Submission to the Department of Labour on THE IMMIGRATION ACT REVIEW by QUAKERS, The Religious Society of Friends in Aotearoa/New Zealand, Te Haahi Tuuhauwiri

Submitted on the 30th of June, 2006, by the Yearly Meeting Clerk: Llewelyn Richards, 185 Glanmire Rd, Wellington 6037 Ph: (04) 477-2166 ymclerk@quaker.org.nz

Introduction

1 We respond as the Yearly Meeting of the Religious Society of Friends Aotearoa/New Zealand (Quakers) Te Haahi Tuuhauwiri, because we choose to identify with the politically powerless.

2 Simply stated, we hold firmly to the belief that:
- there is that of God in everyone,
- individuals are all equal,
- peace is attainable, and
- social justice must prevail.

3 Our Quaker forebears in 17th century Britain were persecuted and imprisoned for such beliefs, and their forgiving response helped to bring about religious toleration. They inspired us to take a continuing interest in human rights for all people.

4 We also respond as members of a democracy in which hard-won constitutional principles and safeguards to protect the powerless from the powerful are not lightly to be set aside to suit the convenience of any one of the three constitutional estates - i.e., the government, the judiciary, or the administration.

5 We accept that there need to be rules to govern the orderly growth and the cultural, economic, and social development of the country. But, the Review seems to us to be a thinly veiled authoritarian attempt to make life more difficult for immigrants and refugees.

6 Here we record that the use of the terms “principles”, “policy”, and “legislation” in the REVIEW (see paras.23, 25, 175, 176) are fuzzy, or even intentionally obfuscating, since changes in legislation should reflect changes in policy. For example, giving more power to front line immigration officers is a policy change (and possibly a constitutional change). Such sloppy usage leads to people “talking past each other”. We want to be sure we know what you are saying about how you intend moral ideals to be enacted.

7 To some extent our views are substantiated by embarrassment in 2004 at being unable to get visas in time despite giving two years warning to the Immigration Service to enable some of our members from Africa and India to attend the 2004 Triennial World Consultative Conference in Auckland. They are also derived to some extent from one author having worked in Africa, and the other having professional experience of working with refugees and people in prison (Chung & Taylor, 1989; Taylor, 1989; 1997; 2006a).

8 With that history, statement of beliefs, respect for the constitution, and priorities in mind, we turn to your proposed Immigration Act REVIEW.

8.1. Our comments concern:

- The questionable philosophy that underpins the document.
- The proposed transfer of judicial authority to departmental bureaucrats and lower-level personnel.
- The lack of specific detail to support proposals.
- The criteria for determining the suitability of immigrants and the validity of claims of refugees.
- The proposal for the Department of Labour to:
  - (i) designate places of detention, or
  - (ii) run its own, and to
  - (iii) conduct the recognition and selection of refugees offshore.
- Acceptance of international law.

9 The Questionable Philosophy

9.1 Although New Zealand is a country largely populated by immigrant stock, it has shown more prejudice and selective preference than open-mindedness and humanitarian concerns in the treatment of newcomers. Witness more than a century of discrimination against the Chinese compared with virtually all other immigrants (Harrison, 1955); the deplorable actions against Samoans in Apia in 1918 and 1929; and the infamous 'dawn raids' in Auckland in the 1970s (Anea, 2006), for all of which recently the Prime Minister graciously apologised.

9.2 For that reason, the REVIEW should articulate clearly the principles on which the Department intends to make decisions for the inclusion and exclusion of migrants, so that the community can be sure that those principles are worthy principles of which it can be proud, not principles of which it is ashamed.

9.2.1 Consequently, as democrats we do not agree with the Department that “the power of the Minister of Immigration to make immigration policy is considered crucial for effective and efficient immigration management that is crucial for New Zealand‘s needs”.

9.2.2 On this point the Minister‘s own foreword worries us, because it speaks of needing ‘to attract skilled and talented people‘ because we need "to be at the top of our game to respond to international competition". Later he affirms the economic purpose, and without elaboration, mentions "security ... (and) the contributions migrants make to society".

9.3 No matter how much noise financiers and manufacturers might make, we say that there is more to immigrants than their ability to contribute to the economy.

9.3.1 For us, the Minister‘s foreword sets the tone of the document as a whole. The

document pays little heed to the rich social and cultural contributions that migrants have made to the development of the country, and to which successive Human Rights Commissioners and Race Relations Conciliators have drawn attention. Instead, in one phrase, the REVIEW admits that migrants “enrich the social and cultural fabric of New Zealand by increasing our diversity” (para.47), then it ignores this creditable fact to focus on procedures for dealing more expeditiously with migrants considered unacceptable.

9.4 In our view, the fair treatment of immigrants and refugees is something that the country is trying to do for its own sake, quite apart from any international obligations it might have in the matter. To redress the imbalance, the REVIEW should insert 'demonstrating the value of diversity' as a fourth bullet point in the list setting out the purposes of immigration regulations (para.44).

9.5 The only reference in the discourse we could find to the philosophy of one Treaty partner, the tangatawhenua of the country, is the bare mention that it “is important that the impact on existing communities, including Maori communities, is considered” (para.49). The REVIEW needs to take the matter much further.

9.6 Finally, if the Minister is so deserving of the praise his Department gives him (para.155), and if the Department is speaking the truth when it sprinkles words of reassurance throughout the document to say that the present system is working well, we are bound to ask why the system needs to be changed.

10 Proposed Transfer of Judicial Authority

10.1 In this democracy, the balance of independence between parliament, the judiciary, and the executive has to be preserved - otherwise citizens will find themselves dominated by oppressive legislation, rules, regulations, and measures that have more than a distinct dictatorial flavour. It follows that any erosive creep should be exposed and challenged.

10.2 Normally, those three constitutional bodies maintain their separation during their working relationships, even if testily at times. Each of the bodies has undergone upheaval in recent years to become more accountable and responsive to the needs of our changing society. Even the conservative courts have restructured to become more accessible, and currently their principles of sentencing are also under review (see NZ Law Commission, 2005; 2006).

10.3 However, the REVIEW ignores the need to preserve the independence of the judiciary necessary for the appraisal of decisions with legislative backing, particularly those affecting the liberty of the subject. While there might be some merit in streamlining the present appeal system and in providing more resources to speed-up the appeal process, this should not be simply for departmental convenience, and most certainly not at the expense of hard-fought democratic rights.

