



**New Zealand House of Representatives**  
Te Whare Māngai o Aotearoa

## **Petitions Committee**

Komiti Whiriwhiri Take Petihana

54th Parliament  
November 2024

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# **Petition of Muhammad Dahlan: Create a special visa for Palestinians in Gaza who have family members in NZ**

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Presented to the House of Representatives  
by Greg O'Connor, Chairperson

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# Petition of Muhammad Dahlan

## Recommendation

The Petitions Committee has considered the petition of Muhammad Dahlan—Create a special visa for Palestinians in Gaza who have family members in NZ—and recommends that the House take note of its report.

## Request for a special visa for Palestinians in Gaza

The petition was presented to the House on 21 December 2023. It requests:

That the House of Representatives urge the Government to create a temporary special category visa for Palestinians in Gaza who have family members in New Zealand.

## Background to this petition

The background to this petition is the Israel-Hamas conflict in Gaza. On 7 October 2023, Hamas made terrorist attacks on Gaza in which over 1,000 Israelis and foreign nationals were killed. Following these attacks, tens of thousands of Palestinians have been killed and around 1.9 million displaced by Israel's military response in Gaza.

## Comments from the petitioner

The petitioner, Muhammad Dahlan, is a Palestinian New Zealander with family members still living in Gaza. He was supported in his oral submission by Katrina Mitchell-Kouttab, also a Palestinian New Zealander.

## The petitioner's family's experience in Gaza

The petitioner said “unprecedented death toll and destruction” is occurring in Gaza. Mr Dahlan's family lived in the northern suburb of Sudaniya in Gaza for 17 years, before their home was bombed early in the conflict. He told us his family moved to Alzahra, and then were ordered to move further south so they moved to his mother's family home in Khan Yunis, where his father died in the bombing of another building on 31 October 2023.

Mr Dahlan's surviving family members were then ordered to move further south to Rafah, where they have been living in tents. He said they have “no water, no food, no safe place, no medical supplies, no sense of security or safety”. The petitioner said, “Gaza is not a viable place to live in.” He said many people have lost their lives, but also their histories, stories, and all their possessions, including photos and personal documentation.

The petitioner began his petition when he was striving to bring his teenage sons to New Zealand from Gaza.<sup>1</sup> By the time of our hearing in July, his sons had arrived and had been living in New Zealand for a month. He warmly thanked the staff of Immigration New Zealand and the Ministry of Foreign Affairs and Trade for issuing visas and assisting his children to

<sup>1</sup> Stuff, *'I am living in fear all the time': A father's desperation to save his sons from Rafah*, 28 February 2024.

cross the border to leave Gaza. However, he continues to be deeply concerned about his remaining family members in Gaza. He told us that the suffering and helplessness of Palestinians in New Zealand unable meet their needs of their families in Gaza is leading to ongoing, prolonged trauma.

### **Special visa category**

The petitioner is seeking the creation of a special type of visa for Palestinians in Gaza who have family members in New Zealand. He told us that the existing visa categories are “not fit for purpose” in the context of the war. He sees a model in the Special Ukraine Visa created after the invasion of Ukraine by Russia in 2022.<sup>2</sup> This has enabled New Zealand citizens or residents born in Ukraine to sponsor Ukrainian family members and their immediate families to apply for a 2-year temporary visa.

Mr Dahlan said the family members of Palestinians in New Zealand are skilled and hard workers, and would be assets to New Zealand. Family members include doctors, engineers, accountants, masons, electricians, and tradies, he said. He asked that the Government adopt a pathway to give Palestinian families legal status to live in New Zealand indefinitely.

### **Responses by similar countries**

The petitioner told us that other countries, including some of New Zealand’s traditional allies, have been able to develop visa pathways that have helped Palestinians find refuge outside Gaza. He told us his sister-in-law’s whole extended family had been able to resettle in Australia, while an aunt had been granted entry to Canada. He said the visa schemes developed in Australia and Canada were pragmatic and humane.

### **Comparison with the Ukraine response**

Mr Dahlan said New Zealand has always been to the forefront of humanitarian responses to crises around the world. “Humanity runs in our Kiwi veins, and it is something we are proud of.” However, he is disappointed that the Government has not developed a specific immigration response for Palestinians as it did for Ukrainians.

