

New Zealand government introduces secretive new immigration and security laws

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The New Zealand government announced on August 8 that it will introduce into parliament the most sweeping overhaul of immigration laws in 20 years. The legal rewrite of the 1987 Act, running into hundreds of pages, represents another major step in a series of attacks by the Labour-led government on basic democratic rights and civil liberties.

Immigration Minister David Cunliffe said the changes would streamline the process to remove illegal immigrants, while making it easier for “desirable” migrants to enter New Zealand. Cunliffe said changes in the bill would also “clarify and strengthen border security, tighten the law against those who pose a risk to New Zealand’s well-being and facilitate the entry of those migrants we want.”

In reality, the central aim of the new bill is to do away with what are now regarded as cumbersome and unworkable security provisions—in particular, those that have been challenged by a former Algerian MP and asylum seeker, Ahmed Zaoui, in his four-year fight to remain in the country. Immigration officials will be given new powers to remove alleged terrorists, including expanded rights to the unchallenged use of secret information.

When Zaoui arrived in New Zealand in December 2002 seeking refugee status he was detained, despite being declared a genuine refugee by the Refugee Status Appeal Authority (RSAA). New Zealand’s Security Intelligence Service (SIS) issued a security risk certificate against him and subsequently used it to try and deport him.

Zaoui has fought the deportation order on the grounds that he would be tortured or killed if he went back to Algeria. He spent almost two years in prison awaiting a decision on his case after he sought a formal review of the security risk certificate. In December 2004 he was

released on bail into the supervision of an Auckland religious order. A review of the certificate is now underway behind closed doors, with Zaoui still not entitled to know the exact nature of the secret allegations against him.

Throughout the Zaoui affair, the Labour government has relied on a series of laws to incarcerate and victimise the asylum seeker, roll back basic democratic rights and defend the activities of the SIS and security agencies overseas. Last month, Prime Minister Helen Clark expressed frustration at the lengthy legal proceedings that had stymied her efforts to railroad Zaoui, and declared that once the case was out of the way, there would “certainly be a review of the law”. The media has prepared the way with persistent editorials about the unwelcome affair so far costing “the taxpayer” more than a million dollars and demanding no repeat.

The new rules extend the type and sources of classified information that can be used against anyone entering the country. In addition to the SIS, the police and other government agencies will be entitled to pass on classified information about overseas arrivals, which can then be used to order their immediate removal. An applicant will not be allowed to see the information, though a “non-classified” summary will be provided—“where possible”.

Deportation procedures allowing multiple appeals to different bodies will be dispensed with. Four independent immigration and refugee appeal bodies—the Residence Review Board, the RSAA, the Removal Review Authority and the Deportation Review Tribunal will be replaced by a single body called the Immigration and Protection Tribunal. This is a clear move to circumvent and do away with the RSAA, which had declared Zaoui to be a genuine

refugee and made a number of stinging attacks on the methods and level of professionalism—including honesty—of the SIS.

Other planned changes include a new biometric regime, under which all New Zealand citizens re-entering the country will be photographed, while foreigners will be subjected to fingerprinting, iris scans and photographs. The bill also extends the time a person can be detained at the border and subjected to searches without a warrant to 96 hours.

Clark claimed that the new measures would provide a “balanced” approach to immigration. In fact, they will make it much easier for the government to act in secret while depriving refugees and immigrants of basic rights. The changes dovetail with a succession of previous moves by Labour to use the “war on terror” to beef up security laws and police powers.

In October 2003, the government passed its so-called Counter-Terrorism Bill, giving police extensive new powers of search and seizure. Any person inside or outside the country could be designated a “terrorist” or “associated person” solely on the word of the director of the SIS, with no right of judicial review. Anyone who participated in, recruited members for, or funded, directly or indirectly, any identified “terrorist” group could be imprisoned for up to 14 years. The definition of a “terrorist act” was made so broad that even the trade union bureaucracy felt obliged to point out that routine protests and union activities could be branded as “terrorism”.

At the same time, the Clark government has pressed into action formerly little known or unused laws. In 2004 Paul Hopkinson, a 37-year-old school teacher, was prosecuted for burning the New Zealand flag during a protest against the war in Iraq. This was the first time since its enactment 22 years ago that the law—the Flags and Emblems Act—had been used. In July 2006, a 32 year-old man involved in an axe attack on Clark’s electorate office was sentenced to two months jail for committing an act of sedition—the first time in 64 years that a sedition charge had been brought. Both prosecutions would have been authorised at the highest political level.

Warnings have already been aired that the new immigration law is only a half-way house to more extreme police-state methods. The *New Zealand Herald* editorialised that the British government was proposing

to double to 56 days the period police can hold terror suspects without charge. The paper concluded that the New Zealand law “hardly seems excessive” when compared with the security measures introduced or contemplated elsewhere, “even if such countries’ participation in the war in Iraq provides greater cause for concern about terrorism”.

Conservative opposition National Party immigration spokesman Lockwood Smith said the law needed to be updated and that his party would support it in the parliament. “Moves that will strengthen our border security and give immigration officials greater powers to access information are all improvements on the current system,” he said. Foreign minister and leader of the right-wing populist NZ First party in the coalition government, Winston Peters—who has long called for Zaoui to be detained and summarily deported—said that while he supported the legislation, it did not go far enough.



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