10.3.1 Here, at the risk of seeming to preach, we suggest that the department looks at the

practice of social justice as reflected by clinicians in their review of discriminatory legislation against people with disabilities (see Ikkos, Boardman, & Zigmond, 2006). This makes it clear that:

- (i) humans have a basic capacity to reason and judge principles from a moral standpoint; .
- (ii) there should be no overall subordination of the interest of some to the interests of others; .
- (iii) the accepted rules on which justice is based should be fair; .
- (iv) liberty can only be restricted for the sake of liberty; and .
- (v) the need for justice takes priority over the need for efficiency.

10.4 After presenting an argument in favour of bringing the immigration appeal system under tighter departmental control, the Department (paras.497 - 499) acknowledges the recent proposal of the Law Commission (2006) to unite all judicial bodies under the single Ministry of Justice to improve 'the perceptions of independence', and accepts that its own proposal might therefore be of short duration only. If this is the case, we say it makes no sense to consider dismantling the present system for the sake of introducing another that is destined to be short-lived (para.501).

10.5 The Department also proposes to give front-line immigration staff more authority to make decisions at the point of entry about accepting people or turning them away, and to have senior departmental officers review their decisions (paras.190 - 192, & 359). But at neither level would the staff have the breadth of experience comparable to that of the judiciary to put matters into perspective. Nor would the reviewers within the Department be likely to act without "fear or favour" in regard to Departmental concerns ˜ to say nothing of departmental reviewers being able also to represent community concerns and to determine acceptable standards of "good character" (para.261).

10.5.1 In passing, we draw attention to the point that, in seeking opinions from the populace, the department is being somewhat inconsistent, because earlier it said that the criteria for granting each type of visa or permit were said to be "largely a matter for policy and are not included in the Immigration Act" (para.96). Here again we have words with shifting meanings: "policy" normally means "ideas or actions that are, or should be, promulgated in laws". However, in paragraph 96, "policy" means "some set of changable ideas or actions not spelt out in the law but carried out by governments and public servants".

10.6 Apart from objecting to the Department's proposed acquisition of extra-judicial power, we resist the Department's proposal "to modify the exclusion provisions that relate to terrorism" (paras.266-268). However, we are pleased the Department raised the point, because the definition of terrorism is complex, and it needs to be kept in the public domain (see Taylor, in press).

10.6.1 Incidentally, the Department again is inconsistent in declaring that classified

information relating to a person who is considered a security risk is outside the scope of the REVIEW (para 511), while calling for a response to its proposals. We say this, because the REVIEW refers to terrorists (with whom classified information is most likely to be concerned) in paras.266 - 268 and in Table 4, before proceeding to seek responses to three questions regarding the use of classified information of any kind (paras.509 - 511). Hence the REVIEW is definitely dealing with classified information, and is seeking opinions in support of the stringent measures it would like to introduce, particularly giving off-shore decision-makers the right to make decisions against which there would be no appeal (para.216).

10.6.2 In recent time, we have witnessed the embarrassing acceptance of a key 9/11 terrorist suspect into the country for educational purposes by several government departments; he then proceeded to gain flying experience at the Manawatu Aero Club for several months (Dominion Post, 16 June 2006). Meanwhile reality television episodes of the Immigration service at work showed tourists sent home on return flights for having very small quantities of marijuana in their possession.

10.6.3 We may well ask which of the visitors had the greater impact on the security of our country, and wonder whether the granting of any extra powers to Departmental staff at any of the levels now sought, would have made the slightest difference to the quality of their decision-making.

10.6.4 Since the Department has mentioned the case of Mr Ahmed Zaoui by name in connection with powers it desires to obtain, namely "to detain and expel" (para. 511), we are bound to say that the detention metered out to Mr Zaoui (10 and a half months in solitary confinement in Paremoremo Prison) was inhumane. We were, however, much impressed by the attention to his case given by the Refugee Status Appeal Board and the Supreme Court once it was brought to their attention. We would strongly oppose any move to bypass those judicial bodies.

10.6.5. We must also comment that the news media have also made us sufficiently aware of prosecutions against Departmental staff for subverting the system of granting visas. The prosecutions make us hesitate before supporting any measure to grant them extra authority. Indeed, we may well ask quis custodiet ipsos custodes? (Who will guard the guards?)

10.7 We are in no doubt that natural justice requires all individuals to be made aware of the charges against them and to have the evidence presented openly before an impartial court. It should not apply only "in most cases", as set out in paragraph 555. If justice requires people charged with capital crimes to have the evidence duly tested in open-court, the same should apply to immigrants suspected of having militant motives. Otherwise, the proceedings will smack of a return to the "Star Chamber" type of justice of the oppressors against the oppressed that reigned for centuries.

10.7.1 The Star Chamber court began with the best of intentions in 1487, but over the years it became corrupt and tyrannous before finally being abolished in 1641. It is not without

interest that the entry in Wikipedia, concludes with the sentence: "In modern usage, legal or administrative bodies with strict, arbitrary rulings and secretive proceedings are sometimes called 'star chambers'". (http://en.wikipedia.org/wiki/Star_Chamber retrieved 17 June 2006).

10.8 It is essential for refugees and asylum seekers to have access to hearings in open court, especially when foreign governments have tendered evidence against them. Remember, even friendly governments do not always act with propriety - consider the sinking of the Rainbow Warrior by the French in Auckland in July 1985, to say nothing of friendly governments having "death squads" operating (see Sluka, 2000).

10.8.1 Legitimate asylum-seekers also have enough obstacles to overcome before proving their case to a potential host-country, without being put in a Kafkaesque position of having to defend themselves against the evidence of which the proposal says they should be kept unaware (para.268) - especially if they are fugitives from torture (see Burns, 2006).

10.9 Hence, we are implacably opposed to the proposal to put statutory secrecy into judicial proceedings. We are more content to put our trust in the judicial system with which we are familiar. The Department's sentence "Arguably, the government should have the right to decline residence applicants, without an independent authority overturning that decision." (para. 347) shows a blatant disregard of constitutional process, and it strengthens our resolve to expose its dictatorial underpinning.

10.10 To give another example, the Department proposes to develop a "single robust test for humanitarian appeals against expulsion" (para.440). It indicates that "it would require the humanitarian circumstances to be exceptional, and weighed against the public interest". Thus it would place the onus on the person "to justify their continued stay by establishing any exceptional circumstances that out-weighed public interest in their expulsion".

10.11 However, again somewhat inconsistently, the REVIEW (para.190) asserts that "the immigration officer MAY consider that there are exceptional circumstances", and COULD refer the application to a senior officer. But in any case, (para.191) it says, "THERE WOULD BE NO OBLIGATION FOR AN IMMIGRATION OFFICER TO CONSIDER EXCEPTIONS TO POLICY, OR TO GIVE REASONS FOR NOT APPROVING AS AN EXCEPTION TO POLICY" [our emphasis]. Could any more Gilbertian process be contemplated?

