very difficult but I can use my skills	Information a barrier Language is a barrier as speak Arabic but to me English is not a problem. I have no money to start a business. I have nobody to look after my children. I could not find the right people to talk to about a business. The culture is different and business culture is strange. Here is lots of rule to follow and therefore I need to be trained in New Zealand business. My children are a barrier as there is no place to put them.
Participant 2 We were students at university and worked in the engineering field. I also taught	I can use my skills here in New Zealand.	Whenever I apply for a job I get asked to provide a CV. I get told that I need to have relevant experience. I have nobody to look after my children, as there is no Somali childcare centre. You have to know somebody to get you a job. I have no language barrier. I see racism as a barrier. I have no New Zealand work experience and they will only take people with that experience.
Participant 3 I did wood work and build houses and driver for building contractors	No	Language as I do not understand English He talked to my case officer at WINZ but they tell me I must first learn English. I have all the skill but cannot talk the language. It is very important for me to learn about the language. I also do not have New Zealand experience.

Type of work done in country of origin	Ability to find same or similar work in New Zealand	Difficulties or barriers faced when looking for work or starting own business
Participant 4 I was a primary school teacher and I was teaching English and mathematics. I have a Education Certificate. I was a principal of a school. I can also do many things	I was trying to get a job. I was graded at Mangere with form six.	I go for jobs but I get told that I do not have a first language. They think that we from Africa cannot speak English. I have a slight disability a deformed hand. I would like to teach but I must have to go for retraining. I have tried to get many jobs but wherever I go I get told I need to speak New Zealand English. When I left Sudan refugee camp I lost all my certificates and came here without qualifications. I think that when people have a skill why should he stay on the benefit. We become stupid if we stay on the benefit and I do not think that the refugee camps experience prevents us from getting a job. The country's culture and language can create some fear in the refugee.
Participant 5 I had my own business buying and selling material and clothes. I traded at home and in the market	No , I am unable to do the same type of business	I have a problem with English I have no money to start my own business I do not have the skills to do business in New Zealand. I need training in business here in New Zealand
Participant 6 In Somalia I worked as a Carer for small children up to the age of six years old	Yes I will be able to do the same job here in New Zealand	I do not speak well English I have small children and here is no place for Somali children to stay while I work I also do not have the skills to work in a crèche here in New Zealand as I looked after children in the village
Participant 7 I was a student in my country and was at secondary school	I use to help my mother with the fishing business. The village had a fishing business and all worked there	I have no qualifications that would let me get a job. I tried to get a job at Pak n Save and other shops but was told I must first learn to speak New Zealand English I was asked if I worked in New Zealand. I am sent on lots of courses but not sent to jobs by WINZ. I do not know how to find a job in New Zealand.
Participant 8 I was a tailor in Ethiopia and work for an Italian business and also at home. I also cover furniture	I applied to many companies for a job but was told I need to get a qualification	I have no qualifications as I was taught by my father. I have no New Zealand experience but I use to do Italian furniture upholstery. They only want to employ me as a labourer. I have no New Zealand qualifications that the employers want. I have no money to start my own business. Case manager at WINZ do not understand me and what I want to do. They just want to send me on courses that is not in my skills

Type of work done in country of origin	Ability to find same or similar work in New Zealand	Difficulties or barriers faced when looking for work or starting own business
Participant 9 I completed my medical degree in Sudan and practiced in the Sudan. I later applied to the Saudi Arabia and was appointed by the medical officer of health as head of gynaecology. I later did my post graduate studies at the Royal College of Obstetrics in London. I am a internationally registered	I cannot practice in New Zealand as I struggle to get registered. I have all the skills to do the job.	The barriers that I face in the system to see if we can do the work. The Royal College in Wellington refuse to recognise my degree which was accepted in London I have to sit a medical examination. They deleted 12 Years of experience and study. The political system is the problem. I notice that there are gatekeepers who decide who should be accepted. Doctors with high qualification are pushed aside. They exam doctors medically but I am a surgical doctor. The ballot system used for the selection is controlled by a private organisation and nobody is present to evaluate the system.
Participant 10 Dentist. I worked in Sudan. I worked in Saudi Arabia for 6 years. I have NZQA qualification	I have the skills but I cannot use it	I have to be registered to work as a dentist. I also have to be examined as a student who is graduating today. I have to study for five years to be able to past the examination. I am 40 and my age is against me. I have to prepare financially, as I need to pay more than $7000.00. I have to study all over again. I now have a barrier that I need to write an exam as an English exam before I am accepted for the course. I also have to pay all the fees to attend the exams. I have to also look after the children and have domestic responsibilities. I have also the fear of spending all the money and do not know if I will pass. By the time I have completed I will be to old to reap the benefits of all the sacrifices
Participant 11 I was a university teacher and taught English literature. I taught also students of other language. I have a higher Degree	I am afraid not as English as a first language.	I was told that I will need to study for three years to become a teacher in New Zealand and there after I will need to do one year of work experience. I was told my English was a problem to get a job. I cannot use my qualifications here in New Zealand even if I am an English teacher. Need to do a national certificate in English teaching. I have the experience as I worked in the refugee camp at Mangere. I do not think that the trauma of the refugee camp prevents the people from getting jobs. The language barrier is a great one for some people. The way of life in New Zealand is different but so is your culture as things are not what we are used to. I speak English the way I speak my language so it could be a barrier. I think that we should be given the chance to be evaluated then told what training is required

