



Review of Immigration Policies Available to Religious Workers

SUMMARY OF SUBMISSIONS



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INTRODUCTION

- 1 The Minister of Immigration agreed to a review of immigration policies that religious workers use to enter and work in New Zealand. The aim of the review has been to ensure that:
 - a visa pathways are relevant and appropriate to the needs of New Zealand and its religious communities, and
 - b problems identified with current policies and potential risks are well managed.
- 2 The Department of Labour sought feedback on four key areas:
 - a a policy objective to facilitate the entry of religious workers
 - b a temporary entry visa option
 - c a residence visa option, and
 - d how partners and dependent children of religious workers on temporary visas should be treated in any religious workers policies.
- 3 A consultation document was sent out on 24 May 2010. The consultation period ended on 16 July 2010. Seventy-one submissions were received from individuals and organisations including Buddhist, Christian, Jewish, and Hare Krishna faiths. Submissions were also received from members of the law societies.
- 4 This document summarises the feedback received on the consultation proposals. The number of submitters who agreed or disagreed with the proposal do not always add up to the number of responses because some answers were unclear. Some questions, for example 'What should the English language level be set at?', do not have a level of response presented. This is because often submitters did not answer the question or interpreted the question in a number of ways.

Structure of the document

- 5 For each of the key areas, this report:
 - a provides a brief summary of the proposals or options given in the consultation document
 - b outlines the key questions from the consultation document
 - c indicates the approximate level of support for each proposal or option shown in the submissions responding to the key questions and presents specific comments received, and
 - d lists other issues raised that relate to immigration and religious workers.

THE OBJECTIVE OF A POLICY FOR RELIGIOUS WORKERS

Summary of proposals

- 6 It is important from the outset that the purpose of the relevant immigration policies is clear. An objective helps to achieve clarity for potential applicants.
- 7 The objective of the religious workers policy consulted on was to:
 - a provide New Zealand communities the opportunity to practise and advance their religious beliefs
 - b support the settlement of migrants and contribute to a harmonious New Zealand society, and
 - c maintain the integrity of the immigration system through clear guidelines for applicants to enter and undertake genuine religious work in New Zealand.

Key questions

1. Do you agree with this proposed objective? Why or why not?
2. If not, how should it be amended?

Submitter response

Question One: Do you agree with this proposed objective? Why or why not?

- 8 The number of responses to this question was 69. The majority of submitters agreed with the proposed objective (65).
- 9 It was clear from submissions that submitters recognised the importance of an objective. Submitters also understood the balance needed between facilitation and risk management. Overall, the feedback on the proposed objective was positive, because the objective was easy to understand. Specific comments made are set out below:

It appears to be fairly balancing the interests of religious communities, as well as the wider community from non genuine as well as illegitimate migrants.

We fully endorse the need to maintain the integrity of the immigration system to prevent abuses that would undermine respect for the legitimate purposes of the policy.

Question Two: If not, how should it be amended?

- 10 Responses to this question were generally quite specific. They included:

The policy should support the rights of New Zealanders under the Universal Declaration of Human Rights Article 18, a right also formalised by the NZBORA¹.

Add to allow candidates to enter New Zealand to continue their studies.

TEMPORARY ENTRY CLASS VISA FOR RELIGIOUS WORKERS

Summary of proposals

- 11 The consultation document set out that religious workers should have to be sponsored by a religious organisation. This would mean that the organisation would be responsible for the worker's accommodation, maintenance, and repatriation.
- 12 The list of recognised religions and denominations could be replaced by requiring religious organisations to be a registered charity. Being a registered charity would provide the public with a degree of confidence that an organisation was undertaking activities that are both charitable and in the public interest.
- 13 The consultation document proposed that the religious workers policy would be for religious work only, rather than other work connected with the religious organisation (for example, administration and/or food preparation). Religious workers should be required to show evidence of their religious training or work experience. This evidence would show that the religious worker has skills and experience to offer the religious community and that they would be competent in their job.
- 14 The consultation document discussed that the religious organisation should be required to provide evidence to Immigration New Zealand of the efforts that have been undertaken to find a religious worker within New Zealand. This would show the genuine need for a religious worker from outside New Zealand and ensure New Zealanders are not displaced.

