



BRIEFING

Options for the three-year Refugee Quota Programme 2019/20 – 2021/22

Date:	1 February 2019	Priority:	Medium
Security classification:	In Confidence	Tracking number:	1857 18-19

Action sought		
	Action sought	Deadline
Hon Iain Lees-Galloway Minister of Immigration	Agree to your preferred options for the international regional allocation and distribution of sub-categories for the Refugee Quota Programme 2019/20 – 2020/21. Forward this briefing to the Minister of Foreign Affairs and discuss the recommendations with him. Direct officials to draft a Cabinet paper seeking agreement to your proposals.	14 February 2019
Hon Kris Faafoi Associate Minister of Immigration	Copy for your information.	N/A

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Siân Roguski	Manager, Immigration Policy	04 901 3855	Privacy of natural persons	✓
Victoria Hodgson	Policy Advisor	Privacy of natural persons	N/A	

The following departments/agencies have been consulted
The Ministry of Foreign Affairs and Trade, Office of Ethnic Communities, Treasury, Oranga Tamariki, Security Intelligence Service, Police, Ministry of Health, Ministry of Social Development, Ministry of Housing and Urban Development and Ministry of Education

- Minister's office to complete:**
- | | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments



BRIEFING

Options for the next three-year Refugee Quota Programme

Date:	1 February 2019	Priority:	Medium
Security classification:	In Confidence	Tracking number:	1857 18-19

Purpose

To provide you with advice on the next three-year Refugee Quota Programme (2019/20 – 2021/22), including on:

- the international regional allocation of refugee places within the quota
- sub-categories within the refugee quota, and
- the process for decision-making on reallocation of the 150 places annually set aside for Australia, in the event that they are not required.

Executive summary

New Zealand's refugee quota is a humanitarian policy. It demonstrates commitment to providing protection for the most vulnerable refugees and to supporting the United Nations High Commissioner for Refugees (UNHCR) and the international community to address global refugee situations.

The refugee quota programme currently includes 1000 places per year for refugee resettlement. This includes 150 places set aside as part of an offer to Australia to resettle refugees from its offshore asylum processing centres,¹ and 100 places set aside for large-scale refugee crises which are allocated each year. A number of places are set aside in sub-categories for women at risk, refugees with medical conditions and disabilities including HIV/AIDS, and refugees requiring urgent resettlement.

Cabinet decides on the size, international regional allocation, and distribution of sub-categories of the Refugee Quota Programme in three year cycles. 2018/19 is the last year of the current three-year programme, and Cabinet decisions on the next three year programme (2019/20 – 2021/22) are required by March 2019.

The international regional allocation of the refugee quota should align with global and regional refugee resettlement need and be operationally feasible to reflect the humanitarian intent of our policy

Global refugee resettlement needs have changed over the past decade. Resettlement need is concentrated in the Africa and Middle East regions due to the presence of conflicts resulting in large-scale and protracted refugee situations and refugees with high protection needs. In the Asia-Pacific and Americas regions, durable protection solutions and being developed such as voluntary repatriation and local integration, although resettlement options for refugees in those regions remains important.

¹ This refers to refugees who have been subject to Australia's offshore processing legislation (transferees), whether or not those refugees have been transferred to offshore processing centres at Nauru or Manus Island, Papua New Guinea

For these reasons, the Ministry of Business, Innovation and Employment (MBIE) recommends that the regional allocation of refugee quota places over the next three years aligns to the priority regions identified by the UNHCR. To do this most effectively, MBIE recommends removal of the current “family link” requirement for refugees whose initial region of asylum is Africa or the Middle East, whereby they must already have a family member in New Zealand to be considered for resettlement. The requirement has prevented New Zealand from being able to resettle the number of refugees that has been allocated to these regions since it was introduced in 2010. No security or settlement implications are associated with removal of the family link requirement.

This approach aligns most closely to the humanitarian intent of the refugee quota and global resettlement need, and would be operationally feasible in terms of the referral, assessment and selection of refugees and their settlement in New Zealand.

MBIE has developed four options for your consideration for the international regional allocation of the refugee quota for the next three-year programme. The options are based on the level of alignment to global and regional resettlement need, and the way in which the family link requirement is applied or removed. We recommend option one, which is to focus on priority situations and remove the family link requirement for refugees from the Africa and Middle East regions. This recommendation is based on an assessment of each option against its alignment with global and regional refugee resettlement need, UNHCR priority situation and the humanitarian intent of the refugee quota programme, the operational feasibility assessment and selection, and settlement and security considerations.

MBIE recommends increasing the size of some sub-categories of the refugee quota to reflect the increase of the total quota to 1500 places

The total number of places within the refugee quota programme will increase from 1000 to 1500 per year from July 2020 as per Cabinet’s decision in September 2018 [SWC-18-MIN-0131 refers]. This provides an opportunity to increase the size of the existing sub-categories of the refugee quota, and to consider the introduction of new sub-categories.