Type of work done in country of origin	Ability to find same or similar work in New Zealand	Difficulties or barriers faced when looking for work or starting own business
Participant 12 I was a student in Eritrea but Helped my parents with the small business	I have tried to do work while I am studying but could not get a job	I found that my English was not the problem but it was my accent. Employers see you have English as a 2nd language they do not want to employ you I have no relevant New Zealand work references. I have no New Zealand work experience. Rate of pay not suitable to support a family Public transportation not suitable My colour of my skin as a black person No skills in finding jobs My religion as a Muslim as I need to pray five times a day
Participant 13 I studied at the university of Ethiopia and did Mathematics	I cannot use my skills here as I could not finish my degree but applied for many jobs. I had my CV done at an agency	I do not have a problem with English but I was told by employers' that they have a problem with my English. I do not have New Zealand experience. I am only offered labourer jobs and low pay. They ask me for New Zealand qualifications for low paid jobs
Participant 14 I was a student In my country studying Social Science but did work in the automotive industry	I cannot use my skills here in New Zealand	I do not have the qualification to do the job here. I have no New Zealand work experience. When I apply for a job I am told that I am only suitable for low paid jobs. Only cleaning and labourer job I am coming from Africa so the colour of my skin is the problem. I was told I am the World Vision people
Participant 15 My work in Eritrea was a housewife and a business lady and teacher. My husband was working a Saudi Arabia and I had to manage the house. As I was a teacher I taught the women about trading and managing a business. We made clothes, cloth dying for local business	No as I do not have the materials	I do not know where to put my children as no kiddie school want to take my children so I have to look after my children full time. I do not have the money to start a business. I do not have the skills to do business in New Zealand. I need training to do business and also know about New Zealand laws for business. My business skills are only for Eritreans and Ethiopians. I do not speak good English
Participant 16 I was a herdsman in my country and also a trader	No, I cannot as I need to have land and animals	I speak very little English I have no skills to work I have no money to buy animals or get land to farm I have trouble with getting use to New Zealand. I often think of the refugee camps and get depressed. I need help with my problems and got to hospital a lot. I have problems to learn a job

ADDENDUM 11:   ANALYSIS OF PARTICIPANTS INTERVIEWS

DESCRIPTION	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	Total	Ranking
	S/P	S/P	S	S	S	M	S	M	M	M	S	S	S	S	S/P	S		
Age										•							1	6
Client management by WINZ Officers							•	•									2	5
Colour of skin as a black person												•		•			2	5
Commitment to religion												•					1	6
English language			•		•	•					•				•	•	6	1
Foreign accent attached to speaking English				•			•				•	•	•				5	2
Gate keeping in certain professions									•								1	6
Job finding skills							•					•					2	5
Lack of information on integration into NZ	•											•					2	5
Lack of relevant New Zealand experience		•	•									•	•	•			5	2
Lack of Skills relevant to New Zealand						•					•				•	•	4	3
Low paid jobs													•	•			2	5
New Zealand business culture	•				•												2	5
New Zealand culture (life style)	•														•		2	5
New Zealand work experience		•					•	•						•			4	3
No money to start a business	•				•			•							•	•	5	2
No qualifications							•	•					•	•		•	5	2
New Zealand qualifications				•				•			•						3	4
No place to put my children (childcare)	•	•			•										•		4	3
Public transportation												•					1	6
Racism		•															1	6
Rate of pay not suitable to support family												•					1	6
Registration and entry process to professions									•	•							2	5
Training to start a business					•										•		2	5
Trauma of displacement, refugee camps, fear				•						•						•	3	4
Total Barriers	5	4	2	2	4	3	5	5	2	3	4	7	5	5	5	6	67	
Education And skills rank	1	1	2	1	3	3	3	2	1	1	1	3	1	2	2	3		

