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New Kiwis and New Americans: Perspectives on Migration and Settlement in New Zealand and the United States

Prepared by
Ann Morse

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Established by the
New Zealand government in 1995
to facilitate public policy dialogue
between New Zealand and
the United States of America

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Ian Axford (New Zealand) Fellowships in Public Policy

Ian Axford (New Zealand) Fellowships in Public Policy were named in honour of Sir Ian Axford, an eminent New Zealand astrophysicist and space scientist who is patron of the fellowship programme.

Since his education in New Zealand and England, Sir Ian has held Professorships at Cornell University and the University of California, and was Vice-Chancellor of Victoria University of Wellington for three years. For many years, Sir Ian was director of the Max Planck Institute for Aeronomy in Germany, where he was involved in the planning of several space missions, including those of the Voyager planetary explorers, the Giotto space probe and the Ulysses galaxy explorer.

Sir Ian is recognised as one of the great thinkers and communicators in the world of space science, and is a highly respected and influential administrator. A recipient of numerous science awards, he was knighted and named New Zealander of the Year in 1995.

Ian Axford (New Zealand) Fellowships in Public Policy have three goals:

- To reinforce United States/New Zealand links by enabling fellows of high intellectual ability and leadership potential to gain experience and build contacts internationally.
- To increase fellows' ability to bring about changes and improvements in their fields of expertise by the cross-fertilisation of ideas and experience.
- To build a network of policy experts on both sides of the Pacific that will facilitate international policy exchange and collaboration beyond the fellowship experience.

Fellows are based at a host institution and carefully partnered with a leading specialist who will act as a mentor. In addition, fellows spend a substantial part of their time in contact with relevant organisations outside their host institutions, to gain practical experience in their fields.

The fellowships are awarded to professionals active in the business, public or non-profit sectors. A binational selection committee looks for fellows who show potential as leaders and opinion formers in their chosen fields. Fellows are selected also for their ability to put the experience and professional expertise gained from their fellowship into effective use.

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- Ministry of Agriculture and Forestry
- Ministry of Economic Development
- Ministry of Education
- Ministry of Fisheries
- Ministry of Foreign Affairs and Trade
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Ann Morse
Wellington, July 2007

EXECUTIVE SUMMARY

In 2007 both New Zealand and the United States are re-examining their immigration policies to meet national objectives and respond to changing world migration trends and national security issues. In general, New Zealand and the United States take similar approaches to immigration: each country embraces immigration as part of our national heritage and continues to welcome newcomers to advance the nation's social, economic and civic life. Immigrants are a significant and growing proportion of the population in each country, currently 12% in the United States and 23% in New Zealand. Both countries are also undergoing the largest review and reform of their immigration system in 20 years, attempting to strike the balance between national security in a post-9/11 world with increasing global economic competitiveness, while maintaining support for the reunification of families and the protection of refugees.

The first section of this paper provides a brief introduction to each country's immigration systems and demographics, with a particular focus on employment-based immigration, the points system, and the rise of the transitional migrant. The second section focuses on each country's approach to supporting effective integration or settlement of New Kiwis and New Americans in their adopted countries. Both the United States and New Zealand have well-developed, and well-respected, refugee resettlement programmes with knowledge that can be applied to integration policies for a broader immigrant population. This section highlights some promising practices in migration and settlement policy. Finally, the third chapter contains some observations and considerations for policy-makers in this challenging arena.

Migration in a Nutshell

The New Zealand and United States immigration systems share some key similarities. Both countries seek a balance of family, employment, and humanitarian migrant streams. However, the immigration priorities are reversed for work and family. The US system for permanent immigration favours family reunification: visa allocation is approximately 60% family, 20% employment, 16% humanitarian and 4% diversity visas. New Zealand favours employment, with visa allocation set at 60% employment, 30% family, and 10% international/humanitarian.

New Zealand expects to admit 47,000 permanent residents in 2006/2007. The Skilled Migrant Category (SMC) is the main category for permanent immigrants, and uses the points system. More than 27,000 or 86% of the 32,000 visas approved in the skilled/business stream were for SMC applicants, partners and dependents in 2005/2006.

In the United States, lawful permanent residents are granted admission for permanent residence to the US on the basis of family relation or job skill. A worldwide level of 675,000 visas is allowed annually for permanent residence. The ceiling for family admissions is 480,000. Employers may petition to bring individuals with special skills into the US, at a yearly limit of 140,000. Another 55,000 "diversity" visas are available for countries that send few immigrants to the United States.

Two emerging issues in migration will be examined in this report: points systems, and the rise of conditional and circular migration.

Settlement and Integration Policies

New Zealand and the United States have adopted similar approaches to assist newcomers to navigate local systems, access necessary services, and become contributing members of their adopted communities. Settlement, or immigrant integration, is recognised as a complex, multi-faceted, and long-term process. Similar to the United States, New Zealand sees settlement as a two-way process of adaptation for new migrants and refugees as well as for host communities. Unlike the United States, which focuses only on refugee resettlement, the New Zealand programme has, since 2004, consciously addressed settlement for both migrants and refugees.

New Zealand accepts up to 750 refugees annually and provides them with a six-week residential orientation programme at the Mangere Refugee Resettlement Centre in Auckland. After the programme, they are resettled in eight cities around the country and provided services for up to three years. Migrants may receive services for up to two years, and contribute to these services through a Migrant Levy.

The United States' refugee ceiling is 70,000 annually. Refugees receive initial settlement services by voluntary agencies and up to five years of assistance after resettlement. The US refugee resettlement programme funds state and local government, voluntary agencies, and refugee-run non-profit organizations for these services.

No one sector can do it all – effective integration practice requires the engagement and expertise of a range of government agencies, employers, non-profit organisations, and social and civic organisations. Several promising practices in integration will be highlighted in this report, including the Auckland Regional Settlement Strategy, Settling In, Refugee Voices, Auckland Chamber of Commerce programmes; and lessons found in new settlement areas of the United States (Beyond the Gateway and Building the New American Community).

Conclusion

New Zealand and the United States offer similar approaches in welcoming and settling newcomers. New Zealand's experience in the points system may offer useful lessons to the United States if Congress determines to shift our current employer-sponsored focus. Similarly, New Zealand's efforts to offer settlement services to permanent and "conditional" migrants may be worth consideration in the United States.

Interviews with service providers in New Zealand offered suggestions for local improvement in settlement: more feedback to the community, targeted education, and more services, conducted by refugee organisations themselves, was desirable. New Zealand's settlement strategy, launched in 2004, is still fairly young and in the midst of implementation. As these plans progress, New Zealand can demonstrate innovations in effective migration and settlement policies as a high immigration/high emigration society.

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PREFACE

This paper examines immigration policy in New Zealand and the United States, with particular reference to employment streams, especially each country's efforts to assist newcomers to settle or integrate successfully into their new communities. In particular, I wanted to see if there were any lessons applicable to the United States from New Zealand's points-based skilled migration scheme. During the term of my fellowship, the US Senate considered, for the first time, a shift from the employer-driven worker visa system to a points based system.

Secondly, the paper reviews integration or settlement policies that assist migrants and refugees to integrate into their adopted communities. Some effective models in each country are highlighted. In common with the United States, New Zealand is one of the few countries in the world to have a formal refugee resettlement programme. New Zealand's settlement programme, however, was expanded in 2003 to provide some assistance for migrants as well as refugees.

Between February and June 2007, a select literature review was conducted of recent US and New Zealand publications on immigration and integration; the New Zealand Immigration Act 1987 and proposed reforms related to the business stream and settlement policies; and Department of Labour (DOL) research, surveys, and summaries of immigration and settlement. Interviews were carried out with government agency staff in the DOL, Ministry of Social Development, Office of Ethnic Affairs, and with Members of Parliament. Visits were made to the Mangere Refugee Resettlement Centre and service providers in Auckland and the Waikato Migrant Resource Centre; and the author attended presentations by New Zealand government officials, researchers, and recent migrants and refugees at two conferences – the "Pathways, Circuits and Crossroads" conference May 15, 2007 in Wellington and the National Refugee Resettlement Forum in Hamilton, May 28-29, 2007.

Immigration reform is in a very fluid state in both New Zealand and the United States. In 2007, the US Senate considered, killed, revived, and killed again a comprehensive immigration reform bill that would have addressed border and worksite enforcement, a legalisation programme, and a temporary worker programme. New Zealand's Immigration Service identified 33 changes in policy from 2000-2003; and implementation of some new programmes is not yet complete. In addition, the government is currently undertaking a comprehensive review of its immigration system across the board; in family reunification, employment (temporary and permanent), student visas and refugee settlement. An immigration bill is to be submitted to Parliament in 2007 and implementation is planned for 2008.

This paper attempts to provide a window on the current migration and settlement systems in operation in New Zealand and the United States, with consideration of some key issues and promising practices in both policy arenas.

The views expressed in this paper are solely those of the author.

INTRODUCTION

In contemporary politics, few issues are as contentious and potentially polarizing as immigration and its impact, real or perceived, on a nation's security and identity. Immigration is a growing, global phenomenon, with nearly 200 million migrants worldwide (3% of the global population), that is beginning to affect communities previously untouched by a diverse foreign-born population.

In 2007 New Zealand and the United States are re-examining their immigration policies to meet national objectives and respond to changing world migration trends and national security issues. In general, New Zealand and the United States take similar approaches to immigration: each country embraces immigration as part of our national heritage and continues to welcome newcomers to advance the nation's social, economic and civic life. Immigrants are a significant and growing proportion of the population in each country; currently 12% in the United States and 23% in New Zealand. Both countries are also undergoing the largest review and reform of their immigration systems in 20 years, attempting to strike the balance between national security in a post-9/11 world with increasing global economic competitiveness, while maintaining support for the reunification of families and the protection of refugees.

Integration, also known as assimilation or incorporation, and generally referred to as settlement in New Zealand, is a long-term, complex, multifaceted transition for both the migrant and the host community. In the United States, as immigration approaches a peak matching that of the early 1900s, conversation is turning again to integration policy and how to make New Americans of the million new arrivals from around the globe annually. The United States Citizenship and Immigration Services has launched a new publication, *Welcome to the United States: A Guide for New Immigrants*, in 11 languages. A seven-hour documentary premiered on public television in 2004 entitled *The New Americans*, describing the immigration paths for a diverse group of immigrants and refugees. Similarly, New Zealand has published an extensive settlement kit entitled *A Guide for Migrants About Living in New Zealand* with chapters on housing; health; education; work; business; government; the Treaty of Waitangi; Migrants; On Arrival; and Settling In. In 2007 TVNZ broadcast a series on immigrants called *Here to Stay* exploring the English, Irish, Scottish, Chinese, German and Croatian/Dalmatian ancestry of New Zealand. These efforts indicate a continuing public interest in recognising immigrant ancestry, and offer guidance for newcomers in living and working in their adopted country.

Unique Partners

New Zealand is a bicultural society, grounded in the Treaty of Waitangi, the founding document between Māori and the Crown. The Treaty of Waitangi was signed in 1840 by Māori chiefs and representatives of the British Crown.¹ The Treaty contains a preamble and three articles. "The first article covers sovereignty. The English version states that Māori give up their 'kawanatanga' (governorship or sovereignty) to the British Crown. However, while the English version describes a complete transference of power to the Crown, the Māori version implies a sharing of power. The second article concerns 'tino rangatiratanga' or chieftainship. The Māori version

¹ *A Guide for Migrants*, p. 3

promises much broader rights for Māori in regard to possession of their existing ‘taonga’ (treasures). The English version gives Māori control over their lands, forests, fisheries, and other properties. But the Māori version, with its use of the word ‘taonga’, implies possession and protection of things such as language and culture. The third Article promises Māori the rights of all British subjects, while protecting traditional and customary rights.”² The Treaty of Waitangi is sometimes described as the first immigration policy, allowing settlement of emigrants under the British flag and protecting rights of the Māori people.³

Immigration New Zealand affirms the Treaty as the “founding document of our nation” and consults with Māori on immigration matters through Te Puni Kōkiri, the Ministry of Māori Development. Information on the Treaty of Waitangi is taught to refugees at Mangere Refugee Resettlement Centre and is included in the guide provided to immigrants granted permanent residence.⁴

The New Zealand government’s priorities for the next decade are: economic transformation; families – young and old; and national identity.⁵ All government departments must express these themes in planning and policies. As New Zealand re-examines its immigration policy framework, and the country’s population becomes more diverse, Māori are raising concerns that new migrants gain an understanding of New Zealand’s bicultural heritage, and recognise the values of the Māori people and the principles of the Treaty of Waitangi.⁶

In the United States, *immigration* is a federal responsibility, set out in the US Constitution and subsequent Supreme Court decisions. Federal immigration law governs who and how many can enter the United States and the conditions for their stay. However, state and local government are responsible for *immigrant* policy, the sets of policies that affect immigrants after their arrival, and assist them in becoming integrated into the nation’s social, political and economic life.