MBIE recommends that from July 2020 the places set aside for Australia remain at 150; the places set aside for large scale refugee crisis situations increases from 100 to 200 places per year; and that the remaining places subject to the regional allocations consequently increases from 750 to 1150 places per year.

MBIE recommends that from July 2020 the sub-category for women at risk increases from at least 75 places per year to at least 150 places per year to reflect the high demand for this subcategory. MBIE recommends that the sub-categories for refugees with medical conditions and disabilities remain at up to 75 places per year, including up to 20 places per year for refugees with HIV/AIDs, and the subcategory for urgent and emergency resettlement remains at up to 35 places per year, to reflect that the current size of these categories has proved sufficient in recent years.

The UNHCR and other refugee advocacy groups have expressed support for the establishment of a resettlement pathway for unaccompanied refugee minors in New Zealand. Agencies will need to work through a number of complex issues to assess the viability of this proposed subcategory. MBIE recommends that officials undertake further work on this proposal, reporting back to you with recommendations in 2020.

Decision-making on the 150 places that are set aside for Australia could be streamlined for the next three-year programme

Each year, New Zealand sets aside 150 places within the refugee quota to reflect an offer to Australia to resettle refugees from Australia’s offshore asylum processing centres. If Australia does not require the places in a given year, Cabinet reallocates them to UNHCR-referred refugees.

MBIE recommends that Cabinet make an in-principle decision that should Australia not require the places in a given year, the places will be reallocated according to the Cabinet-agreed regional

allocations of the three year programme. This will mean that, should the places not be required by Australia in a given year, neither a Ministerial nor a Cabinet decision on reallocation would be required.

Next steps

The three-year Refugee Quota Programme requires Cabinet approval. Following agreement of your preferred approach, MBIE officials will draft a Cabinet paper for consultation with your Ministerial colleagues ahead of consideration by the Cabinet Economic Development Committee in March 2019. This will enable planning and selection missions to be undertaken in the first half of 2019 to prepare for the start of the next three-year programme from July 2019.

PROACTIVELY RELEASED

Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

a **Note** that Cabinet decisions on the next three-year Refugee Quota Programme (2019/20 – 2021/22) are required by March 2019 to enable planning and selection missions for the 2019/20 refugee quota, which begins in July 2019

Noted

b **Agree** to your preferred option for the international regional allocation of the refugee quota for 2019/20 – 2021/22:

	Proportion of places allocated to each region of asylum				Indicate your preferred option
	Asia-Pacific (includes Afghan, Sri Lanka, Myanma, Bhutanese, Palenstinian, Iranian, Pakistani and Iraqi nationalities)	Americas (includes Colombian nationality)	Middle East (Includes Iraqi, Palestinian, Iranian and Syrian nationalities)	Africa (Includes Somali, Congolese, Eritrean and Ethiopian nationalities)	
Option One (recommended): Focus on priority situations and remove the family link requirement for refugees from the Africa and Middle East regions	30%	10%	35%	25%	
Option Two: Focus on the Asia-Pacific region and remove the family link requirement for refugees from the Africa and Middle East regions	50%	20%	15%	15%	
Option Three: Focus on the Asia-Pacific region and change the family link requirement for refugees from the Africa and Middle East regions so that refugees must meet one of the following criteria to be eligible for resettlement: <ul style="list-style-type: none"> has a family member already in New Zealand is a woman at risk or is part of a family group 	50% 40%	20%	15% 20%	15% 20%	✓
Option Four: Focus on the Asia-Pacific region and maintain the family link requirement for refugees from the Africa and Middle East regions	70%	20%	5%	5%	

c **Agree** to increase the sub-category for women at risk from at least 75 places per year to at least 150 places per year from July 2020

Agree / Disagree

d **Agree** to maintain the sub-category for refugees with medical conditions or disabilities at up to 75 places per year, which will include up to 20 places each year for refugees with HIV/AIDS; and to maintain the subcategory for urgent and emergency resettlement of refugees at 35 places per year

Agree / Disagree

e **Agree** that after the refugee quota increase takes effect in July 2020, agencies will conduct further work on the viability of the establishment of a new sub-category of the refugee quota for unaccompanied minors

Agree / Disagree

f **Agree** to increase the number of refugee quota places set aside for large-scale refugee crisis situations from 100 places per year to 200 places per year from July 2020

Agree / Disagree

g **Agree** to recommend that Cabinet make an in-principle decision that if Australia does not require the 150 places set aside each year for resettlement of refugees subject to its offshore processing legislation, then those places will be reallocated according to the regional allocations agreed to in recommendation (b)

Agree / Disagree

h **Agree** to forward this briefing to the Minister of Foreign Affairs, and to discuss the recommendations with him

Agree / Disagree

i **Agree** to direct officials to draft a Cabinet paper for consideration in March 2019.