Ms Mitchell-Kouttab said New Zealand, historically, has had a good reputation for independent foreign policy and humanitarian responses to global conflicts. She said it was distressing, not just for Palestinians but also for many other New Zealanders, that a special visa was created for Ukrainians within weeks, while New Zealand has taken months to consider requests for a similar immigration pathway for Palestinians. She told us, “We don’t understand why the same humanity has not been awarded to the Palestinian people.”

We asked what response the petitioner had to the Minister of Immigration’s comment that providing special visas to Palestinians in Gaza would risk giving them “false hope”.<sup>3</sup> Mr Dahlan said the Australian and Canadian responses are giving people real hope and real options. Ms Mitchell-Kouttab told us the Canadian response recognises the difficulty people have crossing the border to leave Gaza now, but grants visas so that people will be ready to leave once it is possible to get out.

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<sup>2</sup> Information about the special Ukraine visa is [available on the New Zealand Immigration website](#).

<sup>3</sup> Newsroom, [‘Palestinian activist ‘perplexed’ by minister’s special visa argument](#), 2 May 2024.

Mr Dahlan said he is seeking both a visa pathway and ongoing consular assistance from the Ministry of Foreign Affairs and Trade to help people cross the border. He asked that a visa pathway be created also for those Palestinians who have managed to cross the border and are now living informally in neighbouring countries such as Egypt.

### **Barriers in the New Zealand visa application process**

We asked what barriers Palestinian applicants for New Zealand visas face, and how immigration processes would need to be adapted for people applying from a war zone.

#### **Documentation**

Mr Dahlan said that when his family's home was bombed, they lost all their possessions, including all documentation such as birth certificates. He said visa requirements need to be changed to reflect this, and that proving people's identities could be done in other ways. He said the Australian Government had accepted photos of relatives as proof of identity and family connection.

#### **Definition of family**

The petitioner and Ms Mitchell-Kouttab said the definition of family was too narrow. The New Zealand Immigration Service and the Ministry of Foreign Affairs and Trade are prioritising spouses and dependent children. However, the petitioner told us that Palestinians in New Zealand are also deeply concerned for parents, grandparents, siblings, nieces and nephews. Mr Dahlan asked us, "Why could Australia get everyone from my sister-in-law's family to Australia when I can't get my sisters here?"

#### **Cost**

Mr Dahlan told us the amounts required as proof that Palestinian New Zealanders can support their relatives were prohibitively high. Ms Mitchell-Kouttab said applicants need to show in advance that they have at least \$1,000 a month available to support family members, rising to \$9,000 for a pregnant relative.

#### **Departure dates**

The petitioner said applicants must show they can leave Gaza within a certain period of time. Ms Mitchell-Kouttab said it is impossible to apply these standards to people living in Gaza's current conditions.

### **Support from New Zealanders**

Mr Dahlan told us he is grateful for the overwhelming support shown by New Zealanders and New Zealand organisations to Palestinian New Zealanders. He said there is no shortage of non-governmental organisations offering to help Palestinians arriving in New Zealand. The petitioner also acknowledged humanitarian support given by the New Zealand Government to Gaza since the start of the conflict.<sup>4</sup>

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<sup>4</sup> New Zealand has announced five tranches of support to the humanitarian response, totalling \$22 million. This includes contributions of \$10.5 million to the World Food Programme (WFP); \$5 million to the International Committee of the Red Cross (ICRC); \$4.5 million to the United Nations Children's Fund (UNICEF); and \$2 million to the United Nations 2720 Mechanism for Gaza. More information is available on the [website of the Ministry of Foreign Affairs and Trade](#).

## **Comments from the Ministry of Business, Innovation and Employment**

The Ministry of Business, Innovation and Employment said the focus of the New Zealand Government has been on assisting New Zealanders out of Gaza. This includes citizens and permanent residents, and their immediate families.

The New Zealand Refugee Quota Programme is the principal way New Zealand assists people from areas of the world experiencing war and conflict. However, the quota programme cannot assist the resettlement of people still living inside Gaza's borders.

### **New Zealand's response to refugees**

In 2024 the UN Refugee Agency (UNHCR) estimates that approximately 2.5 million refugees, out of 130 million displaced and stateless people globally, will require resettlement to third countries from their country of asylum. The New Zealand Refugee Quota Programme accepts 1,500 refugees a year.