The 10th Amendment to the US Constitution states: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” Over the last 30 years, court decisions, federal legislation, and migration trends have led to the increased involvement of state and local government in immigrant issues.

State and local government have significant financial and administrative responsibilities for public services. They fund 93% of elementary and secondary education and share financing with the federal government for public health and welfare services for low-income populations. States also fund law enforcement personnel, responsible for public safety for all residents and for cooperation with federal authorities on criminal immigration violations. States have also launched integration policies, such as support for English language classes, civic engagement activities, and naturalisation programmes.

²What is the Treaty of Waitangi?

³ Bedford, “Skilled Migration,” p. 229

⁴ A Guide for Migrants, p. 6

⁵ Department of the Prime Minister and Cabinet, Government Priorities, 2006

⁶ For more information on the Treaty of Waitangi and Maori, see <http://www.nzhistory.net.nz/category/tid/133>, and <http://www.tpk.govt.nz/>

The first section of this paper provides a brief introduction to each country's immigration systems and demographics, with a particular focus on employment-based immigration, the points system, and the rise of the transitional migrant. The second section focuses on each country's approaches to supporting effective integration or settlement of New Kiwis and New Americans in their adopted countries. Both the United States and New Zealand have well-developed, and well-respected, refugee resettlement programmes with knowledge that can be applied to integration policies for a broader immigrant population. This section highlights some promising practices in migration and settlement policy. Finally, the third chapter contains some observations and considerations for policy-makers in this challenging arena.

1 MIGRATION IN A NUTSHELL

The New Zealand and United States immigration systems share some key similarities. Both countries seek a balance of family, employment, and humanitarian migrant streams. However, the immigration priorities are reversed for work and family. The US system for permanent immigration favours family reunification: visa allocation is approximately 60% family, 20% employment, 16% humanitarian and 4% diversity visas. New Zealand favours employment, with visa allocation set at 60% employment, 30% family, and 10% international/humanitarian.

New Zealand's Migration System

Immigration is governed by the Immigration Act 1987 and the Immigration Regulations 1999. The Immigration Act places all powers in the hands of the Minister of Immigration. In Parliament, immigration is under the jurisdiction of the Foreign Affairs, Defence and Trade Committee.

The Immigration Act 1987 is the legal and administrative framework which ended traditional source country preferences and allowed immigration from anywhere in the world, subject to language, employment, and settlement criteria. The Act focused on countering high levels of emigration, declining fertility, and attracting high-skilled workers. It allowed a transition period for overstayers to regularise their residence status.

Immigration is administered primarily by the Department of Labour, although there are key responsibilities in other agencies, including the Ministry of Social Development, Ministry of Health, Department of Internal Affairs (which includes the Office of Ethnic Affairs and citizenship grants); the Ministry of Education and Tertiary Education Commission, Housing New Zealand Corporation, Ministry of Youth Development, New Zealand Police, Families Commission, Career Services, the New Zealand Qualifications Authority, and the Ministry of Foreign Affairs and Trade.

New Zealand is a high immigration/high emigration country. One in five New Zealand residents is foreign born. Sixteen percent of New Zealanders live overseas.⁷

The New Zealand population of 4 million is 68% European, 15% Māori, 11% New Zealander, 9% Asian, 7% Pacific Peoples, and 1% Middle Eastern, Latin American and African.⁸ (Note: the percentages sum to more than 100 because multiple ethnicities can be specified and people are counted for each of their ethnicities. The New Zealander category was first offered in the 2006 census and was previously counted in the European category). For additional demographic information, see Appendix 1: Snapshot on New Zealand Immigration 2005.

Permanent and Long Term (PLT) arrivals are those who intend to stay in New Zealand for 12 months or more. This includes people granted permanent residence and New Zealand residents returning after an absence of 12 months or more; and some students and work permit holders. Departures include New Zealand residents

⁷ Dumont, pp 11-12, 21

⁸ Statistics New Zealand, 2006 Census, *QuickStats About Culture and Identity*

departing for 12 months or more, overseas visitors, students, or work permit holders leaving after a stay of 12 months or more. In 2006, there were 80,100 arrivals and 69,400 departures, netting 10,700 Permanent Long Term migrants.⁹

The goals of the Immigration Change Programme, are to ensure that: 1) New Zealand has the skills, talent and labour it needs for economic transformation, now and in the future; 2) New Zealanders are confident of the security of our border; and 3) migrants and refugees settle well, and integrate into communities.¹⁰

New Zealand Admissions – Permanent and Temporary

The number of places available for permanent residence under the New Zealand Residence Programme (NZRP) are agreed by Cabinet each year. The forecast for 2006/2007 is 47,000: skilled/business (60%); family sponsored (30%); and International/Humanitarian (10%). In 2005/2006, New Zealand issued permanent visas to 51,236 people.¹¹

Table 1: 2005/06 Permanent Admissions

	Approved Applications	Approved People
Skilled/Business	13,691	31,870
Family sponsored	11,452	14,967
Int'l/Humanitarian	1,795	4,399
Total	26,938	51,236

Note that an application may include the principal applicant along with any secondary applicants (partner and dependent children.)

Skilled/Business Stream

Unlike the United States, New Zealand has a “conditional” work visa that recognises temporary work as a legitimate path to permanent residence. The skilled/business stream includes the opportunity for both permanent residence and a conditional work-to-residence option.

The Skilled Migrant Category (SMC), called the “flagship” category by New Zealand’s Minister of Immigration, is the main category for permanent immigrants, and uses the points system. (This programme was created in December 2003 and replaced an earlier general skills category. The points system was revised and a new work-to-residence option was created.) More than 27,000 or 86% of the 32,000 visas approved in the skilled/business stream were for SMC applicants, partners and dependents in 2005/2006.¹² (In 2004/2005, there were 23,854 people admitted under the SMC category. The top five source countries for the SMC category in 2005/2006: United Kingdom (41%); South Africa (12%); China (11%); India (5%); and USA (4%).)¹³

⁹ Migration Trends 2005/06, p. 25-26

¹⁰ Immigration Act Review: Summary of Decisions

¹¹ Migration Trends 2005/06, p. 100

¹² *ibid*

¹³ *ibid*, p 69

SMC applicants can take a skilled migrant self-check online and if they meet requirements (e.g., health, character, English language) and have at least 100 points of a possible 185, they can file an Expression of Interest (EOI) with the DOL. The application fee is \$300 online and \$460 on paper. Points are awarded based on a year of skilled employment in New Zealand or a job offer (50-60 points); work experience (up to 30 points for 10 years of experience); qualifications (up to 55 points for a master's degree); close family in New Zealand (10 points) and age (up to 30 points). (See Appendix 3: New Zealand Skilled Migrant Category Points System)

Expression of Interest applicants with a point score of 100 or more are placed in a pool for six months, and selections are made every two weeks until the quota is met. Those that have 140 points or meet certain selection criteria (such as obtaining a skilled job offer) may be selected immediately. Applicants are then invited to apply for permanent residence. (The residence application fee varies by location; the fee in Wellington is NZ\$800).¹⁴

Once the applicant has applied for residence, the DOL assesses their potential to integrate and contribute to New Zealand. The applicant must demonstrate evidence of the claims on the EOI form and meet health, character and English language requirements. The information is verified and qualifications are checked against an occupational classification scheme. There are three possible outcomes:

- residence may be granted immediately if he or she can demonstrate an ability to settle and contribute. (When the application is approved, a migrant levy is assessed at NZ\$300 for each person granted a residence permit, to a maximum of \$1200 per family.)
- if the applicant does not have a job offer but has the potential to settle successfully (e.g., a qualification on the skills shortage list) a temporary visa may be issued to help establish employment in New Zealand (work-to-residence); or
- residence may be denied.

Applicants who receive the temporary work-to-residence permit must obtain employment and gain three months work experience within six months or leave the country. After two years, work-to-residence permit holders can apply for permanent residence. (Originally visas were valid for two years and later reduced to six months; a proposal is pending to have it extended to nine months, plus three months in which to arrive in New Zealand). Since the policy came into effect in December 2003, 1,095 principal applicants have been issued a work to residence permit through the SMC policy.¹⁵

In addition to this programme, there are three other work to residence programmes, which were created in 2002¹⁶. These offer temporary/conditional visas that provide a pathway to permanent residence for those that have a job offer in New Zealand. Categories include talent visas for accredited employers; talent visas for arts, culture and sports; and visas for long-term skill shortages. Applicants receive a 30 month permit and may apply for permanent residence after two years.¹⁷

¹⁴ <http://www.immigration.govt.nz/migrant/stream/work/skilledmigrant/>

¹⁵ Migration Trends 2005/06, p. 60

¹⁶ For additional discussion of these policies, see Trlin, Chapter 1

¹⁷ Migration Trends 2005/06, p. 60-61

Talent (Accredited Employer) applicants must receive an offer from an accredited employer with a minimum \$45,000 annual salary and be aged 55 years and under. Talent (Art, Culture or Sport) applicants of exceptional talent are sponsored by a New Zealand organisation.

Applicants with occupations that are on the long term skills shortage list may also apply for a work to residence permit. The individual must have an offer of employment for 24 months with a minimum salary of \$45,000 from an accredited employer. The DOL updates this list every six months in consultation with Industry New Zealand, industry groups and unions. There are 56 occupations on this list as of December 2006 in the following groups: professional occupations (teacher, engineer); health groups (surgeon, nurse); trades (electrician, mechanic); horticulture; information technology; creative industries (film animator); electronics; and service and sales workers (chef).¹⁸

Work-to-residence permits, although still small in numbers, are important because they demonstrate recognition by government that there should be some flexibility offered to temporary immigrants who wish to extend their stay or become permanent residents.

In June 2007 the Minister of Immigration announced further “fine-tuning” to the SMC, with the goal of increasing the quantity and quality of skilled migrant applicants in an increasingly competitive global market. The changes include increased bonus points for skilled employment, qualifications and work experience in a future growth area; partners’ qualification and job offer, and for a New Zealand post-graduate qualification. To determine skilled employment, the DOL will use the new Australia New Zealand Standard Classification of Occupations (ANZSCO) to provide a more transparent definition, and potentially expand the number of qualifications recognised. The ANZSCO is a skill-based classification for occupations and jobs in the New Zealand and Australian labour markets, and assigns occupations to one of five skill levels. It replaces the current, separate classification of occupations in the two countries.