S = Single   S/P = Sole Parent   M = Married

ADDENDUM 12: DATA OF STUDY POPULATION FOR PERIODS ON THE BENEFIT

Ethnic Group	ERITREA					
Period	30 SEPTEMBER 2002					
	Duration Groups					Grand Total
Region Name	Under 26 Weeks	26 – 51 Weeks	52 – 103 Weeks	104 –207 Weeks	208 + Weeks	
Auckland Central	0	0	0	0	0	0
Auckland North	0	0	0	0	0	0
Auckland South	0	0	0	0	0	0
Canterbury	0	0	0	0	0	0
East Coast Bays	0	0	0	0	0	0
Waikato	0	0	0	0	0	0
Wellington	0	0	0	0	0	0
Total	0	0	0	0	0	0

Ethnic Group	ERITREA					
Period	31 DECEMBER 2002					
	Duration Groups					Grand Total
Region Name	Under 26 Weeks	26 – 51 Weeks	52 – 103 Weeks	104 –207 Weeks	208 + Weeks	
Auckland Central	1	0	0	0	0	1
Auckland North	0	0	0	0	0	0
Auckland South	0	0	0	0	0	0
Canterbury	0	0	0	0	0	0
East Coast Bays	0	0	0	0	0	0
Waikato	0	0	0	0	0	0
Wellington	0	0	0	0	0	0
Total	1					1

Ethnic Group	ERITREA					
Period	31 MARCH 2003					
	Duration Groups					Grand Total
Region Name	Under 26 Weeks	26 – 51 Weeks	52 – 103 Weeks	104 –207 Weeks	208 + Weeks	
Auckland Central	0	0	D	0	0	0
Auckland North	0	0	D	0	0	0
Auckland South	0	0	D	0	0	0
Canterbury	0	0	D	0	0	0
East Coast Bays	0	0	D	0	0	0
Waikato	0	0	D	0	0	0
Wellington	0	0	D	0	0	0
Total	0	0	D	0	0	0

Ethnic Group	ERITREA					
Period	30 JUNE 2003					
	Duration Groups					Grand Total
Region Name	Under 26 Weeks	26 – 51 Weeks	52 – 103 Weeks	104 –207 Weeks	208 + Weeks	
Auckland Central	0	0	0	0	0	0
Auckland North	0	0	0	0	0	0
Auckland South	0	0	0	0	0	0
Canterbury	0	0	0	0	0	0
East Coast Bays	0	0	0	0	0	0
Waikato	0	0	0	0	0	0
Wellington	0	0	0	0	0	0
Total	0	0	0	0	0	0

Ethnic Group	ETHIOPIA					
Period	30 SEPTEMBER 2002					
	Duration Groups					Grand Total
Region Name	Under 26 Weeks	26 – 51 Weeks	52 – 103 Weeks	104 –207 Weeks	208 + Weeks	
Auckland Central	3	4	4	6	0	17
Auckland North	0	2	3	1	0	6
Auckland South	0	2	4	0	0	6
Canterbury	1	3	2	2	0	7
East Coast Bays	0	0	0	0	0	0
Waikato	0	0	0	0	0	0
Wellington	0	2	4	2	0	8
Total	4	13	17	11	0	44

Ethnic Group	ETHIOPIA					
Period	31 DECEMBER 2002					
	Duration Groups					Grand Total
Region Name	Under 26 Weeks	26 – 51 Weeks	52 – 103 Weeks	104 –207 Weeks	208 + Weeks	
Auckland Central	3	7	3	5	0	18
Auckland North	4	2	2	2	0	10
Auckland South	0	2	4	0	0	6
Canterbury	0	2	2	2	0	6
East Coast Bays	0	0	0	0	0	0
Waikato	0	0	0	0	0	0
Wellington	0	2	2	2	0	6
Total	7	15	13	11	0	46

