

Feedback form

Review of immigration policies for religious workers

PURPOSE

Please use this form to provide feedback on the attached consultation document 'Review of immigration policies for religious workers '. If you need more space to answer any of the questions, please continue on a separate sheet, identifying the question number you are responding to.

DUE DATE AND ADDRESS

Friday, 5pm 16 July 2010. The form should be sent to religiousworkersreview@dol.govt.nz or to Department of Labour, 56 the Terrace, Wellington 6011, marked Attention Immigration Policy.

SUBMITTER'S DETAILS

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The NZARH is a not-for-profit organisation that exists to serve the interests of the non-religious; those who do not have a belief in gods or the supernatural.

The objects for which the NZARH is established are:

- To advocate a rational, humane, and secular view of life without reference to supernatural agencies and which is compatible with the scientific method.
- To promote a tolerant, responsible, and open society.
- To encourage open-minded enquiry into matters relevant to human co-existence and well-being.

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The NZARH is happy for the contents of this submission to be public.

OBJECTIVE OF THE RELIGIOUS WORKERS POLICY

The Department thinks that objective of the religious workers policy should be to:

- **provide New Zealand communities the opportunity to practise and advance their religious beliefs**
- **support the settlement of migrants and contribute to a harmonious New Zealand society**
- **maintain the integrity of the immigration system through clear guidelines for applicants to enter and undertake genuine religious work in New Zealand.**

(1.) Do you agree with this proposed objective? Why or why not?

- The NZARH agrees with these objectives but it disagrees with the need for a policy that is specific to only religious workers.
- The Association's view is that the State should not give one set of beliefs privilege over another and that the State should treat religious organisations the same as any other organisation. If there is to be a policy for religious workers, there should also be similar policies for ethical (non-religious) workers, political workers, and so on. To not do so would be inconsistent with Human Rights Act (1993) which makes it unlawful to discriminate on the ground of religious or ethical belief.

(2.) If not, how should it be amended?

- The NZARH would like to see one policy that can be applied to all organisations regardless of whether they are founded upon religious, ethical, political, sporting or other principles. This could be accomplished by adding a new Talent category for benevolent work.
- As a humanist organisation, we want to see similar clear guidelines for applicants entering and undertaking genuine humanist work in New Zealand. Having a new Talent category for benevolent work would achieve this.
- The NZARH is deeply concerned that this policy could result in migrants being coerced or intimidated to remain in a religious organisation. It is important that migrants don't feel threatened by having their level of involvement in a religious organisation reported back to their country of origin as this could have serious repercussions to their family.
- There should be more detail on what is meant by "contribute to a harmonious New Zealand society". Another concern of the Association is the formation of micro-communities that are detached from the wider community. One of the aspects that should be assessed when considering an application is how it will benefit integration with the wider community.

TEMPORARY ENTRY CLASS VISA

- **The Department thinks that the religious worker should have to be sponsored by a religious organisation. This would mean that the organisation was responsible for the worker's accommodation, maintenance and repatriation. "Maintenance" would include health costs as well as food.**

(3.) Do you agree with this proposal? Why or why not?

- Yes, as this ensures that there is an organisation responsible for the conduct of the worker and that no burden falls upon the New Zealand taxpayer. This should greatly curtail any fraud or abuse of the temporary entry policy.
- **The Department thinks that the list of recognised religions and denominations could be replaced by requiring religious organisations to be a registered charity. In that case, the Charities Commission would be responsible for ensuring that the organisation exists to advance religion.**

(4.) Do you agree with this proposal? Why or why not?

- The Association doesn't agree with the suggested approach but nor does it agree with maintaining a list of recognised religions and denominations.
- The benefits listed from having organisations be charities registered with the Charities Commission are very little and outweighed by the difficulties this produces:
 - To get charitable status for the advancement of religion simply requires the promotion of a religious belief. This has nothing to do with whether the supported activities are really in the public interest.
 - To get charitable status for the advancement of religion requires taking positive steps to sustain and increase the religious belief. This means that any organisation that only supports members within its community is ineligible for charitable status and would be unfairly excluded.
 - Organisations that decide not to become charities on principle would be unfairly excluded.
 - While charities now have their accounts made available for public viewing, the same information is maintained by all incorporated associations and should be required to be submitted with the application.
- The Association thinks that religious organisations should gain approval in principle to employ workers from overseas as required by other employers. They should be

able to become Accredited Employers if they would like to be able to hire several staff over a period of time.

- **The Department thinks that a religious workers policy would be for religious work only, rather than other work connected with the religious organisation (for example, administration, cooking).**

(5.) Do you agree with this proposal? Why or why not?

- Yes, as otherwise this would open the door to abuse of the system where migrants will perform jobs that can be fulfilled locally. This could also lead to the situation where sponsored labour is competing against paid employment.

(6.) How could religious work be defined?

- By having a definition similar to that of the Charities Commission which states:

Generally, to be religious there needs to be -

- a belief in a supernatural being, thing, or principle, and
- an acceptance of conduct in order to give effect to that belief.

- **The Department thinks the religious worker should provide evidence of previous training or experience**

(7.) Do you agree with this proposal? Why or why not?

- Yes, they need to show they are suitable for performing the special field of work that they are they are being put forward for.

(8.) What would be appropriate evidence of training or work experience?