Agree / Disagree



Sián Roguski
Manager, Immigration Policy
Labour, Science and Enterprise, MBIE

01 / 02 / 2019



Hon Iain Lees-Galloway
Minister of Immigration

07 / 03 / 19

Background

The Government decides the settings for the Refugee Quota Programme in three year cycles

1. New Zealand's refugee quota is a humanitarian policy. It demonstrates commitment to providing protection for the most vulnerable refugees and to supporting the UNHCR and the international community by sharing responsibility for addressing refugee situations globally. Refugees are referred for inclusion in the quota by the UNHCR according to internationally recognised resettlement guidelines.
2. The refugee quota programme consists of three key parts:
 - a. 150 places set aside for refugees from Australia's offshore asylum processing centres
 - b. 100 places set aside for large-scale refugee crises, allocated annually, and
 - c. 750 places for UNHCR-referred refugees according to the international regional allocations.
3. The international regional allocation of refugee quota places is agreed in three year cycles. The three-year programme was introduced in 2010 to improve the certainty and efficiency of referral, assessment and selection of refugees by enabling longer-term planning.
4. 2018/19 is the last year of the current three-year programme, which is allocated across international regions² in Table One below.

Table One: International regional allocation of refugee quota places for the current three year Refugee Quota Programme 2016/17 – 2018/19

International region of asylum	Allocation
Asia-Pacific	50%
Americas	22%
Middle East	14%
Africa	14%

5. The refugee quota also includes a number of sub-categories to reflect New Zealand's particular area of focus on vulnerable groups. These include:
 - a. at least 75 places for women at risk
 - b. up to 75 places for refugees with medical conditions or disabilities, including up to 20 places for refugees with HIV/AIDS, and
 - c. up to 35 places for refugees who need urgent resettlement.
6. The remaining places make up the "general protection" sub-category, which includes the immediate family members of quota refugees who have already been resettled in New Zealand.
7. The allocation of the refugee quota has not changed significantly since 2010, when it was re-focused to refugee resettlement from the Asia-Pacific region. The number of places that are

² The allocation of refugee quota places is traditionally decided by region of asylum, rather than by nationality of resettled refugees. This reflects the intent of the refugee quota to support the international community, and in particular countries that are hosting large numbers of refugees.

set aside for large-scale refugee crisis situations has changed (ranging from 50 to 100 over the past ten years) and the offer to Australia of up to 150 places annually took effect in 2014.

8. The UNHCR provides a submission on each three-year Refugee Quota Programme. You received its submission on this three-year programme on 2 October 2018. This briefing includes advice on how New Zealand could respond to different aspects of the submission, which is provided in full at Annex One.

Cabinet decisions on the next three-year Refugee Quota Programme are required by March 2019

9. Decisions are required on the international regional allocation and distribution of sub-categories for the next three-year Refugee Quota Programme by March 2019 to inform planning and selection missions ahead of the start of the programme in July 2019.
10. In September 2018, Cabinet agreed that the refugee quota will increase to 1,500 places annually from July 2020 [SWC-18-MIN-0131 refers]. As such, the refugee quota will consist of 1,000 places for the first year of the next three-year programme, and will increase to 1,500 annually for the second and third years of the programme.

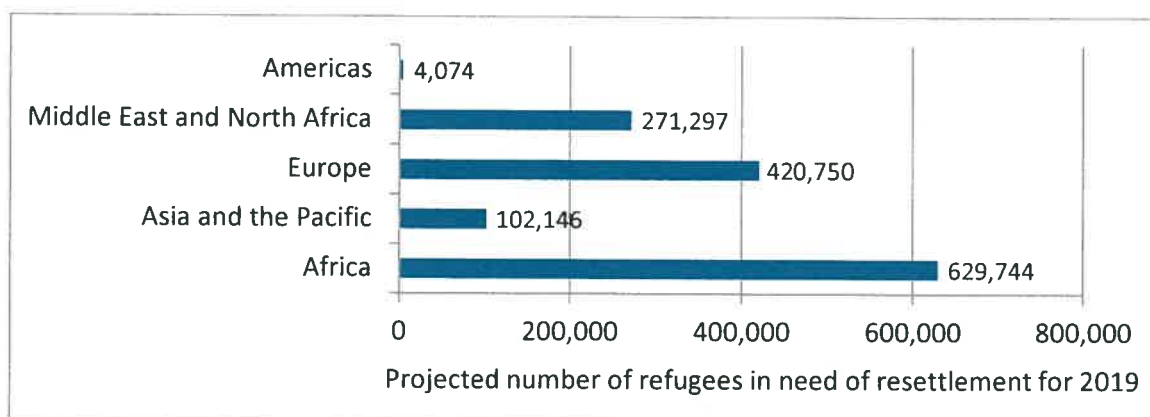
The international regional allocation of the refugee quota should align with global and regional refugee resettlement need and be operationally feasible

11. MBIE recommends that the international regional allocation of the refugee quota for the next three years aligns broadly with areas of refugee resettlement need and the recommendations that have been made by the UNHCR.