The business categories include: investor, entrepreneur, employees of relocating business, and long-term business visa. The investor category, revised in 2007, will offer three tiers: global investors (for those investing \$20 million); professional investors (\$10 million); and general active investors (\$2.5 million). This category is capped at 1000 people (about 300 applications). Global and professional investors will be selected first; the remaining places will be offered to general active investors through a points system. Certain conditions may apply, such as an English language requirement, a maximum age, and minimum time spent in New Zealand.¹⁹ The entrepreneur category allows migrants to apply for residence if they have established a business in New Zealand.²⁰

¹⁸ <http://www.immigration.govt.nz/community/stream/employ/employmentprocesses/>

¹⁹ <http://www.immigration.govt.nz/migrant/stream/invest/activeinvestor/>

²⁰ <http://www.immigration.govt.nz/migrant/stream/invest/startingabusiness/applyforresidence/entrepreneurcategory/>

Table 2: Skilled/Business Stream Residence Approvals 2005/06²¹

Category	Approved Applications	Approved People
SMC	12,305	27,539
1995 General Skills	137	362
Long-term skill shortage	41	107
Talent-Accredited Employers	150	365
Talent – Arts and Culture	12	28
Talent – Sports	11	27
Skilled categories total	12,656	28,428
Employees of Business	1	2
Entrepreneur	875	2,902
Investor	159	538
Business categories total	1,035	3,442
Skilled/Business Stream total	13,691	31,870

Family Sponsored Stream

The family category allows close family members of New Zealand residents and citizens to be granted residence. In July 2007 partners and dependent children will be approved through a new stream and there will be no cap on admissions. There will still be limits on visas available to parents, siblings and adult children of New Zealand sponsors. In 2005/06, 14,967 people were admitted under this category.²²

International/Humanitarian Stream

New Zealand accepts up to 750 “quota” refugees annually under the United Nations High Commissioner for Refugees’ priority protection referrals, and 100-200 “convention” refugees (asylum-seekers whose refugee status is recognised in New Zealand). In 1970 New Zealand established a quota allowing up to 1,100 Samoans to be granted residence each year. In 2002 the Pacific Access Category (PAC) was created allowing up to 650 places annually for Tonga (250), Tuvalu (75), Kiribati (75), and Fiji (250). The Samoan Quota and PAC are administered through a ballot system. In 2005/06, 4,399 people were admitted under this category.²³

Temporary visa categories

Temporary categories include visitors, students, and those seeking temporary work. In 2005/2006, 1.5 million people were granted a temporary permit; most for visitors or students. In addition, 700,000 Australians, who do not require a visa, travelled to New Zealand. There are no caps on the numbers of temporary permits.

²¹ Migration Trends, 2005/06, p. 100

²² Migration Trends 2005/06, pp. 70-72

²³ Migration Trends 2005/06 pp. 79-83

Temporary work permits include working holidays and cover some seasonal-shortage occupations. Working holiday schemes are reciprocal arrangements with 23 countries for those aged 18-30 to work for up to 12 months. Seasonal-shortage occupations are listed on the Immediate Skill Shortage List. Employers do not need to demonstrate that they cannot find staff in New Zealand. Temporary work permits can be granted for up to a maximum of three years.

The Immediate Skill Shortage List is updated by the DOL every six months in consultation with Industry New Zealand, industry groups and unions. The list identified 130 specific occupations as of December 2006, including shepherds and shearers, bee keepers, dentists and doctors, IT specialists, marine and mining engineers, and jockeys.²⁴

Temporary work permits were issued to 99,674 people in 2005/2006 (an increase of 21% over 2004/2005, due to the expansion of working holiday programmes, new work-to-residence provisions, and permits for partners). Most temporary work permits were issued to people from the UK (19%), followed by China (12%). The other main source countries were Japan (6%), USA (6%), Germany (6%), India (5%), South Korea (4%), South Africa (3%), Fiji (3%), Canada (3%), Ireland (3%), and Philippines (2%).²⁵

A new temporary visa programme, created in 2007 is the Recognized Seasonal Employer, which allows temporary workers in horticulture and viticulture to work in New Zealand. Up to 5,000 workers from Pacific Forum countries (Samoa, Tonga, Kiribati, Tuvalu and Vanuatu) will be permitted to work in New Zealand for up to seven months in an 11-month period, with the opportunity to return the following year. This replaces the seasonal work permit and the Approval in Principle policy for horticulture and viticulture (AIP continues in other sectors.) Employers pay one-half the airfare, provide accommodation, and are required to respect the cultural traditions of the temporary workers. To monitor compliance, 12 new staff have been hired: six for enforcement and six for occupational safety.

Employers may not offer wages and conditions for migrant workers (permanent and temporary) at a lower standard than for local workers. Employers that knowingly employ those unauthorized to work are subject to sanctions for exploiting these employees or failing to pay wages; punishable by a fine of up to \$100,000 and a prison term of up to seven years. Employers are considered to have known the individual was unauthorized to work if an immigration officer has informed them in writing within the previous 12 months.

Conditions may be imposed on a work permit, including tying work to a specified industry, trade, occupation or profession; a specified employer; or specified location.

Permanent residents over 18 with one year of residence in New Zealand are permitted to vote. Permanent residents with 3 years of physical residence before April 2005, and 5 years after 2005, may apply for citizenship. According to the Department of Internal Affairs, there were 29,025 grants of citizenship in 2006. Privileges include a

²⁴ <http://www.immigration.govt.nz/community/stream/employ/employmentprocesses/>

²⁵ Migration Trends 2005/06, p. 29

New Zealand passport; access to certain employment, and some education benefits that are restricted to citizens, and the ability to stand for local and central government.

New Zealand's Immigration Change Programme 2007

New Zealand is in the midst of the largest comprehensive review of its immigration legislation, policy framework and immigration operations in twenty years – the Immigration Change Programme.

Domestically, New Zealand is facing an environment of low unemployment and skill shortages. Globally, people are becoming more mobile, contributing to increasingly diverse communities. New Zealand needs to respond to international competition to attract skilled and talented people, improve settlement and integration outcomes for these newcomers, and effectively protect the border against international terrorism, illegal migration and transnational organised crime.²⁶

Reforms under consideration in 2007 include family reunification, employment and refugee policies, investor visas and student visas; temporary and permanent work programmes (both high and low-skilled); and the migrant levy. Changes to the Skilled Migrant Category include a more transparent and objective definition of skilled employment; changes to bonus points; and an updated and expanded List of Recognised Qualifications. An Immigration Bill is to be submitted to Parliament in 2007 and implementation is planned for 2008.

United States Immigration System

The federal responsibility for immigration is shared by the President, five executive departments (State, Justice, Homeland Security, Health and Human Services, and Labor), and Congress. Article I, Section 8, clause 4 of the US Constitution states that Congress' power is to "establish an uniform rule of naturalization," and the US Supreme Court has long held that the power of immigration and naturalisation is exclusively within federal jurisdiction.²⁷

US immigration law, first codified in the Immigration and Nationality Act (1952), is said to be the second longest in the US code, after tax law. The immigration law has been substantially reformed several times: the Immigration Act of 1965 replaced the national origins quota with per-country ceilings; the Refugee Act of 1980 established a federal-state partnership for a new domestic refugee resettlement programme; the Immigration Reform and Control Act of 1986 offered legalisation to 2.6 million unauthorised migrants and created employer sanctions for hiring illegal workers in the future; the Immigration Act of 1990 increased the employment visa ceiling; and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added enforcement and penalties on illegal immigration.

Of the approximately 36 million foreign-born residents living in the United States, 28% are lawful permanent residents; 31% have become citizens; 30% are unauthorised; 7% are humanitarian immigrants (refugees), and 2% are temporary migrants.

²⁶ *Immigration Act Review: Overview*, p. 1-2

²⁷ *Immigrants, Nonimmigrants and Visas: An Overview*

One in eight US residents is foreign-born. The US Census reports that the United States population of 299 million is 80.2% white, 14.4% Hispanic or Latino, 12.8% black or African American, 4.3% Asian, 1.5% two or more races, 1% American Indian and Alaska Native, and 0.2% Native Hawaiian and other Pacific Islander. (Note: Hispanics may be of any race.)²⁸ For additional demographic information, see Appendix 2: Snapshot of US Immigration 2005.

US Admissions – Permanent and Temporary

Legal immigrants (also known as lawful permanent residents, or LPRs), are those granted admission for permanent residence to the US on the basis of family relation or job skill. A worldwide level of 675,000 visas is allowed annually for permanent residence. Each country is limited to 7% of the worldwide level of visas issued per year (although exceptions are made for family-sponsored spouses and children, and for employment visas for oversubscribed countries, if visas are available in the worldwide cap).²⁹

US citizens or lawful permanent residents can petition to bring family members to the US. The ceiling for family admissions is 480,000, though an unlimited number of visas are available for immediate family (spouses, parents and minor children.) Since it is possible for immediately family members to use all the available visas, 226,000 visas are reserved for other family members, such as adult children, meaning the 480,000 is a “pierceable” cap.³⁰

Employers may petition to bring individuals with special skills into the US, at a yearly limit of 140,000 (plus any unused family preference visas from the previous year.) There are five preferences for employment visas with numerical limits:

- First: priority workers with “extraordinary” or “outstanding” ability in certain fields (arts, science, education, business or athletics), 28.6%;
- Second: persons with advanced degrees or “exceptional” abilities in sciences, art or business, 28.6%;
- Third: skilled shortage workers, 28.6% and unskilled shortage workers (10,000 from visas available in the third preference);
- Fourth: “special” immigrants, including religious workers, 7.1%; and
- Fifth: investor visas, 7.1%.³¹

In 2005, 246,877 employment visas were issued; up from 155,330 in 2004 and 82,137 in 2003.³²

The United States also offers 55,000 “diversity” visas each year for countries that send few immigrants; these are issued by a lottery system.³³

²⁸ <http://quickfacts.census.gov/qfd/states/00000.html>

²⁹ Wasem, “US Immigration Policy on Permanent Admissions”

³⁰ *ibid*

³¹ Jefferys and Rytina

³² *ibid*

³³ Wasem, “US Immigration Policy on Permanent Admissions”

As of 2005, 53.3% of migrants came from Latin America (South America, Central America, Mexico, and the Caribbean), 26.7% from Asia, 13.6% from Europe, 3.5 % from Africa, 2.3% from Northern America (Canada, Bermuda, Greenland, and St. Pierre and Miquelon), and 0.5% from Oceania.³⁴

Temporary immigrants, known as "nonimmigrants" in US law, are those allowed to enter the US for a specific purpose and for a temporary or limited period of time, and unless specifically authorized, are not permitted to work in the United States. Nonimmigrant visas are issued for 24 major categories and 72 subcategories, including short-term visitors (tourists), students, business visitors, diplomats, and temporary agricultural and nonagricultural workers.³⁵

In 2005 the Department of State issued approximately 5.4 million nonimmigrant visas in 65 different visa categories. Most were for tourists (63%). Nine percent (507,000) were issued to students; and 18% (967,000) were issued to temporary workers. By region, about 38% were issued to Asia, 25% to North America (including Central America), 17% to Europe, 14% to South America, 4% to Africa, and 1% to Oceania.³⁶

Another way of measuring admissions is through the Department of Homeland Security count of the Arrival-Departure Record (the I-94). In 2005, 32 million I-94 admissions were counted (some for individuals who enter more than once.) Canadians travelling as tourists or on business, and Mexicans who have a Border Crossing Card are generally not required to complete the I-94 (143 million admissions). Thus nonimmigrant admissions, including Canada and Mexico, totalled 175 million in 2005. Most admissions (89%) are for temporary business or pleasure visitors: 24 million or 74% came for pleasure (including 14.4 million from visa waiver countries); and 4.6 million or 14.7% for business (2.1 million from visa waiver countries). Less than 3% (883,700) were for temporary workers and their families.³⁷

Half of the I-94 arrivals came from four countries: the United Kingdom (16%); Mexico (15%), Japan (14%) and Germany (5%).³⁸

There is no overall cap on nonimmigrant visas, but some categories are limited. For example, the H-1B "high-tech" visa is capped at 65,000 per year, and H-2B seasonal nonagricultural labour at 66,000 per year. Both are oversubscribed. Companies may apply for H-1B slots on April 1, six months before the start of the federal fiscal year. By 2 April 2007, USCIS had received enough petitions to reach the 2008 cap (more than 133,000 applications). Applicants with a Master's degree or higher are processed immediately; the first 20,000 such applicants are exempt from the 65,000 cap. The remaining applications are selected via lottery. Other temporary worker categories do not have a ceiling, e.g., H-2A agricultural workers (31,892 issued in 2005) and L intracompany transferees (65,458 issued in 2005).³⁹

³⁴ 2005 American Community Survey and Census Data on the Foreign Born by State

³⁵ Wasem and Haddal

³⁶ *ibid*

³⁷ Grieco, p 1

³⁸ *ibid*

³⁹ Wasem and Haddal

Congress and the executive branch determine the length of stay for each category. These range from “duration of assignment” for diplomats and journalists; “period of study” for students; six months to one year for visitors; and one, three or six years for the “H” category temporary workers. Separately, visa validity periods are negotiated country by country and category by category, but in general are usually issued for three to six years.⁴⁰

Legal immigrants entering the US permanently for family or business reasons apply for immigrant visas to enter the US and are issued the "green card" after arrival, which provides proof of lawful permanent residence in the US and authorises the recipient to work.