- They need to show that they have experience and capability to perform the special field of work that they are being put forward for. This could be achieved by supplying references/referees, and requisite memberships and qualifications.

- **The Department thinks the sponsoring organisation should provide evidence of attempts to find a religious worker within New Zealand**

(9.) Do you agree with this proposal? Why or why not?

- Yes, otherwise the policy is likely to be used for immigration purposes rather than fulfilling a community need.

(10.) What type of evidence could be provided to show a religious organisation has tried to find a religious worker in New Zealand?

- The organisation needs to prove that they have genuinely searched for a suitably qualified or trained New Zealand worker using the same criteria required by all other New Zealand employers wanting to employ overseas workers.

RESIDENCE CLASS VISA

- **A residence visa could be introduced for religious workers**

(11.) Do you agree that there should be a specific residence visa for religious workers? Why or why not?

- No, as religious workers should not be treated differently from other workers.

- **If a residence option for religious workers was offered the criteria for the temporary entry visa (as listed above) could apply. The Department thinks, in addition, that the religious worker should have spent time on a temporary entry visa**

(12.) Do you agree with this proposal? Why or why not?

- Yes, to prevent the policy from being abused and having the religious worker spending time on the temporary entry visa will ensure that a strong relationship exists with the sponsoring organisation. This is important as the worker would likely have a hard time getting similar work with a different organisation.

(13.) If the residence applicant had to have spent time as a temporary worker, what do you think is an appropriate amount of time would be? For example, two, three or four years?

- There should be the same two year period to qualify for residence as under the Work to Residence policy.
- **The Department thinks the sponsoring organisation should provide evidence that a religious worker is needed long-term in New Zealand in order for that worker to be granted residence**

(14.) Do you agree with this proposal? Why or why not?

- Yes, to prevent the policy from being abused and to keep it consistent with the Skilled Migrant Category.

(15.) How could the long-term need for a religious worker be demonstrated?

- An offer of a long term contract from the sponsoring organisation.
- **The Department thinks that religious workers should be able to communicate in English, so they can integrate into the wider New Zealand community**

(16.) Do you agree with this proposal? Why or why not?

- Yes, to be able to contribute to a harmonious New Zealand society requires that they are able to communicate with the wider community.

(17.) What would be an appropriate level of English language? (For example IELTS Level 5 or 6? - See Appendix for a description of IELTS levels).

- IELTS Level 6 would be the minimum that would allow someone to interact directly with the wider community in order to be able to resolve issues.

- **The Department thinks that there should be a maximum age for residence applications, as there is for some other residence policies such as Skilled Migrant Category**

(18.) Do you agree that there should be an age limit for religious workers? Why or why not?

- Yes, as residence applications for religious workers should be treated in the same way as the other residence policies.

(19.) What do you think is an appropriate age limit for religious workers (for example, 45, 50 or 55 years old)?

- The age limit should be the same as for the Skilled Migrant Category.

- **The Department thinks conditions on residence should apply for a few years after the applicant has gained residence. These could include continued sponsorship and work for the sponsoring organisation**

(20.) Do you agree that these conditions should be imposed on a religious workers residence visa? Why or why not?

- Yes, to prevent the policy from being abused and because the applicant would likely have a hard time getting similar work unlike those granted residence under the Skilled Migrant Category.

(21.) If not, what, if any, conditions do you think should be imposed?

PARTNERS AND DEPENDANTS

- **The Department thinks that partners of religious workers on temporary visas should be granted an open work permit**

(22.) Do you agree with this proposal? Why or why not?

- The partners of religious workers should be treated in the same way as the partners of any other workers on temporary visas.

- **The Department thinks that dependants of religious workers on temporary visas should be granted student visas if they are studying full-time, provided the family as a whole earns at least a minimum income**

(23.) Do you agree with this proposal? Why or why not?

- The dependants of religious workers should be treated in the same way as the dependants of any other workers on temporary visas.

(24.) If you do agree with this proposal, would you have any other suggestions for how the dependent children of religious workers should be treated, in immigration terms?

- The dependants of religious workers should be treated in the same way as the dependants of any other workers on temporary visas.

APPENDIX ONE: IELTS LEVELS

The IELTS 9-band scale

Band 9: Expert user: has fully operational command of the language: appropriate, accurate and fluent with complete understanding.

Band 8: Very good user: has fully operational command of the language with only occasional unsystematic inaccuracies. Misunderstandings may occur in unfamiliar situations. Handles complex detailed argumentation well.

Band 7: Good user: has operational command of the language, though with occasional inaccuracies and misunderstandings in some situations. Generally handles complex language well and understands detailed reasoning.

Band 6: Competent user: has generally effective command of the language despite some inaccuracies and misunderstandings. Can use and understand fairly complex language, particularly in familiar situations.

Band 5: Modest user: has partial command of the language, coping with overall meaning in most situations, though is likely to make many mistakes. Should be able to handle basic communication in own field.

Band 4: Limited user: basic competence is limited to familiar situations. Has frequent problems in understanding and expression. Is not able to use complex language.

Band 3: Extremely limited user: conveys and understands only general meaning in very familiar situations. Frequent breakdowns in communication occur.

Band 2: Intermittent user: no real communication is possible except for the most basic information using isolated words or short formulae in familiar situations and to meet immediate needs. Has great difficulty understanding spoken and written English.

Band 1: Non-user: essentially has no ability to use the language beyond possibly a few isolated words.