Decisions about the quota allocation are made every three years. This includes deciding on the number of places allocated under each regional allocation (Africa, Americas, Asia–Pacific, and Middle East). The Ministers of Immigration and Foreign Affairs also determine annually the allocation of 200 places for large-scale emergencies. In 2023/24 these places were allocated to Syrian refugees from the Middle East and Rohingya refugees from Asia–Pacific.

### **People in Gaza are not eligible for resettlement under the Refugee Quota Programme**

The ministry noted that the 1951 United Nations Convention relating to the Status of Refugees requires that a person is outside the country of their origin to be recognised as a refugee. The Refugee Quota Programme does not resettle people who are internally displaced within their own country. In addition, the United Nations refugee agency (UNHCR) does not have a mandate to work within the area covered by the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNWRA).

Depending on their resettlement needs, UNHCR can resettle Palestinian refugees to third countries when they have sought asylum outside their country of origin and also outside areas covered by UNWRA. Between 2011/12 and 2023/24 New Zealand resettled 345 Palestinian refugees through the Refugee Quota Programme.

Being granted a visa does not guarantee a person's exit out of Gaza. Agreement from both Egyptian and Israeli authorities is required before a person can leave Gaza. This process is managed by the Ministry of Foreign Affairs and Trade.

The ministry said that the international community is focused on seeking to resolve the Israel-Hamas crisis and provide humanitarian aid, rather than on the resettlement of the Palestinian population.

### **Advice to the Minister**

We requested and received a copy of the advice provided to the Minister of Immigration about a special visa for Palestinians with family members in New Zealand.

The advice noted a call at the 2023 Global Refugee Forum held in Geneva not to allow the Israel-Hamas war to turn into a refugee crisis. The focus at the forum was rather on establishing a ceasefire, providing humanitarian aid, and ensuring humanitarian conduct in the war.

### **New Zealand's immigration responses to international crises**

The advice outlined that, in general, New Zealand's immigration response to international crises has focused on:

- a "sympathetic approach" to people in New Zealand on temporary visas, while maintaining the expectation that, unless they meet residence criteria, people will eventually leave
- work with the international community to meet the needs of displaced people primarily through the Refugee Quota Programme.

In recent years, bespoke New Zealand immigration responses to international crises have been created for Afghanistan and Ukraine. However, New Zealand has not provided specific targeted responses for other international humanitarian crises, such as those in Sudan, Myanmar, and Syria.

### **Canada and Australia visa responses**

The advice noted specific responses by Canada and Australia:

- Australia has issued temporary visitor visas to Palestinians under an existing visitor category; 2,100 visas were issued between the start of the conflict and 11 December 2023.
- Canada introduced a new temporary visa pathway for extended family members in Gaza of Canadian citizens and permanent residents, with a cap of 1,000 places.
- The United States introduced visa-free travel for eligible Israeli citizens and nationals, and deferred deportation of certain Palestinians present in the United States.

### **Limitations on people's ability to leave Gaza**

The exit process from Gaza requires approval from Israeli and Egyptian authorities and sponsorship from a foreign government. The advice noted that applying to leave Gaza is a complex process, and the New Zealand Government is providing consular support only to New Zealand citizens and residents and their immediate family members. The requirements include proof of financial means to pay all transport costs, and travel plans to leave Egypt within 72 hours of crossing the border.

The advice noted "practically insurmountable barriers and immense risks to Palestinians leaving the region". It also noted that resettlement is not a humanitarian measure accepted by many Palestinians.

### **Consideration of a bespoke pathway for Palestinians**

Some modelling was undertaken in February 2024 as part of consideration of a specific pathway for Palestinians with relatives in New Zealand, the advice shows. Numbers were calculated on the understanding that there were between 709 and 1,000 Palestinians living in New Zealand as citizens or residents. It was estimated that this could result in applications

for 1,063 immediate family members, 1,772 extended family members, or 3,545 family members based on an average Palestinian household size.

### **Adaptations made for applicants from Gaza**

In general, applicants for a visitor visa must satisfy an immigration officer that they are a “bona fide” visitor who does not intend to stay permanently in New Zealand. The advice notes that the bona fide requirement for a visitor visa is one of the main barriers for applicants from Gaza. All approved visitor visa applications from people in Gaza have been approved as an Exception to Instructions (ETI).