10.11.1 The proposed absolution for immigration officers, brings to mind the "benefit of clergy" (see http://en.wikipedia.org/wiki/Benefit_of_clergy retrieved 17 June 2006) that once was extended to the priesthood for their offences, and suggests that it is being revived as the "benefit of bureaucrats". It also reverses the process of professional accountability that is now well established ˜ even to the point in New Zealand of depriving barristers of their traditional immunity since 2002 (see Meechan, & Murphy, 2005; and also http://en.wikipedia.org/wiki/Professional_negligence retrieved 21 June 2006).

10.12 Consequently, well might we ask how fair and reasonable would such a decision-

making procedure be?

10.13 We are not reassured by the sentence that "There is a significant body of jurisprudence around this power that defines and limits it to what is fair and reasonable" (para.292). Such knowledge stems from years of legal training and practical experience of the well-established Bench. It is extraordinary for anyone to think that the expertise could be acquired easily and applied by the staff of any bureaucracy.

10.13.1 We would also comment that nowadays the management style of most government departments encourages the quick movement of staff by promotion, resignation, and frequent restructuring, thereby exacerbating the loss of knowledge of how to make life-altering decisions about others.

10.13.2 The question would be even more critical if the immigration staff were obliged to assess "acceptable standards of health and good character", as proposed (para.261). The department's definition of HEALTH is primarily concerned with assessing fitness to work, and the potential costs to the community of a person needing medical care; its definition is not, for example, that of the World Health Organisation, which is holistic. Similarly, its assessment of CHARACTER is also intended to be ad hoc, depending on the "likely negative impact on New Zealand from past or future criminal behaviour and posing a risk to New Zealand's reputation" (para.265). Suffice to say, medical specialists and criminologists would have difficulty in predicting such outcomes, except in the most blatant of cases.

10.13.3 As an example of how consideration of character is already poorly managed by immigration staff, we point out that in January 2004, the department denied entry visas to African Quakers who wanted to come to our world conference in Auckland - unless they were clergy. To quote a young official, the countries they come from "have a poor record because they become overstayers". Quakers, in general, deliberately do not have clergy, and drainlayers and housewives, young and old, preach and do Church business; always speaking the truth is universal.

10.13.4 At the same time, we understand from a report in the Dominion Post, 24 June 2006 that of the 385 seamen who deserted ships in the country over the last six years some 242 (63%) were sculling about, their whereabouts unknown to the Department.

10.14 The fear of terrorism (raised in paragraphs 266-268) does not lead us to depart from the principles we uphold. Nor does the admission of possible discrimination raised in paragraphs 269 and 270 give us reassurance the Department will make "transparent assessments, while still having flexibility to respond to unanticipated situations". We accept that the country needs to protect itself, but not to the point of being converted into a prison for all of its inhabitants. Democracy can be preserved without having to be as autocratic as the Department of Labour seems to consider necessary.

10.15 The option of streamlining and speeding decision-making through the use of computers also gives us cause for concern (paras. 233-238). It would provide an actuarial

approach with which the insurance industry is familiar, but it does not relate to individual circumstances ˜ as a moment‘s thought in predicting longevity will indicate. Although such a system might seem attractive in matters affecting the liberty of the subject it is dangerous to contemplate. We note the Law Commission (2006, paras.75, 224-229, & 236-238) has rejected the use of predictive actuarial methods in sentencing, because it gives inadequate consideration to important differences that individual cases present. We also know that professionals familiar with the risk-assessment of offenders are aware of the need to balance data from actuarial models with those from individuals before them (see Riley, 2006). Although the REVIEW acknowledges the problem, it continues to support the option of “streamlining” decisions, echoing the long abandoned, over-simple and immoral utilitarian philosophy of determining benefits according the good of the majority at the expense of the minority (para.363).

10.16 A further point is that many of the proposals in the REVIEW run counter to established principles of justice. Instead of following the tradition that judicial decision-making procedures affecting the liberty of the subject should be held in public, with records open to scrutiny, the REVIEW proposes that they should operate behind screens of bureaucracy that are not transparent. While proceedings conducted in the public arena do not guarantee freedom from error, at least they go some way towards ensuring that any flaws in reasoning and procedures on which justice depends might be exposed (see Thorp, 2005: van Beynen, 2006).

10.16.1 It is the more important for decision-making procedures affecting the liberty of any person to be held in public, because the Department considers only the “potential for visas to be GRANTED in error” (para.237, our emphasis) under the electronic system, without mentioning the potential for them to be DECLINED in error.

11 Lack of Specific Detail

11.1 Turning from principles to pragmatics, we accept that managerial expertise might come into consideration when evaluating a few of the “proposals for consideration”. But the REVIEW falls short of providing tables of data on which the cost-benefit analysis of such alternative proposals might be assessed - especially when espousing the business model (para.85). If the efficiency of service and financial benefits are so important, as tax-payers we would expect to have the data presented.

11.1.1 It is unfortunate that accountants‘ jargon “the bottom line” has been used (para.77), since it has quite the wrong connotation when the subject is “significant policy”. We say that in matters of immigration, top priority should be given to human values, not to dollars and cents.

11.2 It so happens that as on other themes in the REVIEW, some frequency data was buried in the text (e.g., paras.11 & 13) and loose mention is made of “a small number of cases (around 50) each year” (para. 855). Also, many of the tables that were given, should more accurately have been described as “figures” or “diagrams”, because they illustrate the

argument rather than provide frequency tables of data on which argument relies (i.e., Tables 1, 2, 3, 4, 5, 6, and 10).

11.2.1 Tables 7, 8, 9, and 11 provide some helpful information, but they too have limitations – i.e., tables 7, 8 & 11 relate only to the weight of traffic and not to the demands made on resources, and their scope is limited by the number of years to which they refer. Table 9 carries "projected" data without giving the basis for the calculations.

11.3 Nowhere does the REVIEW provide data of existing services that relate to personnel, costings, and facilities, nor comparable projections to validate the reduction of costs involved in the proposed "improvements".

11.4. The absence of such data is surprising, especially since the claims for departmental convenience can only be sustained by facts and figures of past performance as compared with those forecast.

11.5. In any case, as we have already said, the Department needs to remember that in a decent society, the financial costs incurred in decision-making should not govern the access of citizens to justice. The judiciary respects the principle, and the Ministry of Justice keeps a prudent eye on the associated costs of its facilities and services.

