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FIANZ Advocacy - Youth Leaders' Report

GLARING INCONSISTENCY IN NEW ZEALAND'S RESPONSE TO GLOBAL HUMANITARIAN CRISES

A COMPARATIVE ANALYSIS



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This is an evidence-based report on New Zealand's visa processes and humanitarian responses in relation to the ongoing in crises in Gaza and Ukraine. It highlights the stark contrast in the government's approach to these two situations and calls for a reassessment of policies to ensure equitable and compassionate support.

In response to the Russia Ukraine war, New Zealand introduced a Special Ukraine Visa, granting 1,879 visas as of March 2024. This visa includes pathways to residency and offers extensive support, such as work rights, access to healthcare and English language courses. The visa process is streamlined, reflecting the urgency and scale of the crisis. New Zealand has demonstrated strong support through various measures, including military aid, substantial financial contributions, and the establishment of special visa category. This reflects a proactive stance in addressing the needs of Ukrainian refugees and bolstering international relief efforts.

In contrast, New Zealand has not established a specific visa category for Palestinians affected by the conflict with Israel. Applications from Palestinians nationals face a less supportive process, with only 102 out of 165 applications approved. The existing visitor visa requirements are deemed inadequate for the urgent needs of those fleeing violence and displacement. Although New Zealand has voiced concern and provided financial aid totalling \$22 million, it has not extended similar visa support to Palestinians. The government's focus has been on calling for ceasefires and humanitarian aid rather than offering direct refuge through a specialised visa pathway.

Recommendation:

The report highlights a significant inconsistency in New Zealand's response to global humanitarian crises. While there has been a compassionate and robust approach towards Ukrainians, similar support for Palestinians has been lacking. To align with New Zealand's commitment to justice and humanitarian values, and uphold international humanitarian principles, we recommend implementing a Special Purpose Visa for Palestinians. This would ensure equitable support for all eligible affected individuals, reinforcing New Zealand's dedication to international humanitarian principles.

Timeframe:

We recommend implementing this policy within the next 6 months to address the urgency of the situation.

1. Background Context

According to the United Nations, 69% of the more than 41,000 killed in Gaza are thought to be women and children[1][2]. It is estimated at least 15,000 children have been killed. Moreover, about 85% of Gazans have been displaced[3], Gaza's health system has collapsed, satellite images indicate more than 63% of all residential buildings in Gaza have been destroyed, and more than 500 Palestinians have been killed in the occupied West Bank[4]

Current State

The current New Zealand government has inadequately assisted Palestinians fleeing Gaza's ongoing humanitarian crisis. Their decisions have caused grave implications for many families, including New Zealand citizens who have lost relatives in the conflict. Had there been a viable pathway for refuge, it is likely that some of these lives could have been spared. The lack of support for Palestinians during this time of crisis raises concerns regarding the government's commitment to humanitarian principles and international obligations in response to genocide.

Table 1

	Israeli Nationals	Palestinian Passport Holders
Total Applications	698 (both temporary and residence visas)	165 (both temporary and residence visas)
Approved	578	102
Declined	23	33
In Progress or Withdrawn	97	30
Arrival Statistics	161 (encompassing various visa categories)	41 (encompassing various visa categories)

The stark contrast in the government's response to Israeli and Palestinian applications for visas raises questions about the fairness and comprehensiveness of New Zealand's immigration policies during times of humanitarian crises. The government must reevaluate its stance to ensure its alignment with international commitment to protecting human rights and providing support to those facing genocide.