Global and regional refugee resettlement need has changed over the past decade

Global refugee resettlement need is concentrated in the Africa and Middle East regions

12. The majority of the 1.4 million refugees estimated to be in need of resettlement in 2019 are in Africa, located across 31 different countries of asylum. The number of refugees in need of resettlement in Africa has increased by 23 per cent from the 2018 estimate due to high numbers of refugees in protracted situations (such as Congolese, Somalis and Eritreans), and continued instability and violence in South Sudan.
13. Syrian refugees are, for the third year in a row, the single population with the highest global resettlement needs, comprising 43 per cent of the total number of refugees in need or resettlement globally. This is followed by refugees from the Democratic Republic of the Congo, which comprise 12 per cent of the total, and from South Sudan, comprising 11 per cent.



14. Refugee resettlement need in the Asia-Pacific region has declined in recent years, as the region moves away from large-scale resettlement and towards a comprehensive solutions strategy that encompasses other protection solutions for refugees such as voluntary return, local integration and temporary protection and residence. Resettlement opportunities are still needed for refugees with urgent protection needs, for whom other solutions and interventions are not possible.
15. Similarly, the availability of local solutions in Ecuador, from which New Zealand has traditionally resettled refugees in the Americas region, means that the number of refugees in need of resettlement there is decreasing, although there continue to be Colombians in Ecuador for whom resettlement is the only durable option. MBIE considers a reduction of the proportion of refugee quota allocation for the Americas region from 22 per cent to either 10 per cent or 20 per cent, as contained in the four options, is in line with the level of need in the Americas region.

The UNHCR has identified a number of priority situations and regions for New Zealand's Refugee Quota Programme

16. In its submission on New Zealand's refugee quota, the UNHCR recommended New Zealand's refugee quota focusses on the following priority refugee situations:

Confidential information entrusted to the Government

Confidential information entrusted to the Government

Removal of the family link requirement is necessary to enable New Zealand to respond to priority refugee situations in the Africa and Middle East regions

17. Removal of the family link requirement is necessary to enable New Zealand to allocate more than five per cent of refugee quota places to the Africa and Middle East regions. Under current policy settings, New Zealand's ability to respond to priority refugee situations in the Middle East and Africa is limited by the family link requirement, whereby refugees who have claimed initial asylum in those regions must already have a family member in New Zealand to be considered for resettlement.
18. Over the past ten years, it has not been possible to meet the number of places that are allocated to the Africa and Middle East regions, due to the restrictive nature of the family link requirement applied to these regions. It is difficult and inefficient for the UNHCR to identify refugees who have a family member already in New Zealand, and for Immigration New Zealand (INZ) to determine the veracity of that family connection. If the family link requirement is maintained, it would be unfeasible to allocate more than five per cent of refugee quota places each to the Africa and Middle East regions over the next three years.

The family link requirement is unrelated to national security risk

19. The family link requirement is not related to national security risk to New Zealand, and the New Zealand Security Intelligence Service (NZSIS) has confirmed that it does not hold security concerns regarding the elimination of the requirement. As the allocation of refugee quota places is based on the region of asylum, and not nationality, refugees who are of Middle Eastern or African nationality are resettled through the refugee quota from other regions of asylum that are not subject to the family link requirement, such as the Asia-Pacific. For example, more refugees of Middle Eastern nationality have been resettled from the Asia-Pacific region than from the Middle East region (excluding the large-scale crisis places and the Syrian emergency response, for which the family link requirement does not apply). Information on the nationality of resettled refugees by region of asylum is provided in Annex Two.
20. All UNHCR-referred cases considered for resettlement in New Zealand under the refugee quota are subject to a further full assessment and screening undertaken as part of the Immigration New Zealand decision-making process, which includes:

- a. an offshore interview with an INZ official that ensures that the person is not a security risk or character of concern to New Zealand, and that settlement in New Zealand is the right option for them
 - b. an offshore interview explaining what New Zealand is like to live in, outlining New Zealand's democratic society and tolerant attitudes
 - c. an immigration risk assessment by the INZ Risk Assessment Team which assesses reputational risk to New Zealand
 - d. a security check by the New Zealand Security Intelligence Service
 - e. a biometric check by Migration Five (a collaboration on migration security between New Zealand, Australia, Canada, the United States and the United Kingdom), and
 - f. a health assessment by INZ.
21. Cases that do not meet the Government's agreed Refugee Quota Programme, New Zealand's relevant immigration policies, security and M5 checks and risk assessment are declined.
22. Removal of the family link requirement would likely be positive for bilateral relationships with countries that are hosting large refugee populations in Africa and the Middle East. This is because it is seen as a tangible way for New Zealand to share the burden of regional conflicts in Africa and the Middle East on host countries and increases New Zealand's credibility as a peace and security partner within the region and with other countries who resettle refugees. The existence of a family link requirement has meant that New Zealand has not been able to fulfil the Cabinet-agreed regional allocations of the refugee quota for the Middle East and Africa regions. This creates a risk for New Zealand's relationships in the region.

