

Community Law: assistance to refugees

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CL

community law

free legal help
throughout aotearoa

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What we will cover



- Community Law services
- Refugee and Immigration Legal Advice Service (RILAS)
- Refugee family reunification – issues and challenges

Community Law kaupapa



- Providing community legal services to meet unmet legal need
- That those with the least have the same or better access to justice as those with the most
- 20ish staff across Hutt Valley and Wellington
- 300+ volunteers
- Provide free legal advice, assistance, education and information
- Different centres provide different services, specialist refugee services also in Nelson, Waikato, Otago, Manawatū

Areas of advice



- Family Law
- Tenancy/Housing
- Māori Land
- Criminal justice
- Kaupapa Māori
- Consumer law
- Employment law
- Mental health
- Privacy
- ACC
- Education
- Advice to community groups
- Refugee and Immigration

Legal issues and Health



- As much as possible we try to approach client issues holistically
- We often work with health care providers to try and work through the legal issues that are affecting patient health
- Connection between health issues affecting the choices people make and the legal issues that may then arise
- Sometimes we need evidence from health care providers
- The effect of legal difficulties on health and well-being

Housing services



- Specialist housing service in our Hutt Valley office
- Advice on tenancies, MSD - accommodation supplement, special housing grants, emergency housing, social housing assessments
- Currently doing national advocacy in this area
- Resettled refugees should not be being rehoused in emergency housing, please refer people to us

RILAS at Community Law Wellington And Hutt Valley



- Key area – assisting with refugee family reunification
- Other immigration matters –asylum seekers / unlawful status / work visa and residence applications for victims of domestic violence
- Specialist weekly free legal advice sessions
- Case management by staff lawyers and volunteers

Refugee Quota Family Reunification



- Refugees who arrive through the quota and are separated from immediate family can sponsor:
 - spouse
 - dependent children
 - parents (if sponsor is under 24 years old and single)
- Must be an ‘acceptable’ sponsor
- Must be able to prove that relationships with family members are ‘genuine and credible’
- Family members come through the Refugee Quota, induction in Mangere
- Can be lengthy, process is driven by Refugee Quota Branch of INZ
- Border is not closed to successful applicants

Case study: Refugee Quota Family Reunification



- Application by mother to bring two sons who were living in a refugee camp, one married with young children
- Took over 6 years for family to arrive
- Client in her 60s, suffered from hypertension, depression, anxiety, insomnia, lack of appetite, memory loss
- Affecting well-being of other children
- Limited access to counselling

Refugee Family Support Category



- Two Tier system. Tier Two last opened in 2017 and is not expected to re-open until 2024
- Tier One is always open to accept registrations
- Tier One sponsor must:
 - have been granted residence in NZ on basis of refugee status
 - have no immediate family living lawfully and permanently in New Zealand or
 - be the sole carer of a dependent relative
- Must have no other “family member” eligible to be sponsored for residence under any other residence policy

Refugee Family Support Category



- Can sponsor one of:
 - Parent
 - Grandparent
 - Adult Sibling
 - Adult child
 - Aunt
 - Uncle
 - Niece
 - Nephew
- And the family member's partner and dependent children
- Border is currently closed and INZ is not approving these applications. Processing to a 'decision-ready' point

Issues and Challenges



- Reality of leaving some family members behind (sometimes making very difficult choices)
- Can be a lengthy process
- Administrative difficulties with obtaining information and documents
- Affordability, expensive process for people on a low income
- Often no exact knowledge of dates of birth, deaths, marriages – interpreted as credibility issues
- Failure to declare full details of family / marital status
- Customary adoption of family members
- Traumatized clients, difficulties recalling information

Dates of birth



Often dates of birth are incorrect:

- Consequences of incorrect date of birth can mean ineligibility for WINZ assistance, difficulties enrolling in school
- Social difficulties at school and depression/anxiety
- January 1994 vs January 1999
- In the past it was very difficult to correct an incorrect date of birth but has recently become easier due to a decision by the Privacy Commissioner
- Is now viewed as a request to correct one's personal information
- Medical evidence such as bone density tests or orthopantogram required

Interpreting



- Best practice is to use in person interpreters
- Clients/patients may be wary of using phone interpreters due to privacy/confidentiality issues
- If using a family member there is a risk that client/patient may not feel comfortable to fully disclose all issues
- Risks of having children interpret for older family members