[1] [Israel-Gaza war in maps and charts: Live tracker](#)

[2] [Most of Gaza's 40,000 dead are women and children, says UN rights chief](#)

[3] [As Israel's Aerial Bombardments Intensify, 'There Is No Safe Place in Gaza', Humanitarian Affairs Chief Warns Security Council](#)

[4] [More than 500 Palestinians killed in occupied West Bank: UN rights chief](#)

2. Comparative Analysis of Ukraine and Gaza

Past international crisis responses from former Immigration Minister Andrew Little and Foreign Affairs Minister Nanaia Mahuta showcased New Zealand’s willingness to actively provide certainty and support to Ukrainians during the Russia v. Ukraine conflict. Under the current coalition government, we sustained the Special Ukraine Visa programme and have achieved to date the following results^{16,17}:

- New Zealand Red Cross has been raising funds to support international Red Cross teams on the ground in and around Ukraine.
- The country has been providing humanitarian assistance through funding and support for international relief efforts.
- As of 11 March 2024, around 1,879 Special Ukraine Visas have been granted since the special category was created.
- People have entered New Zealand 958 times on a Special Ukraine Visa, noting this will include people who have who have left New Zealand, and re-entered, on one or several occasions.
- A new Ukraine Resident Visa allows those with a 2022 Special Ukraine Visa, their partners and children to live, work and study in New Zealand permanently.

This contrasts largely with our current government’s refusal to create a similar humanitarian visa for Palestinians. Meanwhile, for months, the majority of civil society have been calling for the creation of a Palestinian humanitarian visa¹⁴. The solution Minister of Immigration Erica Stanford's proposed of utilising visitor visas falls short, failing to provide a viable pathway for individuals fleeing an active war zone¹⁵. There is yet a provided rationale for Palestinians that are yet to receive a special category visa.



Figure 1 Illustrates the timeline with regards to the response made by NZ Government.

The government acted comprehensively and swiftly on Ukraine but has been slow to respond regarding Gaza, highlighting a misalignment in its approach. The response to Ukraine has been urgency-driven, while the actions on Gaza have been more ad hoc.

Table 2

	Ukraine	Gaza
Visa	Special visa policy for Ukrainians (1,879 granted as of March 2024)	No special visa policy
Residency	Pathway for permanent residency	No Pathway
Ongoing Support	Various supports provided. See above	No support
NZDF	NZDF deployment to Europe to train Ukrainian soldiers until June 2025	NZDF deployed to Red Sea (in support of US and Israel)
Aid	NZ\$130 million since 2022 (4.6M / month)	NZ\$22 million (2.4M / month)

International consensuses claim that Israel has committed acts of hostility toward those in occupied Palestinian territory. Entering the tenth month of this latest attack in which Palestinians are being mass slaughtered, displaced and denied basic human rights such as adequate food, clean water, healthcare and shelter, New Zealand needs to show greater conviction with democratic values and the international order.

Comments on the Ukrainian war by the Prime Minister, Deputy Prime Ministers and Minister of Immigration clearly reflect New Zealand’s regard and longing for peace. These include acknowledging the tragedy of each death, active monetary donorship from New Zealand being part of reconstruction and rebuilding efforts, clearly calling out failures of the upholding of the international rule of law, places for refugees and more aid. We ask that each of these sentiments and commitments be extended to refuge-seeking Palestinians.

Concerns Regarding Visitor Visa Pathways for Individuals Fleeing Gaza

The current visitor visa requirements pose significant challenges for individuals fleeing the humanitarian crisis in Gaza. These stipulations—including the necessity to demonstrate good health, genuine intent to depart New Zealand upon visa expiration (6-9 months), evidence of onward travel, and sufficient financial resources—render visitor visas an unsuitable option for Palestinian survivors escaping war and genocide^[6]. These requirements make visitor visas an inappropriate tool for Palestinian survivors fleeing war and genocide.

Health Requirements:

Firstly, the health criteria for visitor visas are particularly inappropriate given the circumstances faced by Palestinians. Many individuals are likely to be in poor health after enduring months of starvation and bombardment. As reported, only one-third of hospitals in Gaza are operational, and there is a critical shortage of healthcare workers, medical supplies, and fuel needed to treat life-altering injuries^[7]. Immigration New Zealand's (INZ) assessment of health standards considers whether applicants may require hospitalisation, high-cost pharmaceuticals, or extensive disability services during their stay. Given the dire conditions, it is reasonable to expect that many fleeing individuals will indeed require such services.

