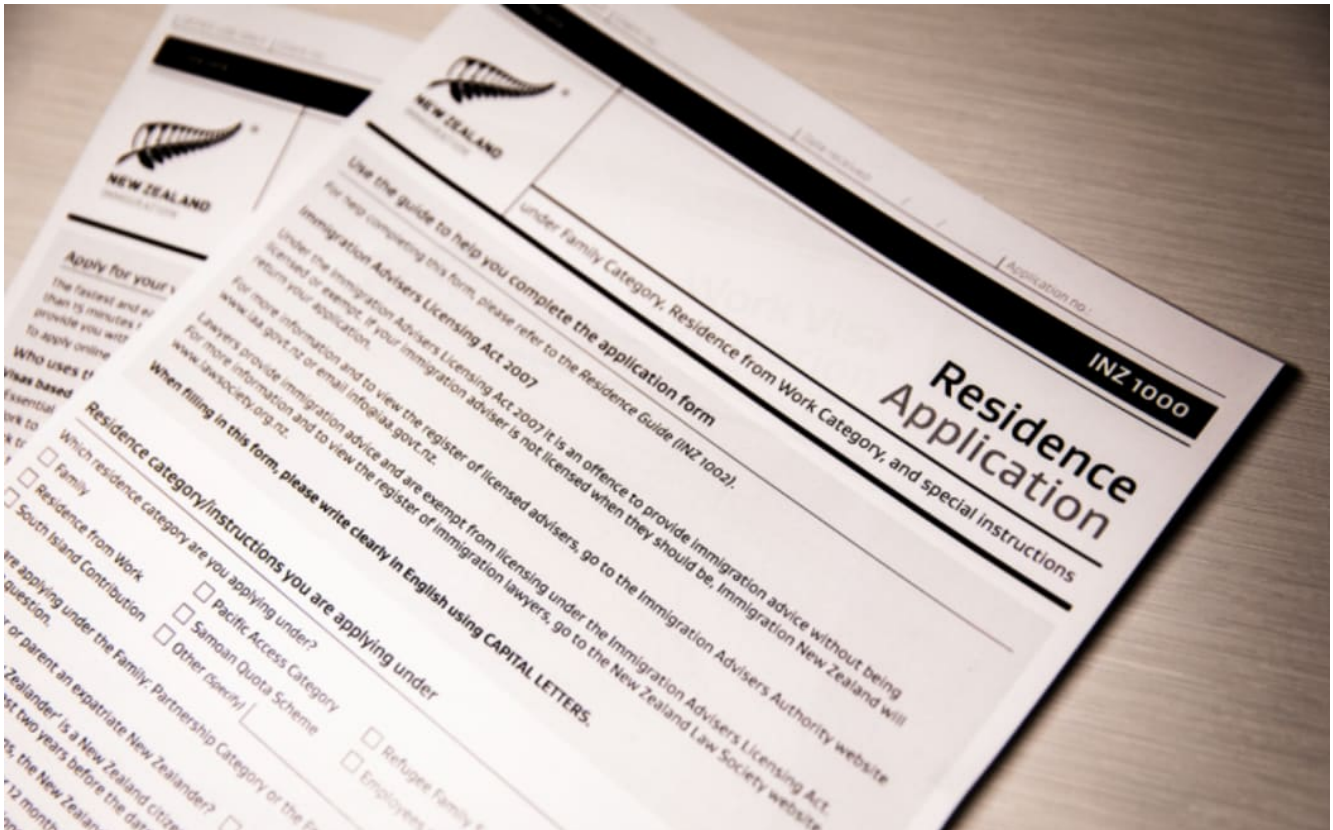


NEW ZEALAND (/NEWS/NATIONAL) / POLITICS (/NEWS)

Dawn raid tactics still happening, despite government apology

12:50 pm on 2 May 2023



In a statement, Immigration NZ said it was rare for officers to show up early in the morning. Photo:

P The government is investigating the case of a Pasifika overstayer who was detained after a dawn raid in South Auckland last week.

The man's lawyer, Soane Foliaki, said police showed up at 5am, scaring his children and taking him into custody - and though Immigration NZ has disputed the timing, it has admitted the early morning raid was not a one-off.

Two years ago the government apologised for the infamous dawn raids of the 1970s (<https://www.rnz.co.nz/news/national/448235/ardern-gives-formal-apology-on-behalf-of-government-for-dawn-raids>), and Prime Minister Chris Hipkins said he did not expect them to be happening any more.

"That does concern me. Those aren't the sorts of tactics that I would expect us to be using in New Zealand."

