

Shadow Report – New Zealand CERD Review

Submission to:

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The article can be published online.

Tena koe. To whom it may concern,

Ref: **Migrant bus drivers need to attain post-graduate level English for residency.**

In sum, even when technology developers and users do not intend for technology to discriminate, it often does so anyway. Technology is not neutral or objective. It is fundamentally shaped by the racial, ethnic, gender and other inequalities prevalent in society, and typically makes these inequalities worse.

Migrant bus drivers need to attain post-graduate level English for residency: in 2023, Auckland Transport announced an end to the city's bus driver shortage after a successful local and international recruitment drive. Now the New Zealand National Political Party's Coalition Government is rolling back protections for human rights—a right to employment and housing.

The Human Rights Act 1993 is a New Zealand law that prevents unlawful discrimination and protects human rights in various areas like employment, housing, and access to goods and services. The act makes it illegal to treat someone unfairly because of their sex, race, disability, age, sexual orientation, religious or ethical belief, marital or family status, or other protected characteristics. The law aims to promote equal opportunities, harmonious community relations, and the full enjoyment of human rights for everyone in New Zealand.

More and more migrant bus drivers, though, are at risk of missing out on a chance to gain residency as they struggle to meet Immigration New Zealand's strict English-language requirements. To qualify for a skilled residence visa, applicants must attain a score of at least IELTS 6.5 (general or academic) or exceed equivalent scores in tests such as TOEFL iBT (79), PTE Academic (58), B2 First (176) or OET (Grade B). However, several bus drivers have told Radio New Zealand the benchmark was unrealistic for their line of work, with some considering returning to their homeland. A language expert and an immigration advisor have echoed the concerns, warning that the rules not only put drivers' futures in jeopardy but could also lead to wider staffing pressures in the industry.

In daily life, the benchmark is lingo-racism. While you may not have heard of the practice, migrant bus drivers have been tackling the lesser known discriminatory technology for decades. Lingo technologies, such as IELTS, used by government agencies and private companies can unwittingly discriminate against migrants, making lingo-racism a new and crucial part of the battle for human rights.

Lingo-racism describes a phenomenon in which racism experienced by people, such as migrant bus drivers, is encoded in the technical systems used in people's everyday lives in New Zealand. A University of Auckland academic and IELTS examiner has clarified that language tests are primarily designed for academic settings. They are standardised-language-proficiency technologies that are testing the core language skills of reading, writing, listening and speaking in English language (and NZ culture) have been in place for years.

According to the academic, the examinations give equal weight to reading and writing, even though the migrant bus drivers, for instance, use listening and speaking English language more frequently. IELTS includes a range of topics such as comparing educational systems or global warming or environmental issues. There is a mismatch between the purpose of the test and what some applicants actually need for employment.

Immigration New Zealand has clarified that IELTS 6.5 overall was a consistent benchmark across skilled residence pathways. A manager of immigration skills and residence policy at the Ministry of Business Innovation and Employment has said that the technology is an independently assessed indicator of competent English language (and culture). Although, the manager has argued that a person was generally able to communicate effectively in most situations at this level, including in the workplace and community, a higher English standard is required for residence than for temporary visas because residence reflects a long-term commitment to making New Zealand home. On the other hand, the academic has countered that a bus driver wouldn't need to attain a 6.5 score in an IELTS test to communicate with passengers and colleagues. Additionally, the scholar has accentuated that a 6.5 overall is the standard that a non-native foreign student at Auckland University is required to have for a master's level study. The consideration is that a more appropriate overall band would be somewhere around 5.5 to 6.

A senior licensed immigration advisor and CEO has advised that they regularly received calls from bus drivers across the country about the difficulties they experienced when applying for residency. The drivers cannot accomplish their IELTS 6.5, despite making numerous attempts. The benchmark score that is applied across residency categories was not workable for all migrants.

One size does not fit all! New Zealand's strict English-language requirements can implicitly or explicitly exacerbate existing biases about race, ethnicity, and national origin. Even when technology developers and users, such as the University and Ministry of Business, Innovation and Employment, do not intend for IELTS 6.5 (general or academic) or equivalent scores in tests such as TOEFL to discriminate, the technologies often do so anyway. IELTS and TOEFL are not neutral or objective. Immigration New Zealand's strict English language (and culture) are shaped by the racial, ethnic, gender and other inequalities prevalent in New Zealand society, and typically makes these inequalities worse.

A change in New Zealand's immigration policy is required. Bus drivers, for instance, are dealing with people living in New Zealand in English every day: then, why are they asked about life in England? Lingo-racism must no longer be encoded in New Zealand's strict English-language requirements.

Naku noa Na Mere
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Te Parawhau Hapu

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Chair, Takahiwai Maori Committee. Est. 1977
Chair, Kopuawaiwaha 2B2 Ahu Whenua Trust. Est. 1949
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