Immigration New Zealand has waived some requirements for documentary evidence, or has accepted alternatives, as part of the application process, according to the advice. It was acknowledged that the Palestinian community in New Zealand has expressed support for making visas easier to obtain, despite the difficulties of crossing the border.

### **Setting a precedent**

The advice noted that the Minister would need to consider the implications of introducing a new visa pathway in an international humanitarian crisis, in terms of setting a precedent.

## **Comments from the Ministry of Foreign Affairs and Trade**

The Ministry of Foreign Affairs and Trade’s usual consular practice is to help New Zealand citizens and permanent residents, as well as immediate family members of New Zealand citizens and residents travelling together as a group. Immediate family members are defined as spouses, dependent children up to the age of 24, and parents of adult children with disabilities.

The ministry told us that it had extended its consular assistance to include immediate family members of New Zealand citizens and residents based in New Zealand, who also:

- are Palestinian residents
- hold a New Zealand visa or an appropriate visa to enter another country
- have financial proof to pay onwards travel and accommodation costs, and have onwards plans to leave Egypt within 72 hours of crossing the border.

The ministry said New Zealand’s response had been constrained by the exit approval process at the Gaza–Egypt border. The ministry said Israel is supporting only “foreign nationals and their first-degree relatives” to leave Gaza. This is the same group being prioritised by New Zealand consular assistance. The ministry said nothing stops a State from seeking exit approvals for a broader group of people for humanitarian reasons. However, it said other countries have been asked by Israel whether their applications meet Israel’s requirements.

The ministry said other countries are also experiencing the same or similar difficulties assisting individuals who are not citizens or residents of their country, nor “first-degree” relatives of their citizens or residents.

## Our response to the petition

We thank Mr Dahlan for bringing his petition, and for sharing the experiences and feelings of the Palestinian community in New Zealand with us. We take this opportunity to remember the concerns expressed by the House of Representatives at the situation in Israel and Gaza in the first motion debated by the 54th Parliament on 7 December 2023.<sup>5</sup> We thank officials from Immigration New Zealand and the Ministry of Foreign Affairs and Trade who assisted Mr Dahlan's twin sons to leave Gaza and travel to New Zealand earlier this year.

We understand from the petitioner that the New Zealand Palestinian community seeks a special visa for family members in Gaza, based on the temporary entry programme introduced for Ukrainians following the invasion by Russia in 2022. We heard the petitioner's pleas, on behalf of his community, that a similar bespoke pathway be developed for Palestinians who wish to leave Gaza.

We note the concerns expressed in the advice to the Minister that there are implications in setting a precedent for a new visa pathway in a humanitarian crisis. However, we observe that a precedent has already been set by the Special Ukraine Visa, and that the New Zealand Palestinian community is not alone in asking for this to be applied to their specific humanitarian needs. For example, members of the Myanmar community in New Zealand also petitioned the 53rd Parliament in 2023 asking for a similar pathway for members of their community.<sup>6</sup>

We also appreciate that other forms of humanitarian immigration entry do not currently provide for resettlement of people from Gaza. In summary:

- internally displaced people within Gaza are not recognised as refugees by the international community, are not eligible for assistance from UNHCR, and therefore are not able to be resettled under the New Zealand Refugee Quota Programme
- the Refugee Family Support Category provides a pathway for people living in a humanitarian crisis only when the New Zealand sponsors themselves arrived here as refugees; also, applications are currently open only for people without any other relatives in New Zealand<sup>7</sup>
- the Community Refugee Sponsorship programme currently only provides for sponsorship of UNHCR mandated refugees, which does not include internally displaced people in Gaza.<sup>8</sup>

Australia and Canada have granted special visitor visas for people from Gaza with connections to their countries. We note the information given in the advice to the Minister that, similarly, most visas approved for Palestinians to enter New Zealand since the start of

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<sup>5</sup> [Thursday, 7 December 2023 - Volume 772 - New Zealand Parliament \(www.parliament.nz\)](https://www.parliament.nz)

<sup>6</sup> Foreign Affairs, Defence and Trade Committee of the 53rd Parliament: [Petition of Democracy For Myanmar Working Group New Zealand: Emergency rescue for Myanmar refugees \(family members of New Zealand residents\)](#), May 2023.

<sup>7</sup> More information on the Refugee Family Support Category is available on the [website of New Zealand Immigration](#).

