**13th February 2023**

**Topic : Submission Regularisation Report**

**Att : Special Rapporteur**

**Report : *first hand account of inadequate processes creating irregularity for migrants.***

*Why left home country*

Case presented:

Southern African First Nations khoisan descendants. They started migration journey due to the systemic oppression and discrimination faced in Republic of South Africa (RSA)

These were things affected family dearly. The children were submitted to corporal punishment in state schools. Reporting the incidents led to Government department labelling the parents as problematic. The teaching staff admitted hitting. The system protected the staff.

There was also the life changing experience of woman being made to sit unattended in a corridor, in labor, bleeding. When woman was seen to 5hrs later, her hb was 3.8. She nearly died. Her unborn baby died.

When woman got pregnant after that, was forcefully sterilized because had reached the government target of 3 living children allowed for people of her ancestry.

*Experience in the host country*

Family left RSA through great sacrifice and expense through processes to New Zealand. Health checks. Police clearances. Acceptance of RSA forms.

host country, New Zealand, being an island, is very strict in its admission policies. It is unwavering in its application of criteria.

*But the very policies that are hyped as being supportive and are said to be sufficient, are creating situations of irregularity.*

New Zealand has work visas that are “locked” to employers. This nurtures situations of exploitation by the employers.

In every job migrant started as painter he was used as panel beater also but his position and his wages are for painter.

Querying situations leads to bullying. The most recent, asking about PPE and pay in situations where he was exposed to Hazardous Substances and underpaid, led to degradation and constructive dismissal.

Family followed due process and made reports. Migrant asked host country for help and was told “it is just an employment dispute” and “discuss with the employer”. Even Immigration New Zealand asked why migrant doesn’t just leave situation.

 It became victimise the victim.

There is no means to leave the situation without a new visa locked in to a new employer.

I had to step in and make these government institutions acknowledge there are human rights infringed upon.

The employer has since taken advantage of the isolation and lack of support for migrants. They exploit every remedial process, letting the time lapse and then refusing to participate. Processes through worksafe, Ministry of Business, immigration new Zealand. Migrant forced to go through Employment Relations Authority at migrants own expense. It is classified an employment dispute. The Human rights aspects are ineffective. All NZ Human Rights Commission could do was email company. Company said won’t participate. That was that. It is up to the Migrant to painfully pursue justice.

*Host country process creating irregularity*

New Zealand has initiated process for the many exploited migrants called an exploitation visa. It is said to allow quick movement to a new employer.

Migrant did qualify and was granted.

Here are 2 scenarios faced.

1.family could not change regions due to the old employer having left the family in economic disadvantage. It costs money to move.

2. The New employers only offered job for the duration of the open visa.

And so the time left on the open visa is drawing close.

Fact: migrant lost years off his work visa in this “supportive exploitation visa” and was given a 6 month open visa. Medical subsidies are only given for visas 2 years or longer. The family lost medical support.

There is no resolution as it is the employer’s right to refuse resolution processes during most steps. And the steps are numerous and lengthy, and the formal procedures are costly. But one has to go through every step before one can access the formal process.

In the meantime the new Zealand employer diverts and delays to let the migrants time in country expire.

***And so, through loss of the little liberties migrants do have through this situation, it does force irregularity***. It has definitely directly affected the status of the Migrant. And yet the Migrant is not the perpetrator.

There is no recourse to create regularity for the Migrant worker forced into irregularity through abuse by host citizens.

The migrants are left with losses that affect every aspect of their lives. And with immense fear of what their futures may now bring. These are people who have brought skilled trade. The Migrant has taught local workers. The Migrant has consulted on strategy to improve businesses outlooks. The family has participated in sports development. The family is open to community development and shares meals with the community through the local church.

Bureaucratic processes may appear wonderful in print. The UN needs to start considering the impact on lives of those affected.

South Africa and New Zealand are seen as stable. This leaves little options for those in the countries being failed by the respective systems.

South African governance is corrupt and oppressive to minorities. There is reported and widespread systemic failures. But not even South Africans has access to support to ensure their human rights are upheld. For this indigenous family, the home country is refusing to even issue birth certificates for children. This was applied for, this was paid for. The government response is it’s not on the system so case closed. This, in reality, creates de facto statelessness. The human rights commission in South Africa said the Public Protector should resolve it. The public protector has yet to decide if they want to get involved. The government says they looked at it so case closed.

There is no accessible avenues to get support outside of the same South African government that is acting against its vulnerable.

And The New Zealand approach to migrants is largely business transactional. Its revenue for immigration new Zealand.

there is little humanitarian support structures or policies and zero considerations outside of any given stream. Every policy is strictly adhered to and every process has its own criteria.

The United Nations has to be more accessible and start opening itself up to assist people in situations that merit support. I may be one voice but I am on the ground. These things are happening.

Humanity is becoming inhumane in its bureaucracies.

In the words of Desmond Tutu, if you choose to be neutral in situations of injustice, you have chosen the side of the oppressor

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