The family link requirement does not result in better settlement outcomes

23. The original rationale for the family link requirement was to ensure that resettlement in New Zealand for refugees in the Africa and Middle East regions was restricted to family members of those already in New Zealand. It was considered that this approach would maintain an avenue for family reunification for refugees already in New Zealand from the Africa and Middle East regions [DES Min (10) 2/3 refers].
24. However, in practice, refugees from the Africa and Middle East regions who are in New Zealand have the same opportunity to reunify with family members as all other quota refugees, both within the Refugee Quota and through the separate Refugee Family Support Category. As such, the family link does not further facilitate family reunification for these groups, but rather restricts access to resettlement for refugees offshore who do not have a family link in New Zealand.
25. Given that refugees' family member in New Zealand can be a more distant relative, there is also no guarantee that refugees will settle with those family members or that this will benefit their settlement outcomes.
26. In addition to the offshore interview to ensure that settlement in New Zealand is the right option for them, all refugees who are approved for resettlement under the Refugee Quota Programme are provided with comprehensive information about living and working in New Zealand prior to arriving in the country, during the six week reception programme at Māngare Refugee Resettlement Centre, and in the community after settlement. This information covers topics such as Taha Māori, living in a multicultural society, New Zealand Policy and law, moving into the community, education, health services and health education (including parenting and healthy families), and English language learning. This information helps to ensure successful settlement outcomes for all refugees.

The family link requirement does not align with the humanitarian intent of the refugee quota and has attracted criticism

27. The requirement for refugees from the Africa and Middle East region to have a family member in New Zealand does not relate to their protection need, and as such does not align with the humanitarian intent of the refugee quota.
28. In its submission on the next three-year Refugee Quota Programme, the UNHCR noted that the family link requirement reduces its ability to address the needs of the most vulnerable refugees in the Africa and Middle East regions, particularly given the large proportion of refugees in need of resettlement situated in those regions. The UNHCR also noted that “the protection focus of the Refugee Quota has been diminished by the imposition of this requirement unrelated to protection”.
29. Key stakeholders, including the UNHCR, the refugee community in New Zealand and non-government organisations have expressed opposition to the requirement, perceiving it to be discriminatory against refugees from the Africa and Middle East regions. Stakeholders have provided this feedback to both INZ and the Office of Ethnic Communities.

Officials have developed four options for the international regional allocation of refugee quota places over the next three years

30. The regional allocation that is agreed for the next three-year Refugee Quota Programme must be capable of being fulfilled. As such, officials have developed four options for the international regional allocation of the refugee quota over the next three years based on the level of alignment to global and regional refugee resettlement need, and the way in which the family link requirement is applied for the next three-year programme.
31. Options for the international regional allocation of refugee quota places are presented as percentages which would apply to the refugee quota of 1000 places in 2019/20 and to the 1500 places in 2020/21 and 2021/22. These percentages refer to region of asylum, rather than the nationality of refugees. The percentages for each region exclude the places set aside each year for large-scale refugee crisis situations (which are discussed further in paragraphs 53-56) and the 150 places set aside for Australia (although there is an option to apply the regional allocation of the quota to these places, which is further discussed in paragraphs 68-74).
32. The options for the international regional allocation of refugee quota places for the next three-year programme are set out in Table Two, accompanied by an assessment of each option against the following criteria:
 - a. alignment with global and regional refugee resettlement need, UNHCR priority situations and the humanitarian intent of the refugee quota programme
 - b. operational feasibility of referral, assessment and selection, and
 - c. settlement and security considerations.