<sup>8</sup> More information on Community Refugee Sponsorship is available on the [website of New Zealand Immigration](#).

the conflict have been on visitor visas granted as an Exception to Instructions. We welcome the work that has enabled the granting of those visas.

We acknowledge that any form of humanitarian immigration—whether through the Refugee Quota Programme, special temporary visas, family reunification, or community sponsorship—can only provide for a tiny percentage of the millions of people around the world who are displaced by war, conflict, and human rights abuses. We recognise that New Zealand needs to continue to use diplomatic channels to advocate for an end to the conflict, and to provide humanitarian aid for the many people in Gaza for whom immigration to New Zealand may never be an option.

### **National Party view**

We recognise that temporary visas, as provided to families of Ukrainian New Zealanders, are unlikely to be a realistic solution in circumstances where people may never be able to return to their homes. We do not wish to see people deported to war zones or refugee camps when temporary visas expire.

We note that people's ability to leave Gaza depends not only on New Zealand immigration settings but also on approval from Israeli and Egyptian authorities to cross the border. We therefore believe the accommodations made by Immigration New Zealand and the Ministry of Foreign Affairs and Trade to assist immediate family members of Palestinians are appropriate. We expect these to continue. We encourage the ministries to continue to monitor the situation and to identify any further opportunities to reunite Palestinian New Zealanders with family members in Gaza.

### **Labour Party view**

We recognise that there are many similarities between family members of Palestinians living in New Zealand and family members of Ukrainians living in New Zealand. We acknowledge that all New Zealanders with relatives in war zones experience intense concern and anxiety about the wellbeing of their families, regardless of their national or ethnic origin.

Uncertainties about the timing of an end to conflict and the difficulties of returning to their homes apply to Ukrainians granted temporary visas as well as to Palestinians. Nevertheless, a modified visitor visa was the solution offered to Ukrainians with family members in New Zealand, and we think it is also a valid option for Palestinians with family members here.

Special circumstances exist for Palestinians. Other humanitarian pathways to New Zealand provided for people displaced from war zones depend on recognition of refugee status by UNHCR. (These pathways include the Refugee Quota Programme, Refugee Family Support Category, and Community Refugee Sponsorship Programme.) Palestinians living in Gaza cannot achieve this recognition because they are unable to cross the border, and because UNHCR has no mandate to operate in regions covered by UNWRA. We consider that a precedent has already been set in the establishment of the Special Ukraine Visa in 2022. However, we do not think that providing similar arrangements for Palestinians in Gaza necessarily sets a further precedent, because of their unique circumstances. We urge the Minister of Immigration to create a temporary special category visa for Palestinians in Gaza who have family members in New Zealand.

We accept that once the numbers of individuals who will be eligible is determined, it may be necessary to impose a cap on the numbers, as has been instigated by Canada.

### **Green Party view**

The Green Party acknowledges the horrific crimes, including genocide, being undertaken by Israel in Gaza and across Palestine. We support immediately creating a visa scheme for Palestinians who have family in New Zealand, akin to the Special Ukraine Visa.

Palestinians are being left to languish in catastrophic conditions, deprived of food, water, medicine, and any hope. The current visa pathways are failing Palestinians who have few pathways to safety.

It took the New Zealand Government 19 days to implement a special visa for Ukrainians impacted by Russia's illegal invasion, and yet the war in Gaza has been going on for over a year with no visa. The demand in this petition could not be more urgent.

We hope for a near future where all Palestinians can exercise their right to return, unimpeded by occupation, war, and genocide, and can live in a just peace.

The New Zealand Government must stand in solidarity with all people in need, displaced by war and genocide, and extend a special visa pathway to Palestinians impacted by Israel's war in Gaza.

## **Appendix**

### **Committee procedure**

The petition was referred to us on 23 December 2023. We met between 29 February and 14 November 2024 to consider it. We received written and oral submissions from the petitioner, the Ministry of Business, Innovation and Employment, and the Ministry of Foreign Affairs and Trade.

### **Committee members**

Greg O'Connor (Chairperson)

Carl Bates

Kahurangi Carter (from 6 December 2023 to 8 May 2024)

Greg Fleming

Francisco Hernandez (from 8 May 2024)

Ricardo Menéndez March also participated in our consideration of this petition.

### **Related resources**

The documents we received as evidence in relation to this petition are available on [the Parliament website](#).

A recording of our hearing can be accessed online on [the Parliament website](#) (from 11:25).