Key questions

3. Do you agree that religious workers should have to be sponsored by a religious organisation?
4. Do you agree that sponsoring organisations should have to be a registered charity?
5. Do you agree that the policy should be for religious work only?
6. How could religious work be defined?
7. Do you agree that religious workers should provide evidence of previous training or experience?
8. What would be appropriate evidence of training or work experience?
9. Do you agree that the sponsoring organisation should provide evidence of attempts to find a religious worker within New Zealand?

¹ New Zealand Bill of Rights Act 1990

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

Submitter response

Question Three: Do you agree that religious workers should have to be sponsored by a religious organisation?

- 15 The number of responses to this question was 70. Most submitters agreed with the proposal (58). Seven submitters disagreed with the proposal.
- 16 Agreement was largely due to submitters recognising that sponsorship is necessary to avoid costs to the taxpayer. Submitters agreed that there should be accountability for the applicant and for the organisation seeking to bring a religious worker to New Zealand.
- 17 Submitters understood the responsibilities of sponsorship and that sponsorship enables people to come to New Zealand when they otherwise would be prevented from doing so.
- 18 One submitter suggested that religious workers could work in addition to performing their religious functions. Engaging in paid work would be less of a financial burden on the religious organisation, and would enable overseas people to contribute to the New Zealand economy.

Question Four: Do you agree that sponsoring organisations should have to be a registered charity?

- 19 The number of responses to this question was 70. Most submitters agreed with the proposal (50) and ten disagreed.
- 20 The reason for agreement was that the proposal would ensure accountability of the sponsors and avoid the need for 'lists' in immigration instructions, such as the current 'Recognised religions and denominations'. Submitters suggested that the organisations registered with the Charities Commission should be those whose primary purpose is the advancement of religion. Submitters agreed that the Charities Commission was best placed to determine the purpose of an organisation.
- 21 One submitter stated that a registered charity with a purpose of the advancement of religion is not a guarantee that an organisation is a religious one.

Question Five: Do you agree that the policy should be for religious work only?

- 22 The number of responses to this question was 69. Thirty-five submitters agreed with the proposal and 26 disagreed.
- 23 The reasons for agreement were that religious work, such as preaching, is the primary purpose of the worker coming to New Zealand. Supporting work such as food preparation should not be the sole reason why a religious worker is needed. Some comments made are set out below.

While our monks' first duty is to prepare and hold religious ceremonies and other related occasions, they also do administration for these.

Religious permit[s] should not be abused as a side way to enter in New Zealand.

Administration and other activities can be done by people already in New Zealand.

- 24 The reasons for disagreement were that different religions have different perspectives on what constitutes religious work. These differing interpretations can make it difficult to define religious work. Submitters provided information about what they class as religious work, related to their religious vocation and the mission of the organisation. Some organisations, for example, stated that religious work includes service to the community, cooking, serving food, and providing shelter.

Question Six: How could religious work be defined?

- 25 Ideas of religious work from submitters are set out below:
- a teaching religious scripture, philosophy, practice, and ritual
 - b leading prayer and worship
 - c pastoral care work, including support of the sick, dying, and bereaved as well as those suffering other life problems
 - d public and private prayers and meditation
 - e conducting public and private rites and rituals, and/or
 - f conducting ordinations and initiations.
- 26 Other suggestions were general and included:
- a roles of religious significance
 - b work that would enhance people's faith, and/or
 - c work that promotes the aims and goals of the religious organisation.
- 27 Some submitters suggested that being members of a religious order should suffice as a criterion for being a religious worker.

Question Seven: Do you agree that religious workers should provide evidence of previous training or experience?

- 28 The number of responses to this question was 69. Most submitters agreed that religious workers should provide evidence of previous training or experience (58). Six submitters disagreed with the proposal.
- 29 The reasons for agreement were that the worker should be adequately trained to fulfil the proposed objectives of the policy. Submitters noted the various types of qualifications religious workers held, for example, monks may be able to show certificates of study.

- 30 Submitters recognised the value that qualified or experienced religious workers can add. Submitters also recognised that this criterion would manage the risk of people abusing the policy. A number of submitters stressed the importance of recognising training or experience, as some religions do not have formal training.
- 31 Submitters stated that the requirements should not be like Skilled Migrant Category, which requires a Bachelor's degree.

Question Eight: What would be appropriate evidence of training or work experience?

- 32 Suggestions from submitters included:
- a certified record of service
 - b curriculum vitae
 - c testimonials or references
 - d verified proof of NZQA equivalent qualifications
 - e qualifications in theology, and/or
 - f an ordination booklet.