12 Criteria for Determining the Suitability of Immigrants and the Validity of Claims of Refugees

12.1 Refugees by definition are seeking sanctuary. Unlike migrants, they have suffered in ways that some in the host country find difficult to imagine, and they are always in need of help to settle. We say that the Department of Labour should do more to help them receive justice and settle, rather than to make life more difficult for them to gain entry.

12.2 Justice is a universal basic human need that has to be satisfied (see Taylor, 2003; 2006b). It applies not only to refugees, but to their potential hosts who are concerned on their behalf. It follows that refugees should be protected by the same standards of justice that protect all New Zealanders.

12.2.1 We argue that, in the process of extending justice to refugees previously deprived of it, our decision-making should be more generous in considering humanitarian criteria rather than the economic. In return, their relief at being accepted as human beings in need of justice is more likely to motivate them to contribute to the economy and stay in the country than those with a surfeit of money and possessions.

12.2.2 It would be interesting for the department to give the number (and proportion) of immigrants granted visas and permits who subsequently sell up and move elsewhere, as compared with the number (and proportion) of those given refugee status.

12.3 However, to reiterate, the REVIEW gives us no confidence that the department is

prepared to regard refugees as people who are not just potential investors, producers, and consumers of goods and services.

12.3.1 This conclusion is reinforced by the Department‘s extraordinary change in the title of its section dealing with immigration to WORK FORCE. We discovered this change by chance (it is not mentioned in the REVIEW) when telephoning the Department on a point of inquiry. The change in name confirms the change in emphasis from humanitarian concerns to those of productivity potential which we detected in the REVIEW document.

13 PROPOSAL FOR THE DEPARTMENT OF Labour either TO DESIGNATE DETENTION CENTRES,or TO RUN ITS OWN, and TO CONDUCT THE RECOGNITION AND SELECTION OF REFUGEES OFF-SHORE

13.1 The prospect of the Department of Labour having the authority either to designate certain places as detention centres or to establish its own facilities for the purpose fills us with dismay (para.934).

13.1.1 Although the REVIEW does not specifically say so, we suspect the Department would almost certainly designate prisons as detention centres, where refugees would be treated as criminals rather than asylum-seekers. Families would be split up, children and their parents would be separated, special arrangements would need to be made for young children and the elderly, and so on. Even worse is the possibility that someone might suggest the Department should send refugees to “army glasshouses”.

13.1.2 The outcome would not be more acceptable if the department were to decide to run its own camps. The Department‘s history of running such camps for conscientious objectors during World War 2 still rankles with the descendants of the hundreds of men who were subject to the regime imposed on them, especially the harsh punishment meted out on detainees transferred to prisons for protesting against their treatment (see Grant 1986). Their policy received international opprobrium for pro-longing the period of detention long after the end of the war (see Taylor, 2006b, paras. 88-91). Also, the substantial financial and resource commitments concerning the running of such establishments should make bureaucrats quiver before following that route ˜ but again, no estimates of even those costs are provided.

13.2 The management of detainees, of any kind, is not a task that can be undertaken lightly, no matter how the exigency of the moment might seem to support the notion “that something has to be done”. Much more thought and discussion needs to take place, with a wide basis of consultation, before changes to the arrangements for detention are approved.

13.3 Paradoxically, the REVIEW comments that the existing system is working well and has gained international recognition (e.g., paras.794, 795, 899, & 900). It even says that the current provisions for incorporating the Refugee Convention into New Zealand law are “successful, and well regarded” (para.1159). The only disadvantage for “about 50 cases a year” (para.855) would seem to be Departmental inconvenience (paras.802-812). We hold

this to be the weakest of grounds on which to revive a punitive and retributive system of detention.

13.4 Similarly, we do not support the proposal for the Department of Labour's Work Force section to conduct procedures for the selection and recognition of refugees offshore. This suggests both the Australian's use of Nauru and also co-operative States allowing our immigration officers to sit alongside their officials at airports doing quick computer checks of intending passengers as they present their tickets and documents.

13.4.1 Decisions made off-shore can be arbitrary and restrictive ˜ such as the granting of visas to allow Indian Quakers to attend the same Auckland Conference mentioned previously, but expecting the applicants to make, for them, impossibly expensive trips to the NZ High Commission in Delhi at short notice to collect them.

13.5 On matters of detention, despite the REVIEW having previously drawn many comparisons with strategies adopted by governments overseas on other proposals, we note that it mentions only the Australian empowering legislation. It fails to describe the disastrous Australian experience of their Immigration Department's recent detention of refugees in Nauru and South Australia. We predict from authenticated reports that the Australian implementation of its legislation will go down in history as a latter-day expression of the tyranny of prisons at Port Arthur, Long Bay, and Norfolk Island (Harris & Telfer, 2001; Smith, 2001; Steel & Silove, 2001; Sultan & O'Sullivan, 2001; Asylum Seekers Project Annual Report 2005).

13.5.1 Our objections would not necessarily be resolved were immigrants to be detained in prison. We say this, because, apart from the consequences we mentioned in para 13.1.1 above, the latest comment from a reputable medical source after the arrest and imprisonment of 17 Australian-based suspected terrorists on 8 November 2005 "underscores the need for Australian prison medical workers to implement strategies for either preventing or following up prison torture incidents" (Awofeso, 2006).

13.6. The REVIEW also fails to mention the extreme concern of Amnesty International and the Jesuit Refugee Service about the current proposals in Australia to tighten up the Australian legislation for the processing of refugees on-shore and off-shore (see http://www.amnesty.org.au/Act_now/campaign/refugees and http://www.jrs.org.au retrieved 20 June 2006).

14 THE ACCEPTANCE OF INTERNATIONAL LAW

14.1 We leave the analysis of proposals in the REVIEW on the effects of incorporating more international law into our Immigration Act to those better versed in these matters. However, we wish it to be noted that:

14.1.1 Quakers wholeheartedly support all international conventions on immigration negotiated by the United Nations, and will support all decisions of the International Court of

Justice and the International Criminal Court on such matters. We hold that all international immigration and human rights law should be recognised and supported in any new immigration legislation.

14.2 We argue that any review of the Act needs to take account of special cases - one size does not fit all - and that includes many political refugees, victims of torture, the destitute, the ill-educated, the powerless.

15 CONCLUSION

15.1 We accept that there need to be rules to govern the orderly growth and the cultural, economic, and social development of the country. But, the REVIEW seems to us to be a thinly veiled authoritarian attempt to make life more difficult for immigrants and refugees.

15.2 It is ironic that today (the 20th of June, the day on which our final draft is taking shape) is World Refugee Day 2006, and it is also a day on which Work Force, the immigration section of the Department of Labour, proposes to make life more intolerable for refugees.