Hipkins said he had assurances no ministers were aware of what was going to happen, and Associate Immigration Minister Rachel Brooking is reviewing the man's case.

In a statement, Immigration said it was rare for officers to show up early in the morning, and in this case the decision was approved by the national manager of compliance.

It said of the 623 "customers" it "interacted with" between last July and the end of April, just 3 percent - about 18 or 19 - were contacted "outside of hours". The "vast majority" of visits were carried out between 7am and 9pm.

Foliaki was there when then-Prime Minister Jacinda Ardern delivered the historic apology, and said Pasifika would be disgusted to find out the tactics were still being used.

He said the family were still asleep, the children - staying downstairs in the two-storey rental - the first to hear people banging on the door, and covering potential "escape routes" their dad might take.

"They were terrified ... and crying and very, very upset and scared," he told *Morning Report* on Tuesday.

"And the parents heard it from upstairs - it was that loud - and they looked out the window from upstairs and saw that it was police. So they ran downstairs to try and calm the children."

Their father was taken to the Manukau Police Station.

Immigration NZ told RNZ officers showed up at 6am, not 5am. Early morning visits are paid when Immigration does not believe the person will be home during the day.

"Look, I don't believe that at all," Foliaki said. "My instructions from my client was quite clear - it was at 5am. The chap, he works as a construction worker and he said, you know, if it was at 6am he would have left the house by then already..."

"Early in the morning is one thing - coming in the cover of darkness is another thing."

Foliaki said at this time of year, 6am would still be "coming in the cover of darkness".

"This raid was no different from any other raid in the '70s."

Manase Lua who remembers as a child the dawn raids on his community said the revelations were "absolutely appalling".

"We need to put a stop to it ... it's impacting children, children are being terrified at police raiding them at dawn.

"We thought those days were over but obviously it's not."

When he heard former prime minister Jacinda Ardern's apology two years ago he was expecting a substantial announcement such as a pathway to residency for overstayers but instead all they got was the setting up of some scholarships.

"What a great opportunity to do that during a pandemic yet there was no announcement to help people who were already here needing pathways to residency... Some of them are working and contributing to the tax base so that's what we were looking for. It was a lost opportunity."

He said the Tongan man who was arrested was not a criminal and all he had done was not fill out a form to extend his visa.

The irony was that Tongans were singled out in the 1970s and they appeared to be the current targets as well.

Hipkins was flying out of the country today to attend King Charles' coronation in the UK. In his place Deputy Prime Minister Carmel Sepuloni, herself the daughter of a Samoan migrant (<https://www.rnz.co.nz/national/programmes/the-house/audio/2018808155/mps-on-the-dawn-raids>), told *Morning Report* she was "deeply concerned" by the lawyer's claims.

"Dawn raids were of course a very traumatic experience for our Pasifika communities, and we don't want our Pasifika communities to have to relive that. So, we do need to ask questions here, and I have confidence in the minister for immigration asking the right questions with regards to what's going on."

Immigration's admission it has carried out about 18 or 19 out-of-hours visits did not render the government's historic 2021 apology hollow, Sepuloni insisted.

"But what we need to make sure of is that we are not retraumatizing the Pacific community by this type of activity, and so we're asking the right questions and we will be following this closely."

Foliaki said at the time, he thought Ardern's apology was "very, very genuine" and "humbling".



Deputy Prime Minister Carmel Sepuloni. Photo: RNZ/ Samuel Rillstone

The 1970s dawn raids overwhelmingly targeted Pasifika - while they made up only a third of overstayers, they accounted for 86 percent of all prosecutions (<https://teara.govt.nz/en/immigration-regulation/page-6>). US and UK citizens made up another third of overstayers, but only 5 percent of prosecutions.

Foliaki said it was not clear if the modern-day dawn raids are racially motivated, but would like to get figures via the Official Information Act.

"Of the 18 raids, if they happened in the dark, how many of them were European and how many of them were Pacific? We don't know... If it comes out that there is more Europeans and [non-Pasifika] who are illegally in this country and we have a high figure and nothing at all of these rates happening with the Europeans, of course, we're gonna say that it's racist."

He said his client was the family's "breadwinner", and has been "in a relationship for some years with a New Zealand citizen, and who is looking after children", so has a pathway to residency.

"Ministers of immigration have [said] in the past, if they have a pathway forward, let them test their eligibility for residency by granting them a temporary visa...

"We have a convention for the rights of the children (<https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/uncroc>) - we're supposed to protect the family, protect the children, don't harm them. You know, removing dads and breaking up family units like this is just absolutely, it's against a convention for which we are a party."