Question Nine: Do you agree that the sponsoring organisation should provide evidence of attempts to find a religious worker within New Zealand?

- 33 The number of responses to this question was 70. Thirty-two submitters agreed that the sponsoring organisation should provide evidence of attempts to find a religious worker within New Zealand and 26 disagreed with the proposal.
- 34 The reasons for agreement were that submitters thought people residing in New Zealand should be given preference before overseas workers. The reasons for disagreement were that, as there is a shortage of religious workers in New Zealand, many religious organisations do not have a pool of people waiting to be called upon. Submitters noted that they do try and find religious workers in New Zealand but this is difficult. Some comments made were:
- We have had no recruits from New Zealand for over ten years.*
- Religious workers, especially priests... respond to a religious calling from within their community by God... and not from an advertisement for a job.*
- 35 Another difficulty religious organisations are faced with is that there are no facilities to train workers in New Zealand, for example, Buddhist Monks. Submitters noted the training, experience, and different skill sets that religious workers from overseas bring can benefit the religious community.

Question Ten: What type of evidence could be provided to show a religious organisation has tried to find a religious worker in New Zealand?

- 36 Submitters believed that the religious organisation is best placed to decide whether or not a religious worker would be appropriate for their community. Submitters noted that they do advertise internally but as mentioned above this is often unsuccessful because of the shortage of workers.

RESIDENCE VISA FOR RELIGIOUS WORKERS

Summary of proposals

- 37 The consultation document discussed an option to introduce a residence visa for religious workers. Currently, there is no specific pathway to residence for religious workers. If a residence pathway is developed, it should be reserved for people who will make a positive contribution and commitment to New Zealand, and to their religious community over the long-term.
- 38 The consultation document set out that to be eligible for residence, the religious worker would likely have to spend some time on a temporary visa. This criterion would demonstrate that the religious worker is familiar with New Zealand and has contributed to their religious community. The sponsoring organisation would also have to provide evidence that a religious worker will be needed long-term in New Zealand if that worker is to be granted residence.
- 39 The consultation document discussed whether religious workers should be able to communicate in English, so they can integrate into the wider New Zealand community. The document also discussed whether there should be a maximum age for residence applications, as there is for some other residence policies such as the Skilled Migrant Category. A maximum age would help avoid healthcare and welfare assistance costs on the Crown. An age limit could be for example, 45, 50, or 55 years old.
- 40 The consultation document further suggested that 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.

Key questions

11. Do you agree that there should be a specific residence visa for religious workers? Why or why not?
12. Do you agree that the religious worker should have spent time on a temporary entry class visa? Why or why not?
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?
14. Do you agree that the sponsoring organisation should provide evidence that a religious worker is needed long-term? Why or why not?
15. How could the long-term need for a religious worker be demonstrated?
16. Do you agree that religious workers should be able to communicate in English? Why or why not?
17. What would be an appropriate level of English language? (For example IELTS Level 5 or 6)?

18. Do you agree that there should be an age limit for religious workers? Why or why not?
19. What do you think is an appropriate age limit for religious workers (for example, 45, 50, or 55 years old)?
20. Do you agree that these conditions should be imposed on a religious workers residence visa? Why or why not?
21. If not, what, if any, conditions do you think should be imposed?

Submitter response

Question Eleven: Do you agree that there should be a specific residence visa for religious workers? Why or why not?

- 41 The number of responses to this question was 70. Most submitters agreed with the proposal (61) and six submitters disagreed.
- 42 The reasons for agreement were that residence would meet long-term religious needs and fill gaps that currently exist. Submitters stated that any residence policy for religious workers needs to be different from existing residence policies, as religious workers have difficulty meeting the current residence policies.
- 43 Because of the shortage of religious workers in New Zealand and the lack of training facilities, submitters noted the benefits for communities and society if a residence category were available. Residence would ensure sustainability of religion. Submitters also recognised that a residence policy would give religious workers and the community more certainty. Submitters also noted that a residence option would enable a religious worker to settle with the community. Some comments made are listed below.

...the longer the tenure of church ministers, the more the likelihood of congregational growth and well-being.

Once acculturated to New Zealand life, such 'religious workers' make a profound contribution to the life of the Church and the community, which should be recognised by residency, in accordance with the objectives set out in question one above.