Ethnic Group	ETHIOPIA					
Period	31 MARCH 2003					
	Duration Groups					Grand Total
Region Name	Under 26 Weeks	26 – 51 Weeks	52 – 103 Weeks	104 –207 Weeks	208 + Weeks	
Auckland Central	2	0	5	3	2	12
Auckland North	4	0	4	2	0	10
Auckland South	0	0	3	0	0	3
Canterbury	1	0	2	2	0	5
East Coast Bays	0	0	0	0	0	0
Waikato	0	0	0	0	0	0
Wellington	0	0	5	4	0	9
Total	7	0	19	11	2	39

Ethnic Group	ETHIOPIA					
Period	30 JUNE 2003					
	Duration Groups					Grand Total
Region Name	Under 26 Weeks	26 – 51 Weeks	52 – 103 Weeks	104 –207 Weeks	208 + Weeks	
Auckland Central	0	2	6	2	2	12
Auckland North	2	2	4	3	0	11
Auckland South	1	0	3	0	0	4
Canterbury	2	0	2	1	0	5
East Coast Bays	0	0	0	0	0	0
Waikato	0	0	0	0	0	0
Wellington	1	0	5	5	0	11
Total	6	4	20	11	2	43

Ethnic Group	SOMALIA					
Period	30 SEPTEMBER 2002					
	Duration Groups					Grand Total
Region Name	Under 26 Weeks	26 – 51 Weeks	52 – 103 Weeks	104 –207 Weeks	208 + Weeks	
Auckland Central	4	4	6	14	0	28
Auckland North	7	3	4	2	0	16
Auckland South	20	1	0	0	0	21
Canterbury	4	0	4	3	0	11
East Coast Bays	0	0	0	0	0	0
Waikato	3	2	6	1	0	12
Wellington	6	3	5	7	0	21
Total	44	13	25	27	0	109

Ethnic Group	SOMALIA					
Period	31 DECEMBER 2002					
	Duration Groups					Grand Total
Region Name	Under 26 Weeks	26 – 51 Weeks	52 – 103 Weeks	104 –207 Weeks	208 + Weeks	
Auckland Central	3	2	8	12	1	26
Auckland North	4	4	4	3	0	15
Auckland South	18	0	0	0	0	18
Canterbury	4	0	4	2	0	10
East Coast Bays	0	1	0	0	0	1
Waikato	18	1	5	4	0	28
Wellington	5	3	5	5	1	19
Total	52	11	26	26	2	117

Ethnic Group	SOMALIA					
Period	31 MARCH 2003					
	Duration Groups					Grand Total
Region Name	Under 26 Weeks	26 – 51 Weeks	52 – 103 Weeks	104 –207 Weeks	208 + Weeks	
Auckland Central	1	8	10	17	2	38
Auckland North	2	3	4	4	0	13
Auckland South	1	10	0	0	0	11
Canterbury	2	5	3	4	0	14
East Coast Bays	1	2	0	0	0	3
Waikato	8	15	7	7	0	37
Wellington	0	8	10	3	2	23
Total	15	51	34	35	4	139

Ethnic Group	SOMALIA					
Period	30 JUNE 2003					
	Duration Groups					Grand Total
Region Name	Under 26 Weeks	26 – 51 Weeks	52 – 103 Weeks	104 –207 Weeks	208 + Weeks	
Auckland Central	3	7	4	15	0	29
Auckland North	0	2	6	2	0	10
Auckland South	0	8	0	0	0	8
Canterbury	0	3	2	3	0	8
East Coast Bays	0	3	0	0	0	3
Waikato	2	19	5	10	0	36
Wellington	1	5	9	6	0	21
Total	6	47	26	36	0	115

Ethnic Group	SUDAN					
Period	30 SEPTEMBER 2002					
	Duration Groups					Grand Total
Region Name	Under 26 Weeks	26 – 51 Weeks	52 – 103 Weeks	104 –207 Weeks	208 + Weeks	
Auckland Central	0	1	1	2	0	4
Auckland North	0	1	0	0	0	1
Auckland South	0	0	0	0	0	0
Canterbury	0	0	0	0	0	0
East Coast Bays	0	0	0	0	0	0
Waikato	0	0	0	0	0	0
Wellington	0	0	0	1	0	1
Total	0	2	1	3	0	6