Intent to Return:

Secondly, demonstrating a genuine intention to return to Palestine presents a substantial obstacle for many Palestinians. Typical documentation required to evidence this intent includes proof of home ownership, employment, school enrolment, and family ties within the home country. For Gazans, whose homes, workplaces, and schools have been destroyed, and whose families may be scattered, such documentation is often unattainable.

Financial Requirements

Thirdly, the financial prerequisites for visitor visas further complicate matters for Palestinian applicants. After enduring seven months of unemployment and the loss of material possessions due to the conflict, demonstrating sufficient financial resources is a significant challenge. INZ mandates that applicants provide evidence of savings amounting to \$1,000 per month of the proposed stay^[8]. Pregnant applicants face even higher burdens, needing to show an additional \$9,000 for maternity services^[9]. While sponsorship from a resident or citizen family member or organisation in New Zealand may provide an alternative means of meeting financial requirements, the costs involved—including a \$10,000 fee per applicant to cross into Egypt and airfare—are prohibitive, especially for larger families.

^[6]Visitor Visa

^[7]Rafah incursion would substantially increase mortality and morbidity and further weaken an already broken health system

^[8]Visitor Visa

^[9]Paying for maternity care

INZ's Response:

In response to a recent Official Information Act (OIA) request, INZ has maintained that “applicants who apply from Gaza remain subject to the same visa requirements as all other visa applicants. [10]” This stance effectively sets up applicants from Gaza for failure, as the existing parameters have not been adjusted to reflect the horrific conditions that Palestinians currently endure. This lack of flexibility may contribute to the low number of Palestinian applications within the visitor visa category.

Parameters have yet been adjusted to regulate visas more appropriate for the hardships Palestinians currently face. This justifies the low number of Palestinian applicants to the visitor visa category. Palestinians have endured over 10 months of bombing with a decimated healthcare system, destroyed homes, and normal life upended. Gaza is not safe to return to. Predictably, some Palestinians in Gaza with family members in New Zealand have had their visitor visa applications denied after INZ deemed them ineligible. Fruitless applications for visitor visas have cost desperate Palestinian families time and money they do not have.

[10] [NZ Provides Few Options for Palestinian Whānau Trapped in Gaza.](#)

3. Government Data Statistics

Visa Approvals

It's been over 11 months, now and the data from October 7, 2023, to September 11, 2024, reveals significant disparities in visa applications and approvals between Israeli nationals and Palestinian passport holders[11]

Table 3

	Israeli Nationals	Palestinian Passport Holders
Total Applications	698 (both temporary and residence visas)	165 (both temporary and residence visas)
Approved	578 (83% Approval Rate)	102 (62% Approval Rate)
Declined	23	33
In Progress or Withdrawn	97	30
Arrival Statistics	161 (encompassing various visa categories)	41 (encompassing various visa categories)

The immigration data reveals a disturbing truth: Palestinians face overwhelming barriers when trying to seek a better life in New Zealand compared to Israeli nationals.

While 698 Israelis have applied, only 165 Palestinians have been able to navigate the system—an almost 70% difference. This difference isn't just a statistic; it represents the deep inequality Palestinians face from the start. Unlike Israelis, who can apply freely, Palestinians need approval from Israeli authorities just to begin the process. Imagine having to seek permission from the very entity restricting your freedom to even consider a new life abroad.

The approval rates tell an even harsher story. While 83% of Israeli applications are approved, only 62% of Palestinian applications make it through. For Palestinians, the rejection rate is six times higher than that of Israelis (20% vs. 3.3%). This means that one in five Palestinians is told they cannot come, compared to a tiny fraction of Israelis.

[11] [Immigration New Zealand's response to the conflict between Hamas and Israel](#)

And then there's the reality of those who actually arrive: just 41 Palestinians have made it to New Zealand, compared to 161 Israelis. These numbers speak volumes about the hurdles Palestinians face at every step. It's not just about visas—it's about the systems that seem designed to block their paths, forcing them to fight for opportunities others receive far more easily.

This isn't just a gap; it's a structural inequality that denies Palestinians the same freedom of movement, hope, and future that Israelis are granted. These numbers are the reflection of a much deeper, ongoing injustice.