Table Two: Options for the international regional allocation of refugee quota places and assessment against criteria

	Option One (recommended): Increase the focus of the quota on priority regions	Option Two: Maintain a focus on the Asia-Pacific region and remove the family link requirement to enable resettlement from priority regions	Option Three: Change the family link requirement for Africa and the Middle East so that one of the following must be met: <ul style="list-style-type: none"> • family link in NZ • woman at risk, or • family group 	Option Four: Maintain the family link requirement for Africa and the Middle East in its current form and maintain a focus on the Asia-Pacific region
Asia-Pacific	30%	50%	50%	70%
Americas	10%	20%	20%	20%
Middle-East	35%	15%	15%	5%
Africa	25%	15%	15%	5%
Alignment with global and regional refugee resettlement need, UNHCR priority situations and the humanitarian intent of the refugee quota programme				
Operational feasibility of referral, assessment and selection				
Settlement and security considerations				

= low risk/good alignment
 = medium risk/some alignment
 = high risk/poor alignment

Option One (recommended): Focus the refugee quota on priority situations and remove the family link requirement

33. MBIE recommends that the international regional allocation of the refugee quota for the next three years aligns broadly with areas of refugee resettlement need and the recommendations that have been made by the UNHCR. The allocation of refugee quota places for this option is based on that provided in the UNHCR submission. This approach most closely aligns with the humanitarian intent of the refugee quota to provide protection to the most vulnerable refugees, and to support the UNHCR and the international community in sharing responsibility for refugees.
34. This option would be considered positively by African and Middle Eastern countries that are hosting large numbers of refugees, such as Lebanon, Jordan and Ethiopia.
35. Refocusing the refugee quota on priority regions would necessitate removal of the family link requirement. MBIE considers that removal of the requirement aligns strongly to the intent of the refugee quota policy, in that it would remove a selection requirement that is unrelated to protection. Removal of the family link requirement would also streamline the process of referral, assessment and selection of refugees for both the UNHCR and INZ.
36. No settlement challenges are associated with this option. As demonstrated by the successful emergency Syrian response over the past three years, the Refugee Quota Programme is well-positioned to respond to changes in the composition of the refugee quota.

37. In general, high levels of refugee resettlement need is associated with, and may be driven by, adverse security situations. As such, resettlement from the areas with the highest numbers of refugees in need of protection may pose more complex security considerations to New Zealand than resettlement from regions with lower levels of resettlement need. The NZSIS undertakes a national security check on all refugees that are being considered for resettlement in New Zealand. Only individuals who meet the relevant criteria and are therefore deemed not to be a risk to New Zealand's national security will be resettled in New Zealand.

Option Two: Focus the refugee quota on the Asia-Pacific region and remove the family link requirement for refugees from the Africa and Middle East regions

38. There is also an option to remove the family link requirement whilst maintaining the primary focus of the refugee quota on the Asia-Pacific region. This option would not align as closely to global resettlement need as Option One, but would demonstrate New Zealand's commitment to resettlement from the Asia-Pacific region, and would strengthen the protection focus of the refugee quota by removing a requirement not based on protection need.
39. As with Option One, removal of the family link requirement would make the assessment and selection process for the refugee quota more efficient. No settlement risks or security considerations are associated with this proposal.

Option Three: Focus the refugee quota on the Asia-Pacific region and change the family link requirement for refugees from the Africa and Middle East regions to enable some resettlement from priority situations in those regions

40. This option maintains New Zealand's previous focus on the Asia-Pacific region, but would involve making the family link requirement less restrictive to enable some resettlement from priority refugee situations in the Africa and Middle East regions. Refugees being considered for resettlement would need to either:
- a. have a family link in New Zealand as per the current requirement
 - b. be referred from the UNHCR as part of the women at risk sub-category, or
 - c. be a family group.
41. This would increase the size of the pool of refugees in need of resettlement in these regions that could be referred by the UNHCR for consideration by New Zealand.
42. This option would demonstrate New Zealand's responsibility sharing in the Asia-Pacific region, and would enable some response to priority refugee situations in the Africa and Middle East regions. However it would introduce additional criteria for selection for the refugee quota that are unrelated to protection need (ie. being a family group), and that in particular would exclude single men in these regions from resettlement in New Zealand.
43. As noted above, INZ and the UNHCR experience inefficiencies with the existing family link requirement. While MBIE considers that application of the three proposed criteria would be feasible, additional selection requirements (particularly those unrelated to protection) would exacerbate inefficiencies and would be very likely to be viewed unfavourably by the UNHCR.
44. There is scope to consider further variants on this option than the criteria set out in Table Two; however, this could impact the operational feasibility of referral, assessment and selection of refugees.

Option Four: Focus the refugee quota on the Asia-Pacific region and maintain the family link requirement for refugees from the Africa and Middle East regions

45. If the family link requirement is maintained in its current form, it will not be possible to resettle more than five per cent of the refugee quota from the Africa and Middle East regions.
46. While this approach would demonstrate New Zealand's commitment to the Asia-Pacific region, this option aligns poorly with the humanitarian intent of the refugee quota, as it does not respond to global refugee priority situations and would continue to apply a selection requirement to particular groups of refugees that is unrelated to their protection need.
47. INZ and UNHCR would continue to experience inefficiencies in identifying refugees that meet the family link requirement. This option would also continue to attract negative criticism.