Ethnic Group	SUDAN					
Period	31 DECEMBER 2002					
	Duration Groups					Grand Total
Region Name	Under 26 Weeks	26 – 51 Weeks	52 – 103 Weeks	104 –207 Weeks	208 + Weeks	
Auckland Central	1	0	1	0	0	2
Auckland North	0	0	0	0	0	0
Auckland South	0	0	0	3	0	3
Canterbury	0	0	0	0	0	0
East Coast Bays	0	0	0	0	0	0
Waikato	0	0	0	0	0	0
Wellington	0	0	0	1	0	1
Total	1	0	1	4	0	6

Ethnic Group	SUDAN					
Period	31 MARCH 2003					
	Duration Groups					Grand Total
Region Name	Under 26 Weeks	26 – 51 Weeks	52 – 103 Weeks	104 –207 Weeks	208 + Weeks	
Auckland Central	1	0	0	0	0	1
Auckland North	0	0	1	0	0	1
Auckland South	0	0	0	3	0	3
Canterbury	0	0	0	0	0	0
East Coast Bays	0	0	0	0	0	0
Waikato	0	0	0	0	0	0
Wellington	0	0	0	0	0	0
Total	1	0	1	3	0	5

Ethnic Group	SUDAN					
Period	30 JUNE 2003					
	Duration Groups					Grand Total
Region Name	Under 26 Weeks	26 – 51 Weeks	52 – 103 Weeks	104 –207 Weeks	208 + Weeks	
Auckland Central	3	0	0	0	0	3
Auckland North	1	0	0	0	0	1
Auckland South	1	0	0	2	0	3
Canterbury	0	0	0	0	0	0
East Coast Bays	0	0	0	0	0	0
Waikato	0	0	0	0	0	0
Wellington	0	0	0	0	0	0
Total	5	0	0	2	0	7

ADDENDUM 13

THE INTERVIEW GUIDELINES

1. **The "nurturing" phase.**

This is the initial warm-up to the interview when the parties to the interview introduce themselves and talk briefly about neutral topics to establish themselves.

2. **The "energising" phase.**

Here the area of discourse, and any existing problems are identified. The interviewer will once again explain the purpose of the interview and clarify any concerns the interviewee might have. The interviewer will ask the interviewee if they are still willing to continue with the interview.

3. **The "body" of the interview.**

This is the peak phase of activity, where the interviewer is continually probing, bringing out the 'askable prompts' in the predetermined order to understand the range of responses the interviewee produce. It is important at this stage for the interviewer to remain analytical and neutral. The interview is fairly free in structure, the interviewee may direct the order of topics, and the interviewer should follow them. Otherwise the order of topics is at the interviewer's discretion. Before this phase ends, the interviewer should check whether all the topics have indeed been covered.

4. **The "closing" phase.**

The interviewer should summarise what he has learnt from the interview, and ask the interviewee whether this is correct. The interviewee should be asked whether there were issues which had not been touched upon that they would like to talk about. It is a good idea to spend a little time on how the interviewee felt about doing the interview.

OBJECTIVE	PRIMARY QUESTIONS	PROBING QUESTIONS	NOTES

To establish the background of the person before they came to New Zealand and what work they did	Can you tell me about yourself before you came to Zealand and what type of work you did?	Country of origin
		  • Country of birth
		  • Country lived
		Education
		  • Type of education and experience gained
		Family life
		  • Background
		Family structure
		  • No of children if any
		Martial status
		  • Single
		  • Married
		  • Sole parent
		Type of work
		  • Profession
		  • Trade
		  • Business
		  • Craft skills
		Language spoken
		  • Home language
		  • Other languages	

| To determine the person's present settlement status in New Zealand | Can you tell me about yourself now that you are living in New Zealand | Immigration status
   • Type of entry into new Zealand
Perception of Marital status
   • Single
   • Married
   • Sole parent
Family structure
   • No of children if any
Home responsibilities
   • Caring for Children
   • Caring for sick
   • Caring for elderly
Financial support
   • Type of financial support
Employment
   • Job seeking knowledge
   • Contacts for work
   • Curriculum Vitae preparation
   • New Zealand work experience
   • Education and training
   • Knowledge of New Zealand Qualifications (papers)
   • Professional registration
   • Knowledge of industry
Community support | |

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