Case study: Ahmed, a New Zealand-based student, has been trying to bring his family over, but he faces nearly insurmountable barriers

Even after 1 year, Ahmed, a 24-year-old medical student in Wellington, whose mother is trapped in Gaza. Ahmed has been unable to contact his mother for weeks due to limited internet connectivity, leaving him uncertain about her safety. His mother has been moving from house to house amidst the conflict, with her current location unknown. Ahmed's application for a visitor visa for his mother was declined by Immigration New Zealand, citing "limited evidence provided to show any financial, social, or family ties" to her home country. This reasoning, as Ahmed interprets, reflects an underlying assumption that individuals from conflict zones, like Gaza, have no reason to return due to the precarious situation there. Despite having seven children in New Zealand, which Ahmed believes should suffice to establish significant ties, the visa was still denied^[12]. Is this fair?

Broader Context

This case is not isolated. Rebekah Armstrong, head of advocacy and justice at World Vision New Zealand, estimates that up to 400 Palestinians in New Zealand are desperately trying to bring family members to safety, which some of them have now been murdered. However, the New Zealand government has not responded to requests for a special humanitarian visa pathway. The situation is further complicated by the strict border controls in Gaza, making it difficult for individuals to exit the region even if visas are granted. The Ministry of Foreign Affairs and Trade (MFAT) has noted that special considerations are only given to spouses and children under 24, excluding many family members like Nael Abusaleh's mother, who also remains in Gaza.

^[12][Kiwi Palestinians struggling to get families out of Gaza](#)

Statistics

Out of 165 applications submitted to bring family members out of Gaza, only 102 have been granted, highlighting a significant gap between the need and openness for grants [13]. The stories underscore a broader call from the Palestinian community and advocacy groups for the New Zealand government to implement a more compassionate and flexible visa policy, considering the humanitarian crisis in Gaza and the strong family ties of many Palestinians in New Zealand. The lack of effective action and the stringent visa criteria continue to leave many Palestinian families separated and in perilous conditions.

Immigration New Zealand's Response

Immigration New Zealand (INZ) has established several processes in response to the conflict between Israel and Hamas:

- **Visitor Visa Applications:** All visitor visa applications from Palestinian and Israeli passport holders are processed in the same office.
- **Dedicated INZ Mailbox:** A dedicated INZ mailbox is available for prioritising applications from these regions.
- **Consular Assistance:** The New Zealand Embassy in Cairo provides consular assistance to New Zealand citizens and residents attempting to leave Gaza. So far, 26 New Zealand citizens and permanent residents have been assisted to leave Gaza.

New Zealand Response on Middle Eastern Politics

Nuclear Non-Proliferation

New Zealand has a history of making independent and principled decisions, even when it means going against the wishes of powerful allies. This tradition, exemplified by its nuclear-free stance and opposition to the Iraq invasion, provides a strong foundation for taking a more assertive position on Palestine. By adhering to its core values and speaking out against injustices, New Zealand reinforces its reputation as a nation that does not bow to international pressure but stands firm in its commitment to what is right.

Respect towards United Nations Charter and Security Council

The United Nations Security Council Resolution 2334, passed on December 23, 2016, condemned Israeli settlements in the occupied Palestinian territories as illegal under international law and called for an immediate halt to settlement activities, stressing the necessity of a two-state solution based on the 1967 borders through negotiations. The resolution, which reaffirmed that territory cannot be acquired by force and urged both parties to prevent violence and pursue peace, prompted significant international reactions, particularly from Israel, which recalled its ambassadors to New Zealand and Senegal and threatened to cut aid to these countries.

[13][Kiwi-Palestinians trying to get family out of Gaza left confused by Government's mixed messages](#)

Despite this, New Zealand's Foreign Minister, Murray McCully, defended the vote, asserting it was consistent with New Zealand's long-held support for the two-state solution and commitment to fairness. He rejected claims that the resolution predetermined negotiations or altered the legal status of the West Bank, emphasizing New Zealand's commitment to peace and the international community's role in achieving it. This action reflects New Zealand's broader history of principled foreign policy, such as banning nuclear-powered ships and opposing the Iraq invasion, reinforcing its reputation as a moral leader on the global stage.