After 5 years of residence, green card holders may apply to become naturalised citizens. They must demonstrate English language proficiency and knowledge of US government and history. Naturalised citizens are eligible to vote and apply for a US passport. In 2005, 604,280 immigrants were granted citizenship.

Labour market tests

There are two basic types of tests to demonstrate labour market needs, intended to protect the interests of US workers: certification and attestation.

For certification, an employer must prove, and the DOL must agree, that Americans are unavailable to do the job despite employer recruitment efforts, and that there will be no adverse impact on wages or working conditions of American workers. The employer may also be required to pay the prevailing wage to the foreign worker, or offer some services or assistance. As an example, employers must offer free housing and pay inbound transportation for H-2A agricultural workers. Foreign workers are admitted after certification. This process is used, for example, for H-2 visas for agricultural and seasonal workers.

For attestation, the employer files a request with the DOL for a foreigner with a university degree already residing in the United States, or coming to the US to fill a job that requires a university degree. The employer must attest to the DOL that the immigrant will be paid the prevailing wage, there will be no adverse effect on working conditions for Americans, and there is no strike or lockout. Government oversight/enforcement occurs after the migrant is in the country and working. Attestation is used for H-1 visas for high-tech or professional workers.

Employers can be fined if they knowingly hire unauthorized workers. Knowing means that an employer has either actual knowledge of an employee’s unauthorised work status, or inferred knowledge that an employee is unauthorised to work, based on the documentation provided by the employee or by statements made by the employee indicating unauthorised work status. A first-time offence can bring a penalty of between \$275 and \$2200 for each worker, a second-time offence penalty between \$2,200 and \$5,500, and for each following offence, a penalty between \$3,300 and \$11,000. Employers can also face fines for failing to comply with I-9 paperwork requirements, with first penalty fines of between \$110 and \$1100 and second

⁴⁰ ibid

violations costing between \$220 and \$2200. Employers may also face criminal penalties of up to six months of jail time for hiring an unauthorised immigrant, and/or up to five years in jail for violating requirements for I-9 documents.⁴¹

Humanitarian admissions

The United States, as a signatory to the 1951 U.N. Convention, accepts as refugees "those who have a well-founded fear of persecution because of race, religion, nationality, political opinion, or membership in a particular social group." Refugees may apply for permanent residence status after one year of residence and for citizenship after five years. Asylum seekers are similar to refugees, but apply for asylum after their arrival in the United States.⁴²

The FY2005 ceiling for refugee admissions was 70,000; 53,813 refugees were admitted. The main countries of origin were Somalia (19%); Laos (16%), Cuba (12%), Russia (11%), Liberia (8%), Ukraine (5%), Sudan (4%), Vietnam (4%), Iran (3%) and Ethiopia (3%). Of the 58,813 refugees, 18,252 (34%) were principal applicants; dependent children accounted for 46%, and spouses 16%.⁴³

In 2005, 25,257 individuals were granted asylum. The main countries of origin were: China (21%), Columbia (13%), Haiti (12%), Venezuela (4.4%), Ethiopia (2.9%), Albania (2.8%), Cameroon (2.6%), Russia (1.9%), and Indonesia (1.9%).⁴⁴

Backlogs

It is important to note that the United States has significant backlogs for processing family visas, employment visas, and naturalisation applications. For employment categories the third preference (worldwide visas for skilled and unskilled workers) is oversubscribed; USCIS is now processing applications from 2001. For first and second preference employment visas, China and India are oversubscribed; USCIS is currently processing applications made in 2002-2003.⁴⁵

United States Immigration Reform Proposal 2007

In recent years the Congress has debated immigration reform to address enforcement, earned legalisation, and a new temporary worker programme. This long-running effort has its roots leading back to 1996, when a combined legal and illegal immigration reform bill was split in two, and only the bill addressing illegal immigration was enacted. Immigration reform was revived by President Bush early in his first administration with the announcement of key principles in January 2001. After the terrorist attack in September 2001, the immigration reform agenda languished until December 2005-May 2006. The House and Senate took vastly different approaches (enforcement only measures in the House, and enforcement plus

⁴¹ Blott

⁴² Jeffreys

⁴³ *ibid*

⁴⁴ *ibid*

⁴⁵ Wasem, *US Immigration Policy on Permanent Admissions*

legalisation and a new worker programme in the Senate). The bills proved irreconcilable.

In May and June 2007, a "grand compromise" was hammered out in closed-door sessions between key Democratic and Republican leaders in the Senate. In common with last year's Senate bill, the compromise seemed to promise something for everyone: stronger border, interior, and workplace enforcement; a temporary worker programme of 400,000 per year, plus workplace protections for both US citizens and foreign workers; and a long path to legalisation for the 12 million unauthorised immigrants. These immigrants would be granted a provisional visa and, after security clearances and fines, be eligible to apply for permanent residence after eight years. It would also temporarily raise the H-1B (high-tech) visas from 65,000 to 115,000. (The cap could be increased 20% per year, up to 180,000. In addition, 20,000 visas would be available to foreign-born students with Bachelor's or Master's degrees.) Unexpectedly, the bill proposed to create a new points system for 380,000 permanent employment based visas. The 100 available points would be allocated to four criteria: employment (47), education (28), English proficiency (15) and family in the US (10). For additional information on the proposed points system, see Appendix 2: Snapshot of US Immigration 2005.

As this paper goes to print, however, the Senate's effort has died a second death and appears unlikely to be revived until after the Congressional and Presidential elections in November 2008.

Points Systems – An Introduction

To assist the immigration of skilled foreigners and fill local employment shortages several countries have launched employment visa systems based on points: Canada in 1967, Australia in 1989, New Zealand in 1991, and the United Kingdom in 2001. In 2007 the United States is considering its adoption, and in September 2007 the European Commission is expected to offer proposed legislation. These immigration systems award points for certain criteria, with most points usually allocated to education, occupation, experience, language proficiency, and age. A minimum number of points are required to qualify for entry (the "pass mark").⁴⁶

Objectives

Points-based admissions are usually proposed to meet broad national economic goals; to supplement a lack of in-country trained professionals and enable foreign graduates to stay and work; and to provide a transparent basis to the public – both domestically and around the world – of the economic and labour market objectives for admission.

In New Zealand demographic equilibrium has dominated policy formulation, in contrast to nation-building in Canada, and early and "appropriate" economic contribution of immigrants in Australia.⁴⁷ An expert from the UK notes that their points system offers a way for highly skilled migrants to enter without a specific job offer, and provides businesses with the flexibility to hire foreign consultants.⁴⁸ In

⁴⁶ Papademetriou, "Selecting Economic Stream Immigrants through Points Systems"

⁴⁷ Birrell, p. 133

⁴⁸ Feikert

general, the objective is to attract promising immigrants who have the capacity to contribute economically and settle well.

A points system conveys to the public that the government is being proactive in anticipating needs and manipulating entries in ways that put national economic interests first; that is, that the government, rather than employers or immigrant families, is in charge of what is arguably the most important function of the immigration system.⁴⁹

The New Zealand points programme and work outcomes

In 1991, New Zealand established a points-based system with an “auto-pass” for the applicant once the minimum points were achieved. The system has been fine-tuned a number of times. The English language requirements have been raised, new categories for work-to-residence created, and a two-stage application process created. The highest points are awarded for current skilled employment in New Zealand, or an offer of skilled employment. If a person has a job offer for employment that requires occupational registration by New Zealand law, the applicant must have registration prior to residence being granted. Points can only be claimed for qualifications if registration has already been gained, to assure that those without a job offer will be able to work in their chosen field in New Zealand.

New Zealand Department of Labour surveys suggest that migrants in the skilled/business stream have good settlement outcomes, though their partners have lower labour force participation. (The typical principal applicant brings 2-3 family members to New Zealand.) The 2005 survey of new migrants (12 months after residence approval) gained 1,759 responses. The survey found that 94% of principal and 67% of secondary applicants were working for pay or profit. 78% of principal and 72% of secondary applicants were satisfied with their job. Assessing the SMC specifically, the survey found that 98% of skilled migrants were working for pay or profit.⁵⁰ In addition, 81% of employers rated migrants’ performance as good or very good.⁵¹

However, some were dissatisfied with their employment. Of 307 respondents who reported dissatisfaction, 57% of principal applicants and 31% of secondary applicants said their pay was too low; 21% of principal and 33% of secondary applicants said the job was not their preferred occupation.⁵²

New Zealand’s pilot longitudinal survey also indicated good employment results. After 18 months in New Zealand, 84% of principal applicants admitted in the skilled/business migration stream were employed (compared with 52% in the family and humanitarian streams).⁵³ The Longitudinal Immigration Survey: New Zealand is currently underway, and it is expected that more than 5,000 migrants will be interviewed at six, 18 and 36 months after taking up residence in New Zealand. The survey will identify ways to make settlement more successful and to assess the

⁴⁹ Papademetriou, “Selecting Economic Stream Immigrants through Points Systems”

⁵⁰ *Life in New Zealand*, p. 8

⁵¹ *Skilled Migrants in New Zealand: Employers’ Perspectives*, p. 1

⁵² *Life in New Zealand*, p. 33

⁵³ Bedford, *Skilled Migration*, p. 151

impacts of immigration on New Zealand's society and economy. The initial report is expected in June/July 2008 and the second report in 2009.

Issues to consider

Points systems that emphasize academic qualifications or years of work experience can screen out the ambitious but unproven: is government a good predictor of individual effort and likelihood to succeed?

Points systems can also be a victim of their own success, adding to processing delays and new backlogs of qualified entrants. For example, so many applicants pass Canada's points system that 800,000 are currently in the pool.

Points do not guarantee employment. Applicants may achieve the pass mark, but then be unable to find work. Additional hurdles may include licensing or credentialing, language proficiency, or discrimination in the job market.