15.3 We are so troubled by the constitutional threats and the pragmatic priorities set out by the REVIEW, that we intend to send copies of this response direct to the Prime Minister, the leaders of all political parties, the Minister of Immigration, our local Members of Parliament, List Members of Parliament, the Human Rights Commission, the Law Commission, the Ombudsman, the Race Relations Conciliator, the Council for Civil Liberties, the Combined Churches Agency on Social Issues, and Amnesty International.

15.3.1 The text of this response will also be put on the New Zealand Quaker website www.quaker.org.nz.

15.4 These matters need detailed consideration, and they need to be debated openly in many forums before any legislation is drafted for parliamentary consideration.

SIGNED Llewelyn Richards, Yearly Meeting Clerk for the Religious Society of Friends Aotearoa/New Zealand, Te Haahi Tuuhauwiri

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Submitted on the 30th of June, 2006, by the Yearly Meeting Clerk: Llewelyn Richards, 185 Glanmire Rd, Wellington 6037 Ph: (04) 477-2166 ymclerk@quaker.org.nz

Introduction

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9 The Questionable Philosophy

9.1 Although New Zealand is a country largely populated by immigrant stock, it has shown more prejudice and selective preference than open-mindedness and humanitarian concerns in the treatment of newcomers. Witness more than a century of discrimination against the Chinese compared with virtually all other immigrants (Harrison, 1955); the deplorable actions against Samoans in Apia in 1918 and 1929; and the infamous 'dawn raids' in Auckland in the 1970s (Anea, 2006), for all of which recently the Prime Minister graciously apologised.

9.2 For that reason, the REVIEW should articulate clearly the principles on which the Department intends to make decisions for the inclusion and exclusion of migrants, so that the community can be sure that those principles are worthy principles of which it can be proud, not principles of which it is ashamed.

9.2.1 Consequently, as democrats we do not agree with the Department that “the power of the Minister of Immigration to make immigration policy is considered crucial for effective and efficient immigration management that is crucial for New Zealand‘s needs”.

9.2.2 On this point the Minister‘s own foreword worries us, because it speaks of needing ‘to attract skilled and talented people‘ because we need "to be at the top of our game to respond to international competition". Later he affirms the economic purpose, and without elaboration, mentions "security ... (and) the contributions migrants make to society".

9.3 No matter how much noise financiers and manufacturers might make, we say that there is more to immigrants than their ability to contribute to the economy.

9.3.1 For us, the Minister‘s foreword sets the tone of the document as a whole. The document pays little heed to the rich social and cultural contributions that migrants have made to the development of the country, and to which successive Human Rights Commissioners and Race Relations Conciliators have drawn attention. Instead, in one phrase, the REVIEW admits that migrants “enrich the social and cultural fabric of New Zealand by increasing our diversity” (para.47), then it ignores this creditable fact to focus on procedures for dealing more expeditiously with migrants considered unacceptable.

9.4 In our view, the fair treatment of immigrants and refugees is something that the country is trying to do for its own sake, quite apart from any international obligations it might have

in the matter. To redress the imbalance, the REVIEW should insert 'demonstrating the value of diversity' as a fourth bullet point in the list setting out the purposes of immigration regulations (para.44).

9.5 The only reference in the discourse we could find to the philosophy of one Treaty partner, the tangatawhenua of the country, is the bare mention that it "is important that the impact on existing communities, including Maori communities, is considered" (para.49). The REVIEW needs to take the matter much further.

9.6 Finally, if the Minister is so deserving of the praise his Department gives him (para.155), and if the Department is speaking the truth when it sprinkles words of reassurance throughout the document to say that the present system is working well, we are bound to ask why the system needs to be changed.

10 Proposed Transfer of Judicial Authority

10.1 In this democracy, the balance of independence between parliament, the judiciary, and the executive has to be preserved - otherwise citizens will find themselves dominated by oppressive legislation, rules, regulations, and measures that have more than a distinct dictatorial flavour. It follows that any erosive creep should be exposed and challenged.

10.2 Normally, those three constitutional bodies maintain their separation during their working relationships, even if testily at times. Each of the bodies has undergone upheaval in recent years to become more accountable and responsive to the needs of our changing society. Even the conservative courts have restructured to become more accessible, and currently their principles of sentencing are also under review (see NZ Law Commission, 2005; 2006).

10.3 However, the REVIEW ignores the need to preserve the independence of the judiciary necessary for the appraisal of decisions with legislative backing, particularly those affecting the liberty of the subject. While there might be some merit in streamlining the present appeal system and in providing more resources to speed-up the appeal process, this should not be simply for departmental convenience, and most certainly not at the expense of hard-fought democratic rights.

10.3.1 Here, at the risk of seeming to preach, we suggest that the department looks at the practice of social justice as reflected by clinicians in their review of discriminatory legislation against people with disabilities (see Ikkos, Boardman, & Zigmond, 2006). This makes it clear that:

(i) humans have a basic capacity to reason and judge principles from a moral standpoint; .
(ii) there should be no overall subordination of the interest of some to the interests of others; .
(iii) the accepted rules on which justice is based should be fair; .

(iv) liberty can only be restricted for the sake of liberty; and .
(v) the need for justice takes priority over the need for efficiency.

10.4 After presenting an argument in favour of bringing the immigration appeal system under tighter departmental control, the Department (paras.497 - 499) acknowledges the recent proposal of the Law Commission (2006) to unite all judicial bodies under the single Ministry of Justice to improve 'the perceptions of independence', and accepts that its own proposal might therefore be of short duration only. If this is the case, we say it makes no sense to consider dismantling the present system for the sake of introducing another that is destined to be short-lived (para.501).

10.5 The Department also proposes to give front-line immigration staff more authority to make decisions at the point of entry about accepting people or turning them away, and to have senior departmental officers review their decisions (paras.190 - 192, & 359). But at neither level would the staff have the breadth of experience comparable to that of the judiciary to put matters into perspective. Nor would the reviewers within the Department be likely to act without "fear or favour" in regard to Departmental concerns ˜ to say nothing of departmental reviewers being able also to represent community concerns and to determine acceptable standards of "good character" (para.261).

10.5.1 In passing, we draw attention to the point that, in seeking opinions from the populace, the department is being somewhat inconsistent, because earlier it said that the criteria for granting each type of visa or permit were said to be "largely a matter for policy and are not included in the Immigration Act" (para.96). Here again we have words with shifting meanings: "policy" normally means "ideas or actions that are, or should be, promulgated in laws". However, in paragraph 96, "policy" means "some set of changable ideas or actions not spelt out in the law but carried out by governments and public servants".