Increases to the size of sub-categories are recommended in line with the increase to the size of the refugee quota

The increased refugee quota provides an opportunity to increase the size of its sub-categories or introduce new sub-categories

48. Given that the refugee quota will increase to 1,500 places per year from July 2020, there is an opportunity to consider whether sub-categories within the quota should be increased alongside this. There is also an opportunity to consider whether new sub-categories could be included in the Refugee Quota Programme. In particular, the UNHCR and some non-government organisations advocate for inclusion of a subcategory for unaccompanied minors.
49. MBIE officials have assessed options for the sub-categories of the refugee quota against the following criteria:
 - a. alignment with the humanitarian intent of the Refugee Quota Programme and UNHCR priorities
 - b. operational feasibility of referral, assessment and selection
 - c. potential funding implications, and
 - d. settlement considerations.

MBIE recommends increasing the number of places available for women at risk

50. MBIE recommends increasing the number of places set aside for women at risk from 75 to 150 each year. This represents a proportional increase according to the size of the refugee quota (750 places) when the sub-category was established.
51. Women who are without their traditional protector are particularly vulnerable in refugee situations. An increase in these places would allow New Zealand to demonstrate its commitment to supporting the most vulnerable refugees and aligns well with the humanitarian intent of the refugee quota. The UNHCR does not specifically refer to this category in its submission. However it acknowledges the challenges faced by vulnerable women, including those who are unaccompanied, pregnant, heads of households, disabled or elderly, and their need for access to resettlement.
52. Selection and settlement of women at risk does not generally incur greater costs or challenges than settling other refugees. Therefore MBIE does not anticipate any operational, funding or settlement issues with increasing this sub-category.

MBIE recommends increasing the number of places set aside for large scale refugee crisis situations

53. The current quota includes 100 places set aside each year to respond to large-scale refugee crisis situations. At the beginning of each financial year the Minister of Immigration and the Minister of Foreign Affairs decide on the allocation of these places.
54. As this subcategory is outside the regional allocations, New Zealand can use it flexibly to respond to crises as needed. An increase in these places provides increased flexibility for New Zealand to respond to the regions with the most pressing resettlement need each year.
55. MBIE recommends increasing the places from 100 to 200, which is proportional to the increase of the quota from 750 places to 1500 since the subcategory was established.
56. MBIE does not anticipate any operational, funding or settlement issues with increasing the size of this subcategory.

MBIE recommends continuing to include up to 75 places for refugees with medical conditions or disabilities

57. The current refugee quota includes up to 75 places for refugees with medical conditions or disabilities (including their family members), which includes up to 20 places for refugees with HIV/AIDS.
58. MBIE recommends that this subcategory remains at up to 75 places per year, including up to 20 places for refugees with HIV/AIDS. This number has proven sufficient in recent years, and MBIE will continue working with the UNHCR to ensure that the processes for referral, assessment and selection support New Zealand to maximise use of these places. The size of this subcategory may be revisited when decisions are made on the next three year programme (2022/23 – 2024/25).
59. MBIE does not anticipate any operational, funding or settlement issues with maintaining this subcategory at its current level.

MBIE recommends continuing to include up to 35 places for urgent resettlement

60. The current quota includes up to 35 places for urgent and emergency resettlement, including cases where refugees have urgent or serious medical needs.
61. The UNHCR has requested in its submission that New Zealand increase the size of this subcategory to ten per cent of the refugee quota (ie 150 places).
62. MBIE recommends that this subcategory remains at 35 places per year. This level has proven sufficient in recent years (with around 19 referrals received in total over the past ten years), and MBIE will continue working with the UNHCR to ensure that the processes for referral, assessment and selection support New Zealand to maximise these places. The size of this subcategory may be revisited when decisions are made on the next three year programme (2022/23 – 2024/25).
63. MBIE does not anticipate any operational, funding or settlement issues with maintaining this subcategory at its current level.

MBIE recommends that further consideration be given to the establishment of a new sub-category for unaccompanied minors

64. The UNHCR and non-government organisations have requested that New Zealand consider establishing a resettlement pathway for unaccompanied refugee minors. One way in which this could be done is through the establishment of a sub-category within the refugee quota for unaccompanied minors.

65. Unaccompanied minors are particularly vulnerable and in need of protection, and their resettlement opportunities are limited. Unaccompanied minors also represent particularly high needs cases to refugee hosting countries, and the provision of resettlement places for this group would be a way to show support for those countries. Currently, New Zealand does not resettle refugees who are unaccompanied minors.
66. Resettlement of unaccompanied minors would require consideration of international law and the degree of UNHCR and other non-government organisation involvement. Additionally, resettlement of refugees who are unaccompanied minors would require far greater Government support, particularly from Oranga Tamariki as there will be important matters to respond to regarding the day to day care and guardianship of these young people. Government agencies and non-government organisations would need to develop a tailored approach to settlement in collaboration with the child protection system. This is likely to require investment in the development of specialist services and resources specifically focused on meeting the needs of unaccompanied minors.
67. We recommend that MBIE and Oranga Tamariki conduct further policy work on the establishment of this possible sub-category. If you agree, MBIE and Oranga Tamariki will conduct further scoping work on the viability of this possible sub-category in 2020.