Question Twelve: Do you agree that the religious worker should have spent time on a temporary entry class visa? Why or why not?

- 44 The number of responses to this question was 68. Most submitters agreed with the proposal (56) and six submitters disagreed.
- 45 Submitters who agreed to the proposal thought that an initial temporary stay would give the religious community time to observe the person's suitability and compatibility. Time on a temporary visa would also ensure a strong relationship exists with the sponsoring organisation.
- 46 Submitters recognised that this requirement would act as a safeguard to ensure that the religious worker is genuine and will commit to the religious community long-term. Submitters stated that it would ensure positive

settlement outcomes. One submitter noted *it is good to have a two tiered process from temporary to permanent.*

- 47 Submitters expressed some concern around the uncertainty of gaining residence due to the requirement to spend some time on a temporary visa.

Question Thirteen: 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?

- 48 The majority of submitters suggested that the time spent on a temporary visa should be two or three years. A range of suggestions were submitted and included, months only, a minimum of 12 months, four, or five years. One submitter even suggested six years. One submitter noted:

The policy need not be markedly different from any work to residence policy, which simply requires that an applicant has held an appropriate temporary visa for two years or more.

Question Fourteen: Do you agree that the sponsoring organisation should provide evidence that a religious worker is needed long-term? Why or why not?

- 49 The number of responses to this question was 68. Most submitters agreed with this proposal (48) and twelve submitters disagreed.
- 50 The reasons for agreement were so that Immigration New Zealand could have some assurance that the religious worker was genuine. It would also prevent abuse of the policy and maintain the integrity of the immigration system.
- 51 Some submitters disagreed with the proposal on the basis that it would be difficult to show evidence of long-term need. It was pointed out that the nature of religious work is life-long.
- 52 Submitters were concerned about the interpretation of 'long-term need'. It was suggested that long-term need should be the view of the congregational leader (for example, a bishop).

Question Fifteen: How could the long-term need for a religious worker be demonstrated?

- 53 Suggestions from submitters included:
- a significant positive contribution
 - b clear service to the community
 - c evidence that a continuing need exists
 - d a log book
 - e ability to show a shortage currently exists and will continue to exist and could not be filled through recruitment and training

- f evidence that qualifications cannot be obtained in New Zealand
- g evidence that the long-term residence of the applicant contributes to the future potential for such qualifications to be gained in New Zealand
- h evidence that the long-term residence of the applicant contributes to the naturalisation of the religious community in New Zealand, and/or
- i evidence that the long-term residence enhances the social, cultural, community, health, and educational contribution of the sponsoring organisation to its community and wider society.

Question Sixteen: Do you agree that religious workers should be able to communicate in English? Why or why not?

- 54 The number of responses to this question was 68. Most submitters agreed with the proposal (58) and nine submitters disagreed.
- 55 Submitters recognised that English language is important to enable the practise of religion to continue religion within migrant communities. This is because second or third generations may not speak the native language. Submitters also noted that fluency in English is important to achieve positive settlement outcomes.
- 56 Many submitters identified that English language skills link with the proposed objective of the religious workers policy. Submitters noted English language would help religious workers to integrate into the wider New Zealand community.
- 57 Submitters who disagreed with the proposal stated that English is not necessary where religious activities are conducted in their own language. A number of submitters stated that translation and support services were available from within communities for people with low level English. A useful comment made by one submitter was:

This [English] enables them to communicate better with 2nd and 3rd generation migrants and promotes better integration and enables communication with society.

Question Seventeen: What would be an appropriate level of English language? (For example IELTS Level 5 or 6?)

- 58 The majority of submitters suggested IELTS Level 5 or 6 as the appropriate level of English language. A small number of submitters suggested below Level 5 or above Level 6.
- 59 Submitters who disagreed with an English language requirement either did not answer or restated that there should be no requirement. Other submitters suggested different English language levels for different purposes. For example, a higher requirement for residence.

Question Eighteen: Do you agree that there should be an age limit for religious workers? Why or why not?

- 60 The number of responses to this question was 69. Thirty-two submitters agreed with the proposal and 29 submitters disagreed.
- 61 The reasons for agreement were that younger people tend to integrate faster.
- 62 The reasons for disagreement were that the sponsoring organisation would be best placed to decide the age of the religious worker. Many submitters noted that experience was important for religious workers and religious workers have the most to offer in their latter years. Some submitters suggested that religious workers should be required to hold comprehensive medical insurance which would mean there is not a need for an age limit. Submitters gave evidence that priests keep working into their seventies.