10.6 Apart from objecting to the Department's proposed acquisition of extra-judicial power, we resist the Department's proposal "to modify the exclusion provisions that relate to terrorism" (paras.266-268). However, we are pleased the Department raised the point, because the definition of terrorism is complex, and it needs to be kept in the public domain (see Taylor, in press).

10.6.1 Incidentally, the Department again is inconsistent in declaring that classified information relating to a person who is considered a security risk is outside the scope of the REVIEW (para 511), while calling for a response to its proposals. We say this, because the REVIEW refers to terrorists (with whom classified information is most likely to be concerned) in paras.266 - 268 and in Table 4, before proceeding to seek responses to three questions regarding the use of classified information of any kind (paras.509 - 511). Hence the REVIEW is definitely dealing with classified information, and is seeking opinions in support of the stringent measures it would like to introduce, particularly giving off-shore decision-makers the right to make decisions against which there would be no appeal (para.216).

10.6.2 In recent time, we have witnessed the embarrassing acceptance of a key 9/11 terrorist suspect into the country for educational purposes by several government departments; he then proceeded to gain flying experience at the Manawatu Aero Club for several months (Dominion Post, 16 June 2006). Meanwhile reality television episodes of the Immigration service at work showed tourists sent home on return flights for having very small quantities of marijuana in their possession.

10.6.3 We may well ask which of the visitors had the greater impact on the security of our country, and wonder whether the granting of any extra powers to Departmental staff at any of the levels now sought, would have made the slightest difference to the quality of their decision-making.

10.6.4 Since the Department has mentioned the case of Mr Ahmed Zaoui by name in connection with powers it desires to obtain, namely "to detain and expel" (para. 511), we are bound to say that the detention metered out to Mr Zaoui (10 and a half months in solitary confinement in Paremoremo Prison) was inhumane. We were, however, much impressed by the attention to his case given by the Refugee Status Appeal Board and the Supreme Court once it was brought to their attention. We would strongly oppose any move to bypass those judicial bodies.

10.6.5. We must also comment that the news media have also made us sufficiently aware of prosecutions against Departmental staff for subverting the system of granting visas. The prosecutions make us hesitate before supporting any measure to grant them extra authority. Indeed, we may well ask quis custodiet ipsos custodes? (Who will guard the guards?)

10.7 We are in no doubt that natural justice requires all individuals to be made aware of the charges against them and to have the evidence presented openly before an impartial court. It should not apply only "in most cases", as set out in paragraph 555. If justice requires people charged with capital crimes to have the evidence duly tested in open-court, the same should apply to immigrants suspected of having militant motives. Otherwise, the proceedings will smack of a return to the "Star Chamber" type of justice of the oppressors against the oppressed that reigned for centuries.

10.7.1 The Star Chamber court began with the best of intentions in 1487, but over the years it became corrupt and tyrannous before finally being abolished in 1641. It is not without interest that the entry in Wikipedia, concludes with the sentence: "In modern usage, legal or administrative bodies with strict, arbitrary rulings and secretive proceedings are sometimes called 'star chambers'". (http://en.wikipedia.org/wiki/Star_Chamber retrieved 17 June 2006).

10.8 It is essential for refugees and asylum seekers to have access to hearings in open court, especially when foreign governments have tendered evidence against them. Remember, even friendly governments do not always act with propriety - consider the sinking of the Rainbow Warrior by the French in Auckland in July 1985, to say nothing of

friendly governments having “death squads” operating (see Sluka, 2000).

10.8.1 Legitimate asylum-seekers also have enough obstacles to overcome before proving their case to a potential host-country, without being put in a Kafkaesque position of having to defend themselves against the evidence of which the proposal says they should be kept unaware (para.268) - especially if they are fugitives from torture (see Burns, 2006).

10.9 Hence, we are implacably opposed to the proposal to put statutory secrecy into judicial proceedings. We are more content to put our trust in the judicial system with which we are familiar. The Department‘s sentence “Arguably, the government should have the right to decline residence applicants, without an independent authority overturning that decision.” (para. 347) shows a blatant disregard of constitutional process, and it strengthens our resolve to expose its dictatorial underpinning.

10.10 To give another example, the Department proposes to develop a “single robust test for humanitarian appeals against expulsion” (para.440). It indicates that “it would require the humanitarian circumstances to be exceptional, and weighed against the public interest”. Thus it would place the onus on the person “to justify their continued stay by establishing any exceptional circumstances that out-weighed public interest in their expulsion”.

10.11 However, again somewhat inconsistently, the REVIEW (para.190) asserts that “the immigration officer MAY consider that there are exceptional circumstances”, and COULD refer the application to a senior officer. But in any case, (para.191) it says, “THERE WOULD BE NO OBLIGATION FOR AN IMMIGRATION OFFICER TO CONSIDER EXCEPTIONS TO POLICY, OR TO GIVE REASONS FOR NOT APPROVING AS AN EXCEPTION TO POLICY” [our emphasis]. Could any more Gilbertian process be contemplated?

10.11.1 The proposed absolution for immigration officers, brings to mind the “benefit of clergy” (see http://en.wikipedia.org/wiki/Benefit_of_clergy retrieved 17 June 2006) that once was extended to the priesthood for their offences, and suggests that it is being revived as the “benefit of bureaucrats”. It also reverses the process of professional accountability that is now well established ˜ even to the point in New Zealand of depriving barristers of their traditional immunity since 2002 (see Meechan, & Murphy, 2005; and also http://en.wikipedia.org/wiki/Professional_negligence retrieved 21 June 2006).

10.12 Consequently, well might we ask how fair and reasonable would such a decision-making procedure be?

10.13 We are not reassured by the sentence that “There is a significant body of jurisprudence around this power that defines and limits it to what is fair and reasonable” (para.292). Such knowledge stems from years of legal training and practical experience of the well-established Bench. It is extraordinary for anyone to think that the expertise could be acquired easily and applied by the staff of any bureaucracy.

10.13.1 We would also comment that nowadays the management style of most government

departments encourages the quick movement of staff by promotion, resignation, and frequent restructuring, thereby exacerbating the loss of knowledge of how to make life-altering decisions about others.

10.13.2 The question would be even more critical if the immigration staff were obliged to assess "acceptable standards of health and good character", as proposed (para.261). The department's definition of HEALTH is primarily concerned with assessing fitness to work, and the potential costs to the community of a person needing medical care; its definition is not, for example, that of the World Health Organisation, which is holistic. Similarly, its assessment of CHARACTER is also intended to be ad hoc, depending on the "likely negative impact on New Zealand from past or future criminal behaviour and posing a risk to New Zealand's reputation" (para.265). Suffice to say, medical specialists and criminologists would have difficulty in predicting such outcomes, except in the most blatant of cases.