A points system may not be sufficiently timely or efficient to meet the immediate labour shortage or expand the workforce. It can be several months before the selected migrants living overseas actually arrive in the country to work. Only those selected onshore are likely to be in work that is linked to skill shortages, and they are already filling a gap rather than being a potential new member of the labour force.⁵⁴

An effective points system needs to be responsive to changes in labour markets or government priorities. In parliamentary systems with more executive powers these adjustments can be made fairly rapidly. In the UK the newly-established points system was revised within a year to encourage more applications. A mandatory English requirement was added to demonstrate an applicant's ability to contribute economically. Some criteria were too subjective, leading to high refusal rates. An increase in applications and corresponding documentation also led to processing delays. Some employers reported a lack of understanding of foreign qualifications and found them incompatible with the job opening.⁵⁵

In the US, Congress would need to consider whether to cede any of its authority over immigration policy to allow executive or independent agency decision-making, or whether each change in the points system would require a return to the legislative process.⁵⁶

In recent testimony to the US House of Representatives, Dr. Papademetriou stated that a well-calibrated points system may be useful as one tool in the toolkit for near-term economic needs: for example, to supplement a workforce in emerging strategic industries or certain labour market niches while building education and training capacity, or to allow US states to recruit specialised workers for economic goals, or to add workers in hard-to-fill occupations. A hybrid system, that includes a points system as well as employer flexibility to bring in needed workers, could offer a path

⁵⁴ Bedford, "Skilled Migration", p. 240

⁵⁵ Feikert

⁵⁶ Kaplan

that is most consistent with a country's immigration traditions and operation of the economy and labour market.⁵⁷

Beyond Permanent v. Temporary: The Rise of Conditional and Circular Migration

“The old distinction between “permanent” and “temporary” movement is not a particularly useful one, especially when most of the so-called “permanent” movers continue to be engaged in various forms of temporary movement out of and back to their new host countries. Just over 4,000 (1.6 percent) of the 257,230 migrants approved for residence between 1998 and 2004 in New Zealand had made no subsequent overseas moves after taking up residence.” (Professor Richard Bedford)⁵⁸

Migration is usually described in terms of permanent or temporary flows, influenced by various push-pull factors such as economic or civil instability in the country of origin, and job opportunity and family relations in the destination country. Traditionally, temporary workers were employed in seasonal work or to fill temporary labour shortages. However, temporary migration is increasingly meeting long-term labour market needs and turning temporary migrants into “conditional” or potentially permanent residents. A parallel trend of circular migration seems to be emerging with transnational migrants who are increasingly comfortable with moving between two or more countries, taking advantage of the global market for key skills, and/or maintaining family ties and residences in countries of origin.

Conditional Migration on the Rise?

In the United States, delays in employment visas, stemming in part from caps on visas, the 7% per country limit, and complex procedures, are resulting in employers not getting workers when needed. Skilled or professional workers are waiting five years for a visa. The system is heavily biased towards skilled workers, with only 5,000 visas available for unskilled work worldwide. US employers are relying on the temporary system because it is faster and less-cumbersome than the permanent system.⁵⁹ The requirements for temporary and permanent visas “have become excessively complex, improvised, and misleading” and the current immigration system “invites manipulation by potential workers and employers, ad hoc fixes by policymakers, and widespread loss of confidence from the public.”⁶⁰

In New Zealand the 100,000 individual temporary worker permits available vastly outnumbered the 12,000 individual applicants approved under the Skilled Migrant Category in 2005/2006. Similarly, in the US temporary work permits issued to 967,000 people outpaces the 246,900 permanent employment visas granted in 2005.

In the US 66% of permanent visas were issued to individuals already in the United States. In New Zealand 87% of principal applicants approved for permanent residence in 2005/2006 previously had a temporary student, visitor or worker permit.

⁵⁷ Papademetriou, Testimony

⁵⁸ Birrell, *Evaluation of the General Skilled Migration Categories* p. 252

⁵⁹ Meissner, *Immigration and America's Future*, p. 22-23

⁶⁰ *ibid*, p. 35

It is difficult to ascertain, however, whether a migrant's intentions change after arrival (e.g., through marriage or job opportunity) or whether temporary visa systems offer the only real possibility to gain the education, experience or networks for an anticipated permanent relocation.

Circular Migration

Graeme Hugo of the University of Adelaide, Australia points to circular migration as one of our least well understood migration developments, and one for which our research ability and our policies are ill-prepared. Data collection, the census, and longitudinal surveys, are all geared to permanent migrants.

Conventional data collection systems do not track the circularity of much international migration, such as part-year residence in contrast to permanent emigrants and immigrants. For example, census data does not capture the impermanence of inter-country movement. What is needed is the ability to trace the movement of individuals over time to better understand the dynamics of contemporary international migration systems.⁶¹

This phenomenon suggests a need to reconsider research methods and public policies in order to determine how to address the "conditional" migrant and move beyond the traditional framework of temporary versus permanent migration policy.

New Zealand is one of the few countries making progress in this area, collecting arrival/departure data on cross-border movements, and adjusting policies to allow for a work-to-residence trial period for certain applicants. Recently the Department of Labour studied permanent migrants' movement patterns into and out of New Zealand. The 2005 study of migrants approved for residence between 1998 and 2004 found that the majority of migrants had fewer than three spells of absence from New Zealand; while some migrants spent much of their time absent. Finally, the study confirmed a consistent and growing loss of permanent migrants over time.⁶²

The increasing mobility of global migrants also raises the following questions for immigration and settlement programmes:

- Are permanent visa systems working, that is, are they meeting the need of employers and the labour market or are employers attempting to skirt the permanent system for temporary visas?
- Would a more flexible option for conditional migrants, with a path to permanent residence, reduce the abuses or illegality of the current (backlogged) temporary versus permanent system?
- If most people granted permanent residence are already in the country, what does that mean for settlement policies (typically directed at newcomers)?
- Should settlement policies, typically directed at permanent residents, begin to recognize these conditional, temporary workers as potential long-term settlers?

⁶¹ Bedford, "International Migration and Globalisation", p. 23

⁶² Shorland, *People on the Move*, p. 8

Alternatively, a country might consider whether temporary visas would offer more flexibility to facilitate circular migration so that people can more easily return to their country of origin and maintain social and economic ties.



Class at Mangere Refugee Resettlement Centre, April 2007
Photo: Ann Morse

2 SETTLEMENT AND INTEGRATION POLICIES

New Zealand and the United States have adopted similar approaches to assist newcomers to navigate local systems, access needed services, and become contributing members of their adopted communities. Settlement, or immigrant integration, is a complex, multi-faceted, and long-term process. Refugees often face more complex settlement challenges than other migrants who choose to relocate, and thus may require more assistance with education, health, and navigating the systems of their adopted countries.

The United States and New Zealand both view settlement as a two-way process of adaptation for new migrants and refugees as well as for host communities. Unlike the United States, which focuses only on refugee resettlement, the New Zealand programme (as of 2004), consciously addresses settlement for both migrants and refugees. The New Zealand Settlement Strategy includes a strong focus on the need to attract and retain skilled workers, both temporary and permanent, in a globally competitive environment. Attention to effective settlement is seen as important to the nation's economic goals.

New Zealand describes the three broad stages as:

- pre-settlement (before New Zealand residence);
- initial settlement (housing, work, English language, accessing education and health services); and
- post-settlement (social networks and participating in civic, community and social activities).⁶³

The New Zealand Immigration Service has primary responsibility for migrant and refugee pre-settlement and initial settlement policy. The Office of Ethnic Affairs and the Ministry of Pacific Island Affairs have primary responsibility for post-settlement policy. Settlement focuses on migrants and refugees who are permanent residents or on work-to-residence visas. Services are available for the first two years for migrants and three years for refugees.

This chapter examines New Zealand's settlement programmes for refugees and for migrants, and reviews the refugee resettlement programme in the United States. Finally, several promising practices in integration are highlighted.

New Zealand's Refugee Programme

New Zealand has been accepting refugees since the end of World War II. In 1987 a refugee quota was established that is renegotiated annually with the Minister of Immigration. New Zealand accepts up to 750 refugees annually under UNHCR priority protection referrals. Within the overall quota there are subcategories for women at risk of gender-related persecution (capped at 75), and refugees admitted on medical or disability grounds (also capped at 75).

The Refugee Quota Branch of the Department of Labour issues travel documents and permanent residence visas. New Zealand pays for the costs of refugees' travel.

⁶³ *Auckland Regional Settlement Strategy, Phase 1*, p. 3

Upon arrival in New Zealand, quota refugees are given a six-week residential orientation programme at the Mangere Refugee Resettlement Centre in Auckland. The centre was originally an American military installation during World War II. Its facilities now include an early childhood learning centre, classrooms, medical and dental clinics, and a mental health clinic. Orientation programmes for groups of approximately 100 refugees are held six times per year.

Five partners are co-located at Mangere: the Department of Labour (DOL); the Auckland University of Technology (AUT); the Ministry of Health; the Refugees as Survivors Centre; and Refugee and Migrant Services (RMS), the main NGO contractor for resettlement. The DOL's Refugee Quota Branch administers the programme and provides onsite settlement coordination. AUT offers English language and sociocultural education, including an introduction to New Zealand systems and culture. The Auckland Regional Public Health Service of the Ministry of Health provides comprehensive medical and dental checkups. The Refugees as Survivors Centre provides trauma counselling and therapeutic activities. RMS, an NGO funded primarily by the DOL, provides social services and coordinates training of volunteer support workers to assist refugees with ongoing settlement and accessing mainstream services.

Following the programme, refugees are resettled in eight cities across New Zealand and introduced to local social workers, interpreters, cross-cultural workers and volunteers for further orientation and assistance. Volunteers see refugees at one, three and six week intervals and then monthly for up to 12 months. They provide information and referral on a range of services, such as English language classes, banking, transportation, where to enrol children in school, how to obtain a doctor, and similar orientation. The eight resettlement cities are Auckland, Wellington, Hutt Valley, Porirua, Christchurch, Hamilton, Nelson, and Palmerston North.

Refugee Assistance

Refugees are granted permanent residence permits upon arrival and are therefore eligible for education, health care, employment and social welfare benefits on the same basis as citizens.

The Ministry of Education (MOE) funds the education classes at Mangere and supports a community liaison and coordinator service to assist refugees with gaining access to ongoing education, and to support refugee students in secondary schools. Refugee education coordinators are employed by the MOE to work with refugee families, agencies and schools throughout the country. Funding for English for Speakers of Other Languages (ESOL) is provided to schools on a pro-rata basis. Additional funding is allocated for ESOL for all school-aged refugees for four years following their enrolment. The National Association of ESOL Home Tutor Schemes (an NGO) receives government funding for English language and support services for adult refugees, which are free to the refugee.

Refugees may be eligible for assistance with finding employment, such as work placement and training. Some city councils fund initiatives focused on refugees' traditional skills and occupations. The Ministry of Social Development provides

Emergency Benefit to refugees during their stay at Mangere (paid to the DOL to fund part of their stay). After they leave the Centre, they receive an Emergency Benefit directly. (An Emergency Benefit is available to New Zealanders who are not eligible for other benefits but can demonstrate hardship). Additional assistance may be available such as a Disability Allowance or accommodation supplements. RMS Refugee Resettlement assists with furniture and helps refugees find accommodation. They liaise with Housing New Zealand Corporation (HNZC) for government subsidised accommodation, where required and available. Some are placed in private rental properties. Volunteers help provide furnishings for the houses. Refugees are eligible for a Community Services Card, which provides free outpatient treatment at hospitals and the maximum available subsidy for general practitioner visits and prescriptions. Refugees are eligible for Work and Income benefits such as unemployment, invalids or sickness benefit, and employment and training services. Unemployment benefits range from approximately \$120 for single individuals aged under 20 years to \$250 per week for sole parents.⁶⁴

Government agencies and NGOs work with the voluntary sector to provide settlement assistance to refugees. RMS, the lead NGO, participates in decisions about refugee placement and provides local volunteers to support new refugees for their first year in the community. The National Association of ESOL Home Tutor Schemes also delivers services through trained volunteers.

After five years of residence, refugees are eligible to apply for citizenship. Asylum seeker claims for refugee status are assessed by the Refugee Status branch of the Department of Labour. If their asylum application is approved, they can apply for permanent residence.

Refugees resettled in New Zealand typically have very little education or work experience. Employment rates and English language acquisition are low. A 2004 report found that only 16% of recently arrived refugees aged 15-65 were working at six months; 26% were working at two years. After two years in New Zealand 46% of quota refugees said they could not speak English well.⁶⁵

In 2007 the New Zealand government is working on a review of the refugee resettlement policy to guide the selection, resettlement and integration of refugees, identify the relative priorities at different stages of the resettlement process, and propose broad indicators to measure progress in resettlement. The review of the settlement policy will include settlement roles and responsibilities of key stakeholders (central government, local government, NGOs, host communities and refugees), along with planning for settlement services, and evaluation.

New Zealand has launched other responsive strategies to address refugee and migrant settlement which are addressed in the following section.