Comparative International Visa Policies

Countries such as Australia, Canada, the United States, and the European Union have responded more decisively to the conflict between Israel and Palestine by implementing either special visa pathways and/or providing significant humanitarian aid. In contrast, New Zealand has yet to introduce a dedicated visa pathway for Palestinians, despite similar international actions.

Australia

- Tourist Visas: Approximately 1,300 Palestinians have arrived in Australia on tourist visas since the conflict began, out of 7,000 applications. About 2,400 applications have been approved, while 4,600 have been rejected, amounting to a 60% rejection rate[14]
- Temporary Visas: Australia has provided temporary humanitarian stay visas for 4,877 Ukrainians between April and July 2022, with fewer than five rejections[15]. For Palestinians, a bridging visa E pathway has been established, granting access to Medicare and work rights but not to humanitarian settlement programs.
- Financial Support: The Australian Government is providing \$3 million for emergency financial assistance to people from significantly affected areas of Israel and the Occupied Palestinian Territories. This includes an additional \$1 million added in 2024-25, bringing the total to \$3 million. Assistance is provided through the Australian Red Cross in the form of cash payments or vouchers for food, medicine, and shelter[16]
- Approval Rates: By August 2024, Australia had granted around 8,700 visas to Israeli citizens and 2,922 to Palestinians. By mid-2024, about 1300 Palestinian refugees had arrived on visitor visas.[17]
- Australia's New Visa: Australia is finalising a new visa policy that will allow about 1,300 Palestinians to remain in the country for an extended period. Most of these Palestinians entered on three-month visitor visas, which required them to prove their intent to return to Gaza. With the ongoing conflict, Australia is exploring options for new visas, potentially including Safe Haven visas or permanent protection. [18]
- Australia's \$15 million aid package, which includes funding for humanitarian partners in Gaza. The aid aims to provide food, water, and medical supplies, as well as logistical support for aid delivery [19].

[14] [Legal and Constitutional Affairs Legislation Committee_2024_05_29.pdf;fileType=application/pdf \(aph.gov.au\)](#)

[15] [Pressure grows to end 'double standard' on Australian visas for Palestinians fleeing conflict | Australian immigration and asylum | The Guardian](#)

[16] [Hamas-Israel Conflict: Visa Support and financial assistance](#)

[17] [Immigrant Health Service : Palestinian refugees - key issues \(rch.org.au\)](#)

[18] [Over 1,300 Palestinians to Benefit From Australia's New Visa](#)

[19] [2023 Israel-Hamas conflict: UK and international response](#)

Canada

- **Temporary Resident Pathway:** Canada has implemented a temporary resident pathway for extended family members of Canadian citizens and permanent residents in Gaza. This includes a cap increase from 1,000 to 5,000 applicants.[20]
- **Support Services:** The program allows eligible family members to apply for study permits or open work permits and offers initial health coverage and settlement services. As of August 24, 2024, 673 temporary resident visas have been approved for Palestinians outside of Gaza. Additionally, 478 individuals who left Gaza on their own have been approved, and 209 have arrived in Canada under the special temporary residency program[21]

4. Legal and International Obligations

Responsibilities and legal consequences

The International Court of Justice (ICJ) has outlined the responsibilities of member states in response to Israel's internationally wrongful acts within the Occupied Palestinian Territory, including East Jerusalem. These responsibilities are based on international law, specifically in cases where obligations erga omnes, which concern all states, have been violated. Israel's actions breach several such obligations, including the Palestinian people's right to self-determination and the prohibition of the acquisition of territory by force.