10.13.3 As an example of how consideration of character is already poorly managed by immigration staff, we point out that in January 2004, the department denied entry visas to African Quakers who wanted to come to our world conference in Auckland - unless they were clergy. To quote a young official, the countries they come from "have a poor record because they become overstayers". Quakers, in general, deliberately do not have clergy, and drainlayers and housewives, young and old, preach and do Church business; always speaking the truth is universal.

10.13.4 At the same time, we understand from a report in the Dominion Post, 24 June 2006 that of the 385 seamen who deserted ships in the country over the last six years some 242 (63%) were sculling about, their whereabouts unknown to the Department.

10.14 The fear of terrorism (raised in paragraphs 266-268) does not lead us to depart from the principles we uphold. Nor does the admission of possible discrimination raised in paragraphs 269 and 270 give us reassurance the Department will make "transparent assessments, while still having flexibility to respond to unanticipated situations". We accept that the country needs to protect itself, but not to the point of being converted into a prison for all of its inhabitants. Democracy can be preserved without having to be as autocratic as the Department of Labour seems to consider necessary.

10.15 The option of streamlining and speeding decision-making through the use of computers also gives us cause for concern (paras. 233-238). It would provide an actuarial approach with which the insurance industry is familiar, but it does not relate to individual circumstances ˜ as a moment's thought in predicting longevity will indicate. Although such a system might seem attractive in matters affecting the liberty of the subject it is dangerous to contemplate. We note the Law Commission (2006, paras.75, 224-229, & 236-238) has rejected the use of predictive actuarial methods in sentencing, because it gives inadequate consideration to important differences that individual cases present. We also know that professionals familiar with the risk-assessment of offenders are aware of the need to balance data from actuarial models with those from individuals before them (see Riley, 2006). Although the REVIEW acknowledges the problem, it continues to support the option

of “streamlining” decisions, echoing the long abandoned, over-simple and immoral utilitarian philosophy of determining benefits according the good of the majority at the expense of the minority (para.363).

10.16 A further point is that many of the proposals in the REVIEW run counter to established principles of justice. Instead of following the tradition that judicial decision-making procedures affecting the liberty of the subject should be held in public, with records open to scrutiny, the REVIEW proposes that they should operate behind screens of bureaucracy that are not transparent. While proceedings conducted in the public arena do not guarantee freedom from error, at least they go some way towards ensuring that any flaws in reasoning and procedures on which justice depends might be exposed (see Thorp, 2005: van Beynen, 2006).

10.16.1 It is the more important for decision-making procedures affecting the liberty of any person to be held in public, because the Department considers only the “potential for visas to be GRANTED in error” (para.237, our emphasis) under the electronic system, without mentioning the potential for them to be DECLINED in error.

11 Lack of Specific Detail

11.1 Turning from principles to pragmatics, we accept that managerial expertise might come into consideration when evaluating a few of the “proposals for consideration”. But the REVIEW falls short of providing tables of data on which the cost-benefit analysis of such alternative proposals might be assessed - especially when espousing the business model (para.85). If the efficiency of service and financial benefits are so important, as tax-payers we would expect to have the data presented.

11.1.1 It is unfortunate that accountants‘ jargon “the bottom line” has been used (para.77), since it has quite the wrong connotation when the subject is “significant policy”. We say that in matters of immigration, top priority should be given to human values, not to dollars and cents.

11.2 It so happens that as on other themes in the REVIEW, some frequency data was buried in the text (e.g., paras.11 & 13) and loose mention is made of “a small number of cases (around 50) each year” (para. 855). Also, many of the tables that were given, should more accurately have been described as “figures” or “diagrams”, because they illustrate the argument rather than provide frequency tables of data on which argument relies (i.e., Tables 1, 2, 3, 4, 5, 6, and 10).

11.2.1 Tables 7, 8, 9, and 11 provide some helpful information, but they too have limitations - i.e., tables 7, 8 & 11 relate only to the weight of traffic and not to the demands made on resources, and their scope is limited by the number of years to which they refer. Table 9 carries “projected” data without giving the basis for the calculations.

11.3 Nowhere does the REVIEW provide data of existing services that relate to personnel,

costings, and facilities, nor comparable projections to validate the reduction of costs involved in the proposed “improvements”.

11.4. The absence of such data is surprising, especially since the claims for departmental convenience can only be sustained by facts and figures of past performance as compared with those forecast.

11.5. In any case, as we have already said, the Department needs to remember that in a decent society, the financial costs incurred in decision-making should not govern the access of citizens to justice. The judiciary respects the principle, and the Ministry of Justice keeps a prudent eye on the associated costs of its facilities and services.

12 Criteria for Determining the Suitability of Immigrants and the Validity of Claims of Refugees

12.1 Refugees by definition are seeking sanctuary. Unlike migrants, they have suffered in ways that some in the host country find difficult to imagine, and they are always in need of help to settle. We say that the Department of Labour should do more to help them receive justice and settle, rather than to make life more difficult for them to gain entry.

12.2 Justice is a universal basic human need that has to be satisfied (see Taylor, 2003; 2006b). It applies not only to refugees, but to their potential hosts who are concerned on their behalf. It follows that refugees should be protected by the same standards of justice that protect all New Zealanders.

12.2.1 We argue that, in the process of extending justice to refugees previously deprived of it, our decision-making should be more generous in considering humanitarian criteria rather than the economic. In return, their relief at being accepted as human beings in need of justice is more likely to motivate them to contribute to the economy and stay in the country than those with a surfeit of money and possessions.

12.2.2 It would be interesting for the department to give the number (and proportion) of immigrants granted visas and permits who subsequently sell up and move elsewhere, as compared with the number (and proportion) of those given refugee status.

12.3 However, to reiterate, the REVIEW gives us no confidence that the department is prepared to regard refugees as people who are not just potential investors, producers, and consumers of goods and services.

12.3.1 This conclusion is reinforced by the Department‘s extraordinary change in the title of its section dealing with immigration to WORK FORCE. We discovered this change by chance (it is not mentioned in the REVIEW) when telephoning the Department on a point of inquiry. The change in name confirms the change in emphasis from humanitarian concerns to those of productivity potential which we detected in the REVIEW document.