⁶⁴ <http://www.workandincome.govt.nz/get-assistance/main-benefit/unemployment-benefit.html>

⁶⁵ *Refugee Voices*, p. 12

New Zealand Settlement for Migrants

The increasing emphasis on positive settlement outcomes for migrants began in the late 1990s with several initiatives, such as improved information dissemination and new research and evaluation initiatives. New publications were developed for migrants to describe working and living conditions in New Zealand (e.g., regular newsletters; a settlement kit on housing, employment, education and other services; and a guide to migrant services available at the local government level.) The government also launched a new longitudinal survey of immigrants conducted by the DOL and Statistics New Zealand to provide data on settlement experiences and outcomes of immigration policies.⁶⁶

In 2001 New Zealand funded pilot projects in three categories to support settlement in collaboration with community groups: emergency services for asylum seekers; employment services for highly skilled migrants; and business development for entrepreneurs. These pilots demonstrated some commitment but did not provide financial support for ongoing services or represent a coherent settlement strategy. The government focused instead on improving the selection process to recruit migrants who could settle well (leading to the establishment of the SMC in 2003).⁶⁷

New Zealand first launched the New Zealand Settlement Strategy in 2004 and revised it in November 2006. The vision is that: “New Zealand’s prosperity is underpinned by an inclusive society, in which the local and national integration of newcomers is supported by responsive services, a welcoming environment and a shared respect for diversity.” A key shift is the importance placed on dual responsibilities in settlement: both the newcomers and New Zealanders are responsible for achieving settlement outcomes. New Zealanders should ensure that migrants and refugees feel welcome and safe, and that New Zealand’s cultural diversity is respected throughout all communities. Newcomers are expected to understand and respect New Zealand values, and contribute to community and civic life.⁶⁸

Migrants, refugees, and their families:

- are accepted and respected by host communities for their diverse cultural backgrounds and that their community interactions are positive;
- obtain employment appropriate to their qualifications and skills and are valued for their contribution to economic transformation and innovation;
- become confident using English in a New Zealand setting or are able to access appropriate language support;
- access appropriate information and responsive services that are available in the wider community;
- form supportive social networks and establish a sustainable community identity;
- feel safe within the wider community in which they live; and
- accept and respect the New Zealand way of life and contribute to civic, community and social activities⁶⁹.

⁶⁶ Bedford, *Skilled Migration*, p. 13

⁶⁷ Bedford, *Skilled Migration*, p. 24

⁶⁸ *Our Future Together*

⁶⁹ New Zealand Resettlement Strategy, revision to be announced July 23, 2007

The New Zealand Settlement Strategy (NZSS) led by the DOL, supports all government agencies to work together within a common framework. 17 government agencies coordinate interagency communication about settlement issues and support twice-yearly National Refugee Resettlement Forums and new twice yearly Migrant Settlement Forums. The Settlement National Action Plan (SNAP), to be launched in July 2007, is the implementation plan for the strategy, and sets out responsibilities and a timeframe for action.

The DOL is also establishing a national network of Migrant Resource Services, named Settlement Support New Zealand. The objective is to coordinate the delivery of settlement advice and information for migrants and refugees at mainstream agencies or specialist organisations. In 2006-2007 the programme was implemented in 19 key settlement areas of the country, in collaboration with local city councils and settlement support agencies. Settlement Support New Zealand: A Guide for Implementation, Phase 2 includes funding activities such as: mapping stakeholders and services; establishing a local network; providing information and referral; and facilitating workshops. It will not fund: case management; counselling services; or provision of employment and education services. The DOL will conduct an evaluation in 2007. The Government has announced funding of \$11.7 million over four years, and will continue at \$3.3 million per year.

The Ministry of Social Development identifies social service needs, purchases services, and supports capacity building for refugee and migrant communities. The Settling In project, administered by Family and Community Services, aims to work with government, NGOs and migrant communities. The project operates in seven regions: Auckland, Hamilton, Hawkes Bay, Wellington, Nelson/Tasman, Marlborough and Christchurch. Settling In, established in 2003, is funded at \$1.7 million over four years.

The Office of Ethnic Affairs (OEA) is a small unit in the Department of Internal Affairs that provides referral and information services for ethnic communities and policy advice to government. The OEA focuses on the 10% of New Zealand residents who identify as African, Asian, Continental European, Latin American or Middle Eastern. (New Zealand also has a Ministry of Māori Affairs and a Ministry of Pacific Island Affairs.) The office provides advice to government and promotes better services to ethnic communities and understanding of ethnic diversity. One of its key programmes is Language Line, a telephone service that offers free interpreting services in 38 different languages to government agencies providing services to non-English speakers. According to the New Zealand Office of Ethnic Affairs, there are more than 200 separate ethnic identities represented in New Zealand.⁷⁰

Funding

The New Zealand Settlement Strategy for migrants and refugees was funded through a \$62.39 million budget package in 2004. See the allocations in the chart below (in millions)⁷¹. (Note that this was specifically for the launch of this programme; some additional funding contributes to migrant and refugee settlement.)

⁷⁰ For additional information, see www.language.govt.nz and *Connecting Diverse Communities*, www.ethnicaffairs.govt.nz

⁷¹ *A Future Together*

Table 3: New Zealand Settlement Strategy Funding Package

	2004/05	2005/06	2006/07	2007/08	Total
Careers advice & information	1.000	1.000	1.000	1.000	4.000
Adult ESOL	0.226	0.450	0.450	0.450	1.576
ESOL in schools	4.256	8.499	12.475	12.630	37.860
NZQA qualifications assessment	0.068	0.068	0.068	0.068	0.272
Migrant resource services	1.675	3.137	3.476	3.386	11.674
Refugee & Migrant Services	1.500	1.500	1.500	1.500	6.000
National settlement secretariat	0.252	0.252	0.252	0.252	1.008
Total package	8.977	14.906	19.221	19.286	62.39

Migrant services are funded by a Migrant Levy, a fee assessed on new migrants for settlement services, and to fund research on social and economic impacts and on the experiences of migrants after settlement. (The fee is \$300 per applicant, up to a maximum of \$1200, and has created an account of \$10-12 million.)

As these settlement initiatives are so new, for example, the Migrant Resource Services implementation was completed in June 2007, there is no written material yet available on outcomes or evaluations. Some initial survey results finding positive labour outcomes for migrants were mentioned in the section on points systems above. In addition the DOL has funded the Auckland Chamber of Commerce for several initiatives that indicate success (see also the Promising Practices section below).

The Auckland Chamber of Commerce surveyed 494 businesses on recruitment, retention, benefits and barriers to having migrants in the workplace. The *New Kiwis Employer Survey* (December 2006) found that the major obstacles to hiring migrants were poor English language proficiency and delays in immigration visas. However outcomes have been positive. One third of the respondents found that employing migrants had led to greater tolerance due to a better understanding of different cultures. Retention was very good, with more than 75% of migrants staying at the organisation for more than 12 months. Employers also reported that migrants were high-performing: over 63% were in the very good or excellent category.⁷²

US Refugee Resettlement⁷³

In 1948 Congress enacted the first refugee legislation which provided for the admission of displaced Europeans. Later laws allowed admission for those fleeing Communist countries. In 1980 Congress enacted the first domestic refugee resettlement programme, which created a federally-funded programme in partnership with state and local government to provide refugees with cash, medical and social services assistance.

⁷² <http://www.chamber.co.nz/pdfs/NewKiwisEmploymentSurveySummaryDec06.pdf>

⁷³ <http://www.acf.hhs.gov/programs/orr/programs/overviewrp.htm>

Since 1975 the US has resettled 2.4 million refugees, with 77% from Indochina or the former Soviet Union. The FY2005 refugee ceiling is 70,000, with allocations to the following regions: Africa (20,000), East Asia (13,000), Europe and Central Asia (9,500), Latin American/Caribbean (5,000), Near East/South Asia (2,500) and Unallocated Reserve (20,000).⁷⁴ In 2005, 53,813 refugees were admitted. Of these, 18,252 were principal applicants. The main countries of origin were Somalia (19%), Laos (16%), Cuba (12%) and Russia (11%).⁷⁵

The Resettlement Process

The United States accepts refugees through referrals from the United Nations High Commissioner for Refugees and US embassies, groups of special humanitarian concern identified by the Department of State, and close family members of refugees already resettled in the US.

The Department of Homeland Security reviews refugee applications and determines if refugees are admissible under US law.

The Department of State manages overseas processing, provides cultural orientation, and arranges transportation through the International Organization for Migration. (Refugees are expected to repay the costs of their travel to the United States.) The State Department contracts with ten voluntary agencies for initial services as well as determining in which states refugees will be resettled.⁷⁶ Two-thirds of refugees have family or friends in the United States (family cases); the remaining third have no contacts in the United States (free cases). The initial reception and placement programme provides essential services for the first 30 days in the United States, such as orientation, placement, case management for 90-180 days, referrals to health, employment and other services as needed, and connects refugees to services provided by the US Department of Health and Human Services (HHS).

The Office of Refugee Resettlement (ORR) in HHS administers the domestic resettlement programme and funds state and local government as well as voluntary agencies and refugee-run non-profit organizations. Funding is available to assist refugees for their first five years in the United States with cash, medical, and social services assistance. Social services can include English language training; employment-related training and services, including skills recertification and transportation; child care; case management, social adjustment services and citizenship assistance.

ORR's mission is to help refugees to establish a new life that is founded on the dignity of economic self-support and encompasses full participation in opportunities which Americans enjoy. The objective of social services grants, including employment services, is to "help refugees achieve economic self-sufficiency and

⁷⁴ <http://www.state.gov/g/prm/>

⁷⁵ <http://www.dhs.gov/ximgtn/statistics/publications/yearbook.shtm>

⁷⁶ The ten national voluntary agencies are the State of Iowa, Bureau of Refugee Services; Church World Service; Ethiopian Community Development Council; Episcopal Migration Ministries; Hebrew Immigrant Aid Society; International Rescue Committee; US Committee for Refugees and Immigrants; Lutheran Immigration and Refugee Services; United States Conference of Catholic Bishops; and World Relief Corporation.

social adjustment within the shortest time possible following their arrival to the United States.”⁷⁷

Each state, with the exception of Wyoming, participates in the refugee resettlement programme. The state refugee coordinator is the central contact in the state for refugee issues, and is responsible for submitting the state plan to ORR; managing, contracting and monitoring federal funds for refugee assistance; and keeping statistics on refugees in the state.

Refugees, if they meet public benefit programme requirements (families with children, low income levels, etc), are eligible for seven years for Temporary Assistance for Needy Families (TANF), Medicaid and State Children’s Health Insurance Program (SCHIP), food stamps, and Supplemental Security Income (SSI – aid for the aged, blind and disabled.) Food stamps and SSI are federally funded; TANF, Medicaid and SCHIP are jointly funded by federal and state government. Refugees who do not qualify for the above programmes are eligible to receive up to eight months of cash and medical assistance through ORR funds to states and voluntary agencies.

Refugees are eligible to adjust to permanent resident status after one year of residence in the United States. After five years of permanent residence, they can apply for citizenship.

Table 4: US Refugee Resettlement Funding FY2005⁷⁸

Refugee Assistance (in US\$)	FY2005
Transitional and medical services	\$192 million
Social services	\$165 million
Preventive health	\$5 million
Targeted assistance	\$49 million
Victims of torture	\$10 million
Victims of trafficking	\$10 million
Total	\$431 million

Promising Integration Practices

No one sector can do it all – effective integration practice requires the engagement and expertise of a range of government agencies, employers, non-profit organisations, and social and civic organizations.