According to international law, states are under an obligation not to recognise any changes to the status of the Palestinian territories occupied by Israel since 1967, including East Jerusalem. The ICJ emphasises that member states must not recognise Israeli sovereignty over these territories, except through agreements reached via negotiations between the parties. This non-recognition principle applies to Israel's efforts to alter the physical, demographic, or institutional characteristics of these regions. States must ensure that any agreements with Israel do not imply recognition of Israel's sovereignty over these territories. New Zealand, for instance, has a strong history of adhering to international law. Its stance on Ukraine, which is based on preserving a rules-based international system, is an example of its commitment. Similarly, the ICJ's rulings on Israel's actions, such as those in Rafah, show clear breaches of international law. New Zealand, in line with its position on Russia's aggression in Ukraine, could use these rulings to justify stronger support for Palestinian rights and demand that Israel comply with ICJ decisions[22].

The ICJ has established that states must avoid entering into treaties or agreements with Israel concerning the Occupied Palestinian Territory, as such agreements would imply recognition of Israel's illegal presence. This includes abstaining from treaty relations in cases where Israel purports to act on behalf of the Occupied Palestinian Territory. Moreover, states must refrain from economic and diplomatic dealings with Israel concerning these territories, as such activities could entrench Israel's unlawful occupation.

States are required to prevent any economic or trade relations that might assist Israel in maintaining its unlawful presence in the Occupied Palestinian Territory. This includes preventing investment, trade, or economic activities that could support Israel's settlement policies, resource exploitation, or infrastructure development in the occupied territories. In addition, states should ensure that their diplomatic relations and presence in Israel do not extend to the Occupied Palestinian Territory. In New Zealand's case, it must remain cautious with any agreements or legislation that could conflict with its numerous international obligations. New Zealand is party to several treaties covering issues such as human rights, trade, and refugees. Non-compliance with these treaties could harm its international reputation and result in sanctions. Therefore, maintaining a consistent stance against Israel's occupation aligns with New Zealand's foreign policy of supporting international law and multilateralism.

[22][New Zealand to back Ukraine at International Court of Justice](#)

All states are bound to uphold international humanitarian law, as codified in the Fourth Geneva Convention, the UN Charter, and decisions by the International Criminal Court. In particular, member states are obligated to ensure that Israel complies with these laws in its treatment of the Palestinian population and the administration of the Occupied Palestinian Territory. This includes prohibiting aid or assistance that supports Israel's illegal actions in the Occupied Palestinian Territory. New Zealand is already party to several core international human rights treaties, and by adhering to these, it is required to respect, protect and promote human rights both domestically and abroad[23].

For decades, New Zealand has built its foreign policy on the belief that small states like itself need the protection of international law to ensure security and fairness. Norman Kirk, former Prime Minister of New Zealand, once wrote: *"If small states are to have any sense of security from the use of force against them by more powerful states, it is essential that recourse to law, or some comparable form of impartial arbitration, should become the accepted method of peacefully settling international differences"*.

Around 80 years ago, New Zealand supported the compulsory jurisdiction of the ICJ at the San Francisco Conference, reinforcing its dedication to a rules-based international order. This commitment to the rule of law provides New Zealand with a principled basis for its decisions and actions on the global stage. By urging Israel to comply with ICJ rulings, New Zealand can remain true to its values and foreign policy traditions, just as it has done with Ukraine.

5. Recommendations

Special Purpose Visa:

- Proposal for a special visa category for Palestinians affected by the conflict in Gaza.

We propose that Immigration New Zealand implement a special purpose visa mechanism for Palestinians who have family in New Zealand and are affected by the conflict in Gaza. Like the case of Ukraine, applications can be conducted via New Zealand based nomination of family members. Applicants must be responsible to provide as accurate health and character requirements, based on immigration guidelines (provided from RealMe).

Sponsorships:

A sponsor is defined as an entity that can cover one's expenses in accommodation, maintenance cost for clothing and food, and healthcare. As of the 11th of August 2024, Immigration New Zealand currently accepts EOIs for eligible/acceptable sponsors. Family members can be considered as sponsors.

- An eligible New Zealander with family members in Gaza can nominate their family, whose relationships include from:
 - Parents
 - Grandparent
 - Sibling
 - Aunt or uncle
 - Niece or nephew
 - Grandchild
 - First cousin

Nominees can attach their partners/children/parents within their visa applications

Processing Time:

Considering the crisis at hand, processing time (since the time of application) should be around 4-6 weeks. This provided timeframe is sufficient for considerations from INZ's officers to ensure that applicants meet the requirements to reside in New Zealand.