Decision-making on the 150 places that are set aside for Australia could be streamlined for the next three-year programme

Decision-making on the 150 places that are set aside for Australia could be streamlined for the next three-year programme

68. As part of the arrangement between New Zealand and Australia established in 2013, New Zealand sets aside 150 places in each year of the Refugee Quota Programme for refugees from Australia's offshore asylum processing centres. Should the places not be required by Australia, Cabinet is required to decide to reallocate the places to UNHCR-referred refugees. As yet, Australia has not taken up the offer and Cabinet has reallocated the places each year, to the Middle East (2015/16) and the Asia-Pacific (2014/15, 2016/17 and 2017/18).
69. In order to streamline the reallocation process, MBIE recommends that Cabinet make an in-principle decision to reallocate the 150 places, if not required by Australia, according to the regional allocation that is agreed for the refugee quota (and referred to in paragraphs 33-47). This would mean that, should Australia not require the places, a Ministerial or Cabinet decision on reallocation would not be required.

The current process for annual reallocation of the 150 places is inefficient

70. The existing process for reallocation of the 150 places, if they are not required by Australia, is complicated and involves multiple layers of decision-making.
71. Under existing settings, INZ discusses the offer of 150 places with Australian officials around the start of each financial year. If Australian officials advise that Australia will decline the offer for that year, advice is provided to the Ministers of Immigration and Foreign Affairs on options for reallocation of the places, which must then be confirmed by Cabinet.
72. If it is not clear whether Australia will take up the places in a given year, this process can be delayed quite significantly. This restricts New Zealand's options in terms of where the places can be reallocated and poses operational challenges.

The validity of the offer would be unchanged by an in-principle decision on reallocation

73. An in-principle decision on reallocation would not prevent Australia from accepting the offer, or prevent New Zealand from resettling refugees from Australia's offshore processing centres.
74. MBIE officials would continue to discuss the offer with Australian officials each year.

Next steps

75. MBIE recommends that you discuss the options in this briefing with the Minister of Foreign Affairs.
76. Policy settings for the next three-year Refugee Quota Programme require Cabinet agreement. When you have reached a decision on your preferred approach to the next three-year programme, we will draft a Cabinet paper for consideration by the Cabinet Economic Development Committee in March 2019.
77. Once Cabinet decisions have been made, INZ will inform the UNHCR of the allocation of refugee quota places for the next three-year programme.

Annexes

Annex One: UNHCR submission on New Zealand's refugee quota

Annex Two: Refugee resettlement by region of asylum and nationality

Annex One: UNHCR submission on New Zealand's refugee quota

Confidential information entrusted to the Government

PROACTIVELY RELEASED

Annex Two – Refugee resettlement by region of asylum and nationality

The following table sets out the proportion of refugees that have been resettled from each region of asylum, as compared to the Cabinet-agreed allocation. These figures exclude the 100 large-scale refugee crisis situation places and the 150 places that were set aside for Australia, and re-allocated to UNHCR refugees from other regions, in these years. Generally, the numbers resettled from the Asia-Pacific and the Americas regions are higher than the allocation, whereas number from the Middle East and Africa are lower, largely due to constraints of the family link requirement.

Region (of asylum)	Cabinet-agreed allocation (%)	2015/16 arrivals (%)	2016/17 arrivals (%)	2017/18 arrivals (%)
Asia-Pacific	50	71.5	69.4	59.3
Americas	22	20.2	29.2	34.1
Middle-East*	14	7.4	0.2	1.2
Africa*	14	0.9	1.2	5.3

* Refugees resettled from these regions are subject to the family link requirement.

The following table sets out the number of refugees resettled from each region of asylum by nationality from 2015/16 – 2017/18. These figures do not include refugees who have been resettled as part of the 100 places set aside for large-scale refugee crisis situations, or the 150 places set aside for Australia that were re-allocated to UNHCR refugees in these years. More refugees of Middle Eastern nationalities have been resettled from the Asia-Pacific region than from the Middle East region.

Region (of asylum)	Nationality of resettled refugees	Number of refugees resettled 2015/16 – 2017/18
Asia-Pacific	Asia-Pacific	1248
	Africa	33
	Middle East	266
	Other	Privacy of natural persons
Americas	Americas	436
Middle East	Middle East	123
	Africa	12
	Asia-Pacific	5
Africa	Africa	39