



Social Policy & Parliamentary Unit
Working for the eradication of poverty in New Zealand



Immigration (Mass Arrivals) Amendment Bill
Foreign Affairs, Defence and Trade Select Committee

The Salvation Army Te Ope Whakaora New Zealand, Fiji, Tonga, and Samoa Territory
27th April 2023

Summary

- The Salvation Army Te Ope Whakaora strongly opposes this Immigration (Mass Arrivals) Amendment Bill in its entirety and urges Parliament not to proceed further with it. The changes proposed in the bill are concerning and out of step with related work underway on developing modern slavery legislation and countering human trafficking.

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Background

1. The mission of The Salvation Army is to care for people, transform lives and reform society through God, in Christ and by the Holy Spirit's power. The Salvation Army is a Christian church and social services organisation that has worked in New Zealand for one hundred and forty years. It provides a wide range of practical social, community and faith-based services around the country.
2. The Salvation Army employs almost 2,000 people in New Zealand, and the combined services support around 150,000 people annually. In the year to June 2022, these services included providing around 83,000 food parcels to families and individuals, providing some 2,300 people with short-or long-term housing, over 4,000 families and individuals supported with social work or counselling, around 6,600 people supported to deal with alcohol, drug or gambling addictions, around 3,500 families and individuals helped with budgeting, court and prison chaplains helped 3,300 people.
3. This submission has been prepared by the Social Policy and Parliamentary Unit (SPPU) of The Salvation Army together with Captain Samantha Millar, Territorial Coordinator for Fight for Freedom campaign. The SPPU works towards the eradication of poverty by encouraging policies and practices that strengthen the social framework of New Zealand. This submission has been approved by Commissioner Mark Campbell, Territorial Commander of The Salvation Army's New Zealand Fiji, Tonga, and Samoa Territory.

General Comments

4. The Salvation Army works for a fair and just society founded on faith in God's compassionate love and justice. This includes seeking change to the national level policy and structural issues that cause poverty and exclusion. Our response to the injustice of modern slavery and human trafficking embodies the heart of our mission statement, we care for those who have experienced injustice, we seek to see their lives transformed and we work towards the

reformation of society so that modern slavery and human trafficking is no longer experienced. The Salvation Army has commented on recent legislation on temporary migrant worker exploitation¹ and on the development of modern slavery legislation².

5. *Fight For Freedom* is the international campaign of The Salvation Army worldwide and this is underpinned by an International Positional Statement on Modern Slavery and Human Trafficking³. This campaign brings together the work of The Salvation Army in 125 countries in the attempt to end modern slavery and human trafficking. The Salvation Army internationally has been active in shaping the development of legislative and policy responses to human trafficking and modern slavery legislation in other countries.
6. The experiences of people who are refugees or asylum seekers may include being victims of human trafficking and/or being caught up in people smuggling. The Salvation Army internationally is committed to supporting compassionate, humane and rights-based responses to people seeking asylum. While condemning the actions of people smugglers, human traffickers and others who would seek to gain from the plight of refugees, there is also a duty of care for refugees and asylum seekers⁴. The Salvation Army opposes to the use of detention for people seeking asylum and alternatives must be used wherever possible.
7. The bill proposes making two changes to the Immigration Act to change the way so-called ‘mass arrivals’ of people (i.e. groups of 30 or more) claiming asylum or refugee status can be dealt with. A key change in the bill is extending the length of time people may be detained without a warrant from a District Court judge from the current 4 days to 28 days. The second key change is to add a requirement on members of so-called ‘mass arrival’ groups to apply for entry permission and a visa.
8. **Detention without a warrant:** The Explanatory Note to the bill claims to be allowing “more time for victims to be afforded their rights to natural justice”. We do not agree with this claim when the bill will enable asylum seekers to be detained in prison for up to 28 days without determination of their arrival status. This means that a refugee seeking asylum in this country under the terms of this bill would have less access to justice and fewer rights in this country than someone charged with murder, who has the right to appear before a court within a day to determine whether their detention is lawful. Our legislative approach must be shaped by recognition of the actual reality that the overwhelming majority of asylum seekers are ordinary people in need of protection and assistance. Legislation that takes a hostile attitude towards arrivals that defaults to an assumption that people arriving are potential criminals or security threats requiring detention has no place in our country.

¹ <https://www.salvationarmy.org.nz/article/worker-protection-migrant-and-other-employees-bill>

² <https://www.salvationarmy.org.nz/article/submission-legislative-response-modern-slavery-and-worker-exploitation>

³ *Modern Slavery and Human Trafficking*, The Salvation Army International Positional Statement, May 2020

⁴ *Refugees and Asylum Seekers*, The Salvation Army International Positional Statement, 2016

9. An independent review⁵ conducted in 2022 confirmed that under international law conventions every person has the right to approach a border and claim asylum. People seeking asylum are seeking safety from persecution and are likely to have experienced significant trauma. In response to the review in May 2022 the government made a commitment to stop using prisons to detain people seeking asylum based on clear legal advice that this is not acceptable. The review recommended that the “default setting for people arriving seeking asylum should be liberty with minimum levels of reporting and residence restrictions”. The bill however clearly intends that prisons may still be used as a place of detention for asylum-seekers. An Amnesty International New Zealand report from 2021⁶ clearly documented the immense harm caused to innocent people seeking asylum from being detained in maximum security prisons. Alternatives to police cells and high security prisons are needed, not an attempt to legalise an extension of current detention approach.
10. **Increase Capacity to Respond Fairly:** There is little or no basis for believing that there is any short or medium issue with larger scale refugee arrivals that might overwhelm our legal and immigration system to the extent requiring such a law change to restrict basic human rights. The policy appears to be motivated by concerns about the capacity of the court and immigration systems to deal with a large number of arrivals in a short period. We urge the government not to proceed with these law changes and instead to focus on work to prioritise increasing the capacity of our court system to provide a timely and rights-based response in such emergency situations. We also call for increases in the capacity to respond fairly to people seeking protection and to work with those who have experienced the trauma of trafficking and seeking asylum to understand how best to respond in a way that respects people’s rights and humanity.

⁵ *Report to Deputy Chief Executive (Immigration) of the Ministry of Business, Innovation and Employment – restriction of movement of asylum claimants*, (March 2022), Victoria Casey, QC
<https://www.mbie.govt.nz/dmsdocument/20130-report-to-deputy-chief-executive-immigration-of-the-ministry-of-business-innovation-and-employment-restriction-of-movement-of-asylum-claimants>

⁶ *Please Take Me To A Safe Place: the imprisonment of asylum seekers in Aotearoa New Zealand*, Amnesty International, 2021