13 PROPOSAL FOR THE DEPARTMENT OF Labour either TO DESIGNATE DETENTION CENTRES,or TO RUN ITS OWN, and TO CONDUCT THE RECOGNITION AND SELECTION OF REFUGEES OFF-SHORE

13.1 The prospect of the Department of Labour having the authority either to designate certain places as detention centres or to establish its own facilities for the purpose fills us with dismay (para.934).

13.1.1 Although the REVIEW does not specifically say so, we suspect the Department would almost certainly designate prisons as detention centres, where refugees would be treated as criminals rather than asylum-seekers. Families would be split up, children and their parents would be separated, special arrangements would need to be made for young children and the elderly, and so on. Even worse is the possibility that someone might suggest the Department should send refugees to "army glasshouses".

13.1.2 The outcome would not be more acceptable if the department were to decide to run its own camps. The Department's history of running such camps for conscientious objectors during World War 2 still rankles with the descendants of the hundreds of men who were subject to the regime imposed on them, especially the harsh punishment meted out on detainees transferred to prisons for protesting against their treatment (see Grant 1986). Their policy received international opprobrium for pro-longing the period of detention long after the end of the war (see Taylor, 2006b, paras. 88-91). Also, the substantial financial and resource commitments concerning the running of such establishments should make bureaucrats quiver before following that route ˜ but again, no estimates of even those costs are provided.

13.2 The management of detainees, of any kind, is not a task that can be undertaken lightly, no matter how the exigency of the moment might seem to support the notion "that something has to be done". Much more thought and discussion needs to take place, with a wide basis of consultation, before changes to the arrangements for detention are approved.

13.3 Paradoxically, the REVIEW comments that the existing system is working well and has gained international recognition (e.g., paras.794, 795, 899, & 900). It even says that the current provisions for incorporating the Refugee Convention into New Zealand law are "successful, and well regarded" (para.1159). The only disadvantage for "about 50 cases a year" (para.855) would seem to be Departmental inconvenience (paras.802-812). We hold this to be the weakest of grounds on which to revive a punitive and retributive system of detention.

13.4 Similarly, we do not support the proposal for the Department of Labour's Work Force section to conduct procedures for the selection and recognition of refugees offshore. This suggests both the Australian's use of Nauru and also co-operative States allowing our immigration officers to sit alongside their officials at airports doing quick computer checks of intending passengers as they present their tickets and documents.

13.4.1 Decisions made off-shore can be arbitrary and restrictive ˜ such as the granting of visas to allow Indian Quakers to attend the same Auckland Conference mentioned previously, but expecting the applicants to make, for them, impossibly expensive trips to the NZ High Commission in Delhi at short notice to collect them.

13.5 On matters of detention, despite the REVIEW having previously drawn many comparisons with strategies adopted by governments overseas on other proposals, we note that it mentions only the Australian empowering legislation. It fails to describe the disastrous Australian experience of their Immigration Department's recent detention of refugees in Nauru and South Australia. We predict from authenticated reports that the Australian implementation of its legislation will go down in history as a latter-day expression of the tyranny of prisons at Port Arthur, Long Bay, and Norfolk Island (Harris & Telfer, 2001; Smith, 2001; Steel & Silove, 2001; Sultan & O'Sullivan, 2001; Asylum Seekers Project Annual Report 2005).

13.5.1 Our objections would not necessarily be resolved were immigrants to be detained in prison. We say this, because, apart from the consequences we mentioned in para 13.1.1 above, the latest comment from a reputable medical source after the arrest and imprisonment of 17 Australian-based suspected terrorists on 8 November 2005 "underscores the need for Australian prison medical workers to implement strategies for either preventing or following up prison torture incidents" (Awofeso, 2006).

13.6. The REVIEW also fails to mention the extreme concern of Amnesty International and the Jesuit Refugee Service about the current proposals in Australia to tighten up the Australian legislation for the processing of refugees on-shore and off-shore (see http://www.amnesty.org.au/Act_now/campaign/refugees and http://www.jrs.org.au retrieved 20 June 2006).

14 THE ACCEPTANCE OF INTERNATIONAL LAW

14.1 We leave the analysis of proposals in the REVIEW on the effects of incorporating more international law into our Immigration Act to those better versed in these matters. However, we wish it to be noted that:

14.1.1 Quakers wholeheartedly support all international conventions on immigration negotiated by the United Nations, and will support all decisions of the International Court of Justice and the International Criminal Court on such matters. We hold that all international immigration and human rights law should be recognised and supported in any new immigration legislation.

14.2 We argue that any review of the Act needs to take account of special cases - one size does not fit all - and that includes many political refugees, victims of torture, the destitute, the ill-educated, the powerless.

15 CONCLUSION

15.1 We accept that there need to be rules to govern the orderly growth and the cultural, economic, and social development of the country. But, the REVIEW seems to us to be a thinly veiled authoritarian attempt to make life more difficult for immigrants and refugees.

15.2 It is ironic that today (the 20th of June, the day on which our final draft is taking shape) is World Refugee Day 2006, and it is also a day on which Work Force, the immigration section of the Department of Labour, proposes to make life more intolerable for refugees.

15.3 We are so troubled by the constitutional threats and the pragmatic priorities set out by the REVIEW, that we intend to send copies of this response direct to the Prime Minister, the leaders of all political parties, the Minister of Immigration, our local Members of Parliament, List Members of Parliament, the Human Rights Commission, the Law Commission, the Ombudsman, the Race Relations Conciliator, the Council for Civil Liberties, the Combined Churches Agency on Social Issues, and Amnesty International.

15.3.1 The text of this response will also be put on the New Zealand Quaker website www.quaker.org.nz.

15.4 These matters need detailed consideration, and they need to be debated openly in many forums before any legislation is drafted for parliamentary consideration.

SIGNED Llewelyn Richards, Yearly Meeting Clerk for the Religious Society of Friends Aotearoa/New Zealand, Te Haahi Tuuhauwiri

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ORAL SUBMISSIONS

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In consultation with the Standing Committee of the Society.

PS: Having concluded our critique, we came across a political notice from New Zealand First in the Dominion Post (24 June 2006) inviting anyone to respond to three measures which by implication it had sponsored - one of which was the Immigration Act REVIEW. Much as we welcome community participation in the measure, we have learned from history that popularity is not a moral force.

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ORAL SUBMISSIONS

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In consultation with the Standing Committee of the Society.

PS: Having concluded our critique, we came across a political notice from New Zealand First in the Dominion Post (24 June 2006) inviting anyone to respond to three measures which by

implication it had sponsored – one of which was the Immigration Act REVIEW. Much as we welcome community participation in the measure, we have learned from history that popularity is not a moral force.