New Zealand

Auckland is New Zealand’s largest city, with 1.2 million residents, and about 150 ethnic communities. The Auckland Regional Settlement Strategy is a partnership between central and local government, jointly led by the DOL and the Manukau City Council under the Auckland Sustainable Cities Programme. Through a series of meetings the stakeholders identified ten goals and more than 90 opportunities to

⁷⁷ <http://www.acf.hhs.gov/programs/orr/mission/index.htm>

⁷⁸ Office of Refugee Resettlement, U.S. Department of Health & Human Services

improve settlement outcomes for Auckland's refugees and migrants. In addition to the New Zealand Settlement Strategy national goals (employment, English language, access to information, social networks, safety and civic participation), the Auckland strategy also addresses health care access, participation in policy development processes and service delivery, increased host community acceptance, and settlement needs for Pacific peoples. The initiative was funded by the DOL in 2003, at \$21.2 million over four years, with a focus on migrants 18-64 years old, with less than five years residence, and who are primary beneficiaries receiving unemployment benefits.⁷⁹

Another new initiative is the Settling In programme, administered by the Family and Community Services section of the Ministry of Social Development and created in 2003. Settling In is described as a community-based cross-sectoral social services programme for refugees and migrants. The small project (funded at \$1.7 million over four years and operating in seven regions), was created to provide social services to new refugees and migrants; assist refugee and migrant communities to build their knowledge and capacity; and lead inter-sectoral work to address problems within their communities.⁸⁰ While still being implemented, the programme is included here as an example of collaboration, providing a single point of contact for refugee and migrant groups. Collaborating groups, depending on the site, include city councils, central government agencies such as Internal Affairs, Work and Income, Health, Labour, Education, Ethnic Affairs, and Police, universities, economic development agencies, and NGOs, refugee agencies, and Māori organizations.

With the Refugee Voices initiative, the DOL interviewed 398 refugees at six months and two years to learn about their resettlement experiences. While refugees were largely satisfied with their life in New Zealand, the interviews revealed a need to address English language proficiency, housing, adult education, discrimination, and employment, to assist refugees to integrate into New Zealand communities. The report also recognised that these complex issues required involvement beyond what the government was able to offer. "To ease the pressures of resettlement, neighbours, schools, employers, ethnic groups, community organisations and government agencies, need to work together to help refugees acclimatise and adjust to this country."⁸¹ The Strengthening Refugee Voices funding initiative was recently established to support a refugee community-led process to strengthen engagement of refugee groups in the development and implementation of the New Zealand Settlement Strategy. These initiatives, in Auckland, Hamilton and Wellington, will establish inter-group communication systems, identify resettlement issues; and advise on potential solutions. Funding is \$195,000 in four key settlement areas.

The Auckland Chamber of Commerce found that a key challenge for its members was finding skilled staff, as New Zealand is experiencing historically low unemployment. Most businesses in Auckland are small to medium enterprises (86% employ five individuals or less) and require staff with good English language, a flexible attitude, and customer service skills. Funded by the DOL and the MSD, the Chamber created a work experience programme and job search workshop to act as a bridge to bring employers and skilled migrants together.

⁷⁹ *Auckland Regional Settlement Strategy*, pp. 27-38

⁸⁰ *Statement of Intent 2006*

⁸¹ *Refugee Voices*

The Skilled Migrant Work Experience Programme is for skilled migrants referred by Work and Income (a service of the Ministry of Social Development) who are receiving unemployment benefit. The Programme offers employers the option of taking candidates on an eight-week meaningful work experience placement, like an internship. If there is no ongoing employment opportunity, the placement is agreed between the Chamber, employer and candidate when the New Zealand work experience will strengthen the candidate's Curriculum Vitae, and their chances of full time paid employment in the future. The employer also agrees to act as referee. If there is an ongoing employment opportunity, the three parties work together to ensure a smooth transition from work experience placement to job offer. The individual continues to receive their benefit during the placement and the Chamber covers travel costs. The service is free to employers and employees. According to the Chamber, in the most recent contract the programme worked with 108 individuals and achieved a 65% success rate: 70 individuals obtained work, self-employment or similar outcomes. However, twenty-nine of the 108 individuals left the programme or were not work ready (e.g., English language or skills gaps, illness). Of the 79 remaining, 70 were placed, achieving an 89% success rate.

Kiwi Career Success is a job search workshop for migrants currently living in New Zealand and eligible to work. The free three-day workshop covers CV writing, interview skills, Kiwi workplace culture, networking and a job search strategy. The Chamber provides employment support, advice, recruitment and follow-up. According to the Chamber, 83% of participants reported they had had an interview, and 63% were employed within three months of the workshop.

Volunteer programmes in New Zealand are extensive and form a key part of the settlement programme and model two-way integration. Volunteers educate newcomers about the New Zealand way of life, while learning themselves about the experience, culture, and perspective of the refugees and migrants they meet. Volunteers supplement government services, providing English tutoring and an orientation for refugees and migrants to their new community.

United States

In *Beyond the Gateway: Immigrants in a Changing America*, the authors examined immigrant integration in new settlement areas in the United States. Traditionally in the US most immigrants have settled in six states; however, in the 1990s settlement began in communities with little previous experience with immigrants. The models in traditional gateways were not always transferable to places with fewer resources and experience, and many communities began experimenting with new models. The authors looked at five case studies: Winchester, Virginia; the Triad, North Carolina; Atlanta and Chamblee, Georgia; Faribault, Minnesota; and Salt Lake City and Park City, Utah. Support ranged from public to private to purely volunteer efforts. They identified a number of best practices, including:

- programs for language acquisition (instrumental to fostering integration in all other spheres of life);
- access to culturally-sensitive and linguistically appropriate health care services (early interventions increase immigrants ability to integrate and prevent more costly interventions later);

- vocational training/re-credentialing (capitalizing on the skills migrants bring while building bilingual and bicultural capacity in professions such as health care); and,
- community development (ethnic self help groups can serve as intermediaries between newcomers and the host society, introducing migrants to the mainstream and educating decision makers about the new community.⁸²

Building the New American Community, a three-year demonstration project in the US, tested the idea of coalitions as a mechanism for integration. The project was funded by the Office of Refugee Resettlement and involved five national partners and coalitions in three cities – Nashville, Tennessee; Lowell, Massachusetts; and Portland Oregon. Each of the three sites were funded at \$150,000 per year to develop their own integration plans based on local needs and assets, and implemented that plan with a broad coalition of public and non-profit partners. The coalitions offered an expanded network of resources and expertise for community members and stability during times of staff turnover. Projects included youth development for new migrant communities, re-credentialing of foreign-trained professionals, cultural exhibitions, business development for refugee-run licensed child care providers, and a small grants program to encourage community engagement between newcomer and receiving communities. Each site also included a significant focus on civic integration, such as training on effective communication with policy-makers, visits to the statehouse, a voter registration and education campaign, and a “board bank” to encourage immigrants to serve on boards of public and non-profit agencies. Finally, through their equal participation on the coalition’s planning groups, refugees and immigrants learned governance processes, gained leadership training, and had a direct say in developing and implementing new programmes that would affect their community.⁸³

⁸² Godziak, pp. 241-256

⁸³ <http://www.ncsl.org/programs/immig/BNACReport1204.htm>

CONCLUSION

New Zealand and the United States offer similar approaches to welcoming and settling newcomers. Both consider family reunification, employment, and humanitarian responsibilities in their immigration streams, and offer strong and effective settlement programmes for those allowed to enter. New Zealand's system of governance, however, offers a much speedier response time than the United States for adjusting its immigration system. Although New Zealand is undertaking the most comprehensive review of its system in 20 years, many adjustments, reforms and pilot projects have been launched over the last few years. The United States' federal legislative effort to reform immigration has been underway since at least 1996, is currently stalled, and may not be addressed again until 2009.

New Zealand's experience in the skilled migrant stream may offer useful lessons to the United States. In 2007 the US Congress expressed some interest in the points system through congressional hearings in the House of Representatives and consideration of the Senate immigration reform bill. As the US reviews the points system of other countries, historical traditions, as well as the country's particular economy and labour market need to be considered. The US work-based immigration system currently depends on employers selecting their employees, and traditionally business, rather than government, has been seen to be more in tune with labour market needs. In addition, the employer as sponsor also assumes a measure of responsibility for the newly arriving foreign worker, leading to positive employment outcomes and labour integration. Other important considerations include any current backlogs for processing visas and assuring adequate staffing and computer upgrades; clear and transparent information on the new system; research and evaluation systems to monitor outcomes; and most importantly, flexibility in adjusting the system to respond to changes in labour market and government priorities.

For New Zealand surveys and evaluations about the immigration and settlement programmes indicate the system is working well and outcomes are reasonably good. The Skilled/Business stream is bringing qualified immigrants into the country, appropriate research and evaluation programmes are in place, and a broad range of information for refugees and migrants is available on the web, in the settlement kit, and/or at sites such as government agencies and migrant resource centres.

New Zealand's biannual refugee resettlement forums with UNHCR, government agencies, nongovernmental organizations, and refugee community representatives earn high marks from participants for the opportunity to learn about government initiatives and research findings, and to allow them to work together to identify priorities in settlement. However, there was a consensus among participants at the May 2007 forum that consultation was not leading to action. There seems to be insufficient feedback to participants on outcomes of the various forums or surveys. The opening speaker at the May forum made a plea to focus future meetings on only one or two issues and developing solutions to be implemented.

Interviews with service providers in New Zealand identified repeated concerns about meetings versus action, consultations versus services. Some targeted education would still be useful, such as educating employers about the employer accreditation programme or educating migrants about New Zealand's licensing/professional

registration requirements. However, the key requirement is not for more information but actual services. Individuals working with refugees and/or migrants offered a broad range of practical recommendations for community-level programmes, including:

- early intervention programmes – for example, to help principal applicants and/or their partners obtain employment appropriate to their skills;
- parenting programmes;
- programmes for women; and
- youth development and vocational training programmes for young refugees, migrants and minorities to help them succeed in school and in their first job.⁸⁴

Similar to the United States, there are ongoing public policy debates that highlight the tension between specialised and mainstream services. Specialised services, often provided by refugee and immigrant groups themselves, can offer linguistically and culturally-appropriate programmes for newcomers. Others argue, however, that mainstream agencies should “integrate” all its customers and build the appropriate capacity internally. Coalitions may provide a good alternative – building capacity within refugee or migrant organisations to act as intermediaries and interpreters, while advising agencies how to improve their service delivery. In the US refugee resettlement programme, government agencies (federal and state) work together with voluntary agencies and refugee groups to build these kinds of options and test different pilot projects for different communities with different interests, needs, and capacities.

There is also untapped capacity and expertise in the refugee and migrant community that could be brought to bear more directly in building capacity and addressing settlement barriers. They can offer language and cultural expertise, as well as personal knowledge of the refugee and migration experience, to deliver social services to new arrivals. Programmes to develop this capacity, with the necessary training and evaluation components in place, could capitalise on community assets and provide an avenue for partnerships between migrant and host communities, thus also supporting the government’s goal of two-way settlement.

New Zealand’s Settlement Strategy is still fairly young, and in the process of implementation. The wide ranging national settlement strategy and fledgling Auckland regional settlement strategy take into account the need to engage multiple sectors of society, set common goals, and improve capacity building for refugee and migrant communities. As these plans progress, New Zealand can demonstrate innovations to the world in effective migration and settlement policies as a high immigration/high emigration society.

⁸⁴ Author’s interviews with various immigrant organizations and service providers, April-May, 2007

APPENDIX 1: SNAPSHOT OF NEW ZEALAND IMMIGRATION 2005/2006

Total foreign-born population	880,000
Total population 2006	4,028,000
% foreign-born	22.9% ⁸⁵

Main countries of origin were England (202,400); People's Republic of China (78,100); Australia (62,700); Samoa (50,600); India (43,300); South Africa (41,700); Fiji (37,700); Scotland (29,000) and Republic of Korea (28,800).⁸⁶

Permanent residence⁸⁷

	Approved People	Percentage
Skilled/Business	31,870	62
Family Sponsored	14,967	29
International/Humanitarian	4,399	9
Total	51,236	100

Most principal applicants approved for permanent residence had previously held a temporary visitor, student, or work permit (87%).⁸⁸

Temporary residence

1.5 million people received a temporary permit to visit, study or work in New Zealand; most were visitors or students. Temporary work permits were issued to 99,674 people. In addition, 700,000 Australians, who do not need permits, travelled to New Zealand.⁸⁹

International/Humanitarian⁹⁰

New Zealand accepted 791 refugees from Myanmar (39%), Iraq (19%), the Congo (11%), Iran (9%) and Afghanistan (9%). Another 67 were granted asylum (and therefore refugee status). 1,330 people in the Samoan quota and 1,114 people in the Pacific Access Category were approved for residence.