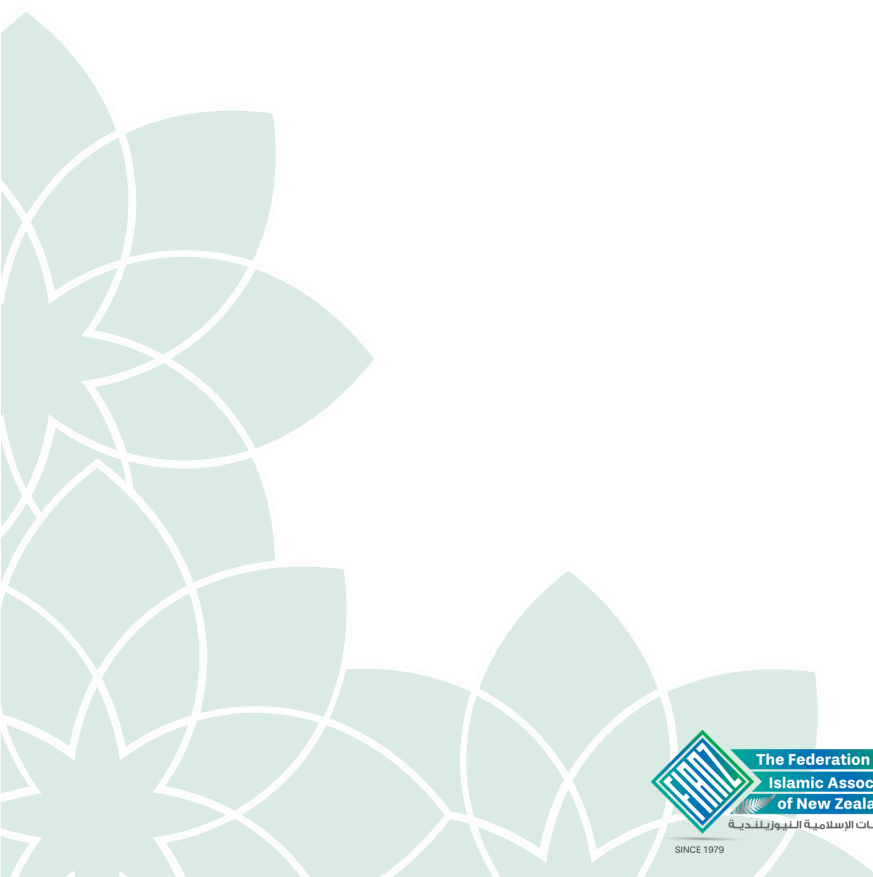
- Suggestions for aligning New Zealand's policies with international legal obligations.
- We ask for a pricing that takes in consideration of time and resources that are currently available.

6. Closing Statement

New Zealand stands at a critical juncture where its response to the humanitarian crises in Gaza and Ukraine reveals a troubling disparity. While the country has demonstrated commendable solidary and swift action in support of Ukrainians, the lack of a similar humanitarian visa pathway for Palestinians fleeing Gaza underscores a significant gap in its commitment to global humanitarian principles.

New Zealand's historical stance on human rights and international justice compels it to address this inconsistency. By extending a Special Purpose Visa to Palestinians, akin to the support offered to Ukrainians, New Zealand can reaffirm its dedication to protecting those affected by conflict and genocide. This move would not only align with the nation's values of compassion and justice but also honour its obligations under international law.

The stark contrast in the treatment of visa applications from Israeli and Palestinian nationals highlights the need for a more balanced and humane approach. Implementing a special visa category for Palestinians would ensure that New Zealand's immigration policies reflect its longstanding commitment to humanitarianism and international solidarity. As global citizens, it is imperative for New Zealand to act decisively and compassionately, offering refuge to those in dire need and reinforcing its role as a principled leader in global humanitarian efforts.





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