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

- 63 The majority of submitters who responded to this question suggested over 60 was appropriate. A number of submitters also suggested age 55. A couple of submitters also suggested that there should be no age limit. Comments on an appropriate age limit are set out below.

... no arbitrary age is appropriate, and certainly not one as low as 55.

... it is reasonable that a worker be able to offer a decent period of employment before retirement.

In our view, given the shortage of priests, the small numbers involved, and that the purpose is similar to the intent of these policies, we would argue there should be no age limit.

Question Twenty: Do you agree that these conditions should be imposed on a religious workers residence visa? Why or why not?

- 64 The number of responses to this question was 70. Most submitters agreed with the proposal (52) and nine disagreed with the proposal. It was unclear from 10 submitters what their preference was.
- 65 Submitters recognised this criteria was a safeguard to prevent abuse of the policy and subsequently ensure the integrity of the immigration system. A number of submitters thought that transferring to a similar organisation should be allowed.
- 66 One comment received was:

It would give certain security for the religious worker to have an organisation continuing to care for him or her, and would ensure that the religious worker continues to give service within the sponsoring organisation.

Question Twenty-one: If not, what, if any, conditions do you think should be imposed?

67 Few submitters answered this question, as much of their comments were included in the previous question.

POLICY FOR PARTNERS AND DEPENDANT CHILDREN UNDER TEMPORARY ENTRY CLASS VISA

Summary of proposals

- 68 The consultation document discussed a policy for partners and dependants of religious workers. Partners of religious workers on a temporary entry visa could continue to be granted an open work visa. This is consistent with other immigration work policies and is currently the status quo.
- 69 Dependants of religious workers could be granted a student visa if they are studying full-time. This is current practice. In addition, to ensure the welfare of dependants, an income requirement as set under Essential Skills Policy (NZ\$33,675) could be a requirement. If the income requirement is not met, then the sponsoring religious organisation would have to meet the welfare requirements for dependants of religious workers.
- 70 The income requirement or sponsorship would ensure a basic standard of living for temporary migrant families while they are in New Zealand. Temporary migrants are not eligible for government benefits, unlike residents who are eligible for standard benefits after two years.

Key questions

22. Do you agree that the partners of religious workers on temporary visas should be granted an open work visa?
23. Do you agree that dependants of religious workers should be granted student visas provided the family as a whole earns at least a minimum income?
24. If you do agree with the proposal, would you have any other suggestions for how the dependant children of religious workers should be treated in religious workers policy?

Submitter response

Question Twenty-two: Do you agree that the partners of religious workers on temporary visas should be granted an open work visa?

- 71 The number of responses to this question was 62. Most submitters agreed with the proposal (60).
- 72 Submitters agreed that the policy for partners should be consistent with other immigration policies. Other reasons for agreement included that the partner:

- a should have the opportunity to be able to contribute to New Zealand, and
 - b would be able to integrate faster within New Zealand communities.
- 73 Submitters also stated that depriving religious workers of their immediate family's presence could be detrimental to the community. Submitters noted that the proposal would enable the family's income to be supplemented. Some comments are set out below:

This may well be the only way we could get the candidate to agree to come to New Zealand.

It will facilitate the financial well being of the family which in turn ensures that religious worker contributes more to religious activities in a better way free of financial worries.

Question Twenty-three: Do you agree that dependants of religious workers should be granted student visa provided the family as a whole earns at least a minimum income?

- 74 The number of responses to this question was 63. Most people agreed with this proposal (56).
- 75 Submitters thought that the dependants of religious workers should be treated the same as the dependants of other skilled workers on temporary visas.
- 76 One submitter stated the income requirement could be lower because the families of religious workers are often poor. Other submitters recognised that a minimum income level will assure that their children are not a burden on the tax system.

Question Twenty-four: If you do agree with the proposal, would you have any other suggestions for how the dependant children of religious workers should be treated in immigration terms?

- 77 Submitters comments primarily related to ensuring children had access to education.

OTHER POINTS RAISED

- 78 A number of submitters raised points about how Immigration New Zealand could improve processing visa applications. Submitters suggested that it would be helpful if immigration officers had a basic understanding of the training requirements to become a religious worker or leader.