Unauthorised/Overstayers

According to the Department of Labour, the estimated number of overstayers in New Zealand was 17,400 in October 2006 (down from 21,000 in 2004).

⁸⁵ Statistics New Zealand, QuickStats About Culture and Identity: 2006 Census

⁸⁶ *ibid*

⁸⁷ Migration Trends 2005/06, p.100

⁸⁸ *ibid*, p. 7

⁸⁹ *ibid*, p. 1-2

⁹⁰ *ibid*, pp. 79-83

Circular Migration/Outmigration

One in five New Zealanders was born overseas; the fourth largest proportion in OECD countries. Sixteen percent of New Zealanders live in another country; only Ireland at 24% has a higher proportion of expatriates.⁹¹ One in three native-born, tertiary-trained workers leaves New Zealand. Annually 24,000 emigrants return home, but 20,000 more New Zealanders leave than return. Ten percent of New Zealand's population (400,000 people) reside in Australia.

Labour Market Statistics

New Zealand's unemployment rate is 3.8 % as of March 2007. Total employment is 2.1 million with a labour force participation rate of 68.6%. The average annual unemployment rate for Māori is 7.9%; for Europeans, 2.7%, and for Pacific Peoples, 6.4%.⁹²

The working age population (15-64 years of age) is estimated to grow 11%, from 2.69 million in 2004 to 2.98 million in 2020. The age structure of the population will undergo significant changes, resulting in fewer children, more older people, and further aging of the population. New Zealand's population projections, based on medium fertility, medium mortality and long-term annual net migration of 10,000, estimate that 1.33 million people (one in four New Zealanders) will be aged 65 years and over by 2051, compared with 490,000 people (12% of the population) in 2004.⁹³

⁹¹ Dumont pp. 11-12, 21

⁹² Labour Market Reports: Employment and Unemployment

⁹³ Statistics New Zealand, "National Population Projections: 2004(base)-2051"

APPENDIX 2: SNAPSHOT OF US IMMIGRATION 2005

Total foreign-born population:	36 million
Total population:	288 million
% foreign-born	12.4% ⁹⁴

Main countries of origin were Mexico (31%); China (5%); and Philippines (4.5%). Approximately one-third of the foreign-born have become naturalised citizens, one-third are legal permanent residents, and one-third are unauthorised migrants.⁹⁵

Permanent Residence (people approved)⁹⁶

In 2005, 1.12 million visas were issued for permanent residence:

Family & immediate relatives	649,800	58%
Employment	246,900	22%
Refugees, asylees, others	179,500	16%
Diversity (underrepresented countries)	46,200	4%

Of the 1.12 million permanent visas:

738,000 adjustments were within the United States	(66%)
384,000 were new arrivals	(34%)

Temporary visas (nonimmigrants)⁹⁷

In 2005 the Department of State issued approximately 5.4 million nonimmigrant visas in 65 different visa categories. Most were for tourists (63%). Nine percent (507,000) were issued to students; and 18% (967,000) were issued for temporary workers.

Refugee/Humanitarian⁹⁸

In 2005, 53,813 refugees were admitted. The main countries of origin were Somalia, (19%), Laos (16%), Cuba (12%) and Russia (11%). The ceiling was 70,000.

In 2005, 25,257 individuals were granted asylum. The main countries of origin were: China (21%), Columbia (13%), Haiti (12%), Venezuela (4.4%), Ethiopia (2.9%), Albania (2.8%), Cameroon (2.6%), Russia (1.9%), and Indonesia (1.9%).

Refugees may adjust to legal permanent resident status after one year of residence; asylees may apply for lawful residence one year after their grant of asylum. There is no annual numerical limit on permanent adjustment for either category: 112,676 refugees and 30,286 asylees gained permanent residence in 2005.

Unauthorized immigration

Approximately 12 million immigrants are estimated to live in the United States without authorisation, increasing about 500,000 annually. About 60% enter illegally

⁹⁴ 2005 American Community Survey and Census Data on the Foreign Born by State

⁹⁵ USCIS Office of Immigration Statistics 2005 Yearbook

⁹⁶ *ibid*

⁹⁷ *ibid*

⁹⁸ *ibid*

and 40% overstay or otherwise violate the terms of their visas. More than 7 million are estimated to be working, about 5% of the nation's civilian workforce. More than half are from Mexico; another fifth come from Latin America.⁹⁹

Labour Market Statistics

The US unemployment rate is 4.5% as of March 2007, with 146 million employed and a labour force participation rate of 66.2%. In 2006 jobless rates for African-Americans averaged 9%, Hispanics, 5%, whites 4%, and Asians 3%.¹⁰⁰

The United States expects a flat growth rate in native-born workers aged 25-54 years until 2020. Net increases in the workforce are expected to come only from older workers and immigrants.¹⁰¹ The workforce is aging. From 2000 to 2030 the population aged 55 and older will grow from 59 million to 111 million. The first baby-boomers (born in 1946) will turn 65 and be eligible to retire in 2011. While total employment grew from 114 million in 1990 to 136 million in 2005, foreign-born workers doubled in that timeframe, increasing from 10 to 21 million workers.¹⁰² Migration to the US takes place at both ends of the socio-economic spectrum. Immigrants make up 20% of low income workers in the United States: 37% of agriculture employees, 23% of services, and 42% of home maintenance work. However, immigrants also represent 50% of research and development workers and 25% of doctors and nurses.¹⁰³

⁹⁹ Passel, p 1

¹⁰⁰ U.S. Department of Labor

¹⁰¹ Meissner, p. 3-4

¹⁰² Clark

¹⁰³ Wucker, p. 10

APPENDIX 3: NEW ZEALAND SKILLED MIGRANT CATEGORY POINTS SYSTEM

CURRENT POINTS	PROPOSED POINTS
Skilled employment	Skilled employment
Current skilled employment in NZ for 12 months or more 60	Current skilled employment in NZ for 12 months or more 60
Offer of skilled employment in New Zealand or current skilled employment in New Zealand for less than 12 months 50	Offer of skilled employment in New Zealand or current skilled employment in New Zealand for less than 12 months 50
<i>Bonus points for employment or offer of employment in:</i>	<i>Bonus points for employment or offer of employment in:</i>
An identified future growth area or identified cluster 5	An identified future growth area 10
An area of absolute skills shortage 10	An area of absolute skills shortage 10
Region outside Auckland 10	Region outside Auckland 10
Partner employment or offer of employment 10	Partner employment or offer of employment 20
Work experience	Work experience
2 years 10	2 years 10
4 years 15	4 years 15
6 years 20	6 years 20
8 years 25	8 years 25
10 years 30	10 years 30
<i>Additional bonus points if work experience in New Zealand:</i>	<i>Additional bonus points if work experience in New Zealand:</i>
2 years 5	1 year 5
4 years 10	2 years 10
6 years or more 15	3 years or more 15
<i>Additional bonus points for work experience in an identified future growth area or identified cluster:</i>	<i>Additional bonus points for work experience in an identified future growth area:</i>
2 to 5 years 5	2 to 5 years 10
6 years or more 10	6 years or more 15
<i>Additional bonus points for work experience in an area of absolute skills shortage:</i>	<i>Additional bonus points for work experience in an area of absolute skills shortage:</i>
2 to 5 years 10	2 to 5 years 10
6 years or more 15	6 years or more 15
Qualifications	Qualifications
Recognised basic qualification (e.g. trade qualification, diploma, bachelor's degree, bachelor's degree with Honours) 50	Recognised basic qualification (e.g. trade qualification, diploma, bachelor's degree, bachelor's degree with Honours) 50
Recognised post-graduate qualification (Master's degree, Doctorate) 55	Recognised post-graduate qualification (Master's degree, Doctorate) 55
<i>Bonus points for:</i>	<i>Bonus points for:</i>
Recognised NZ qualification (and at least two years study in NZ) 10	Recognised basic NZ qualification 5
	Recognised post-graduate NZ qualification (Master's degree, Doctorate) 10
	At least two years study in NZ 5
Qualification in an identified future growth area or cluster 5	Qualification in an identified future growth area 10
Qualification in an area of absolute skill shortage 10	Qualification in an area of absolute skill shortage 10
Partner qualifications 10	Partner qualifications 20
Close family support in New Zealand 10	Close family support in New Zealand 10
Age (20 to 55 yrs)	Age (20 to 55 yrs)
· 20–29 30	· 20–29 30
· 30–39 25	· 30–39 25
· 40–44 20	· 40–44 20
· 45–49 10	· 45–49 10
· 50–55 5	· 50–55 5

APPENDIX 4: PROPOSED POINTS SYSTEM U.S. SENATE IMMIGRATION BILL

The Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, S.1348, proposed significant changes to the US employment-based immigration system. As this paper goes to print, the bill failed to gain Senate support dead, but is notable for a first-time effort to shift from an employer-sponsored system to a points-based system.

Section 502 of S.1348 would change most of the current employment-based preference system for permanent residence to a “merit-based evaluation system.” Three of the current five preference systems would be eliminated: priority workers, professionals of exceptional ability, and shortage workers, accounting for 85.8% of the current 140,000 worldwide annual cap. The new merit system, for 380,000 visas, would go into effect after the eight year backlog for family visas is cleared. The 100 available points would be allocated to four criteria: employment (47), education (28), English language proficiency (15) and family in the US (10). The 380,000 visas would go the applicants with the highest points.

Visas for siblings and adult children would be shifted from the family reunification stream to the merit-based system. Spouses and minor children of United States citizens would still enter under the family reunification stream.

Congress would set the number of points for each selection criteria, which could not be changed for 14 years.

The merit-based evaluation system will initially consist of the following criteria and weights:

Category/Description	Points	Max pts
Employment		47
<i>Occupation</i>		
US employment in Specialty Occupation (DoL definition)	20	
US employment in High Demand Occupation (Bureau of Labor Statistics largest 10-yr job growth, top 30)	16	
<i>National interest/ critical infrastructure</i>		
US employment in science, technology, engineering or math (STEM) or health occupation, current for at least 1 year (extraordinary or ordinary)	8	
<i>Employer endorsement</i>		
A US employer willing to pay 50% of the Legal Permanent Resident (LPR) application fee either 1) offers a job, or 2) attests for a current employee	6	
<i>Experience</i>		
Years of work for US firm (max 10 pts)	2/year	

<i>Age of worker</i>		
Worker's age: 25-39	3	
Education		28
MD, MBA, Graduate degree, etc.	20	
Bachelor's degree	16	
Associate's degree	10	
High School diploma or GED	6	
Completed certified Perkins Vocational Education program	5	
Completed DoL Registered Apprenticeship	8	
STEM, assoc & above	8	
English and Civics		15
Native speaker of English or TOEFL score of 75 or higher	15	
TOEFL score of 60-74	10	
Pass USCIS Citizenship Tests in English & Civics	6	
Extended family		10
(Applied if threshold of 55 in above categories.)		
Adult (21 or older) son or daughter of US Citizen	8	
Adult (21 or older) son or daughter of LPR	6	
Sibling of USC or LPR	4	
If had applied for a family visa in any of the above categories after May 1, 2005	2	
Total		100
Supplemental schedule for Z visas (new temporary worker visa)		
<i>Agriculture National Interest</i>		25
Worked in agriculture for 3 years, 150 days per year	21	
Worked in agriculture for 4 years (150 days for 3 years, 100 days for 1 year)	23	
Worked in agriculture for 5 years, 100 days per year	25	
<i>US employment experience</i>		15
Year of lawful employment	1	
<i>Home ownership</i>		5
Own place of residence	1/year owned	
<i>Medical Insurance</i>		5
Current medical insurance for entire family		

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