



BRIEFING

Final Cabinet paper: *Removal of the Family Link Requirement for Refugees Resettled from the Africa and Middle East Regions*

Date:	14 May 2018	Priority:	Medium
Security classification:	In Confidence	Tracking number:	3263 17-18

Action sought		
	Action sought	Deadline
Hon Iain Lees-Galloway Minister of Immigration	Agree to lodge the attached Cabinet paper for consideration at the Cabinet Economic Development Committee meeting of Wednesday 23 May 2018	10am 17 May 2018
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	✓
Kate Manners	Policy Advisor	Privacy of natural persons	N/A	

The following departments/agencies have been consulted
N/A

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 Withdrawn |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

Final Cabinet paper: *Removal of the Family Link Requirement for Refugees Resettled from the Africa and Middle East Regions*

Date:	14 May 2018	Priority:	Medium
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Purpose

To provide you with a final version of the Cabinet paper (Annex One) seeking agreement to remove the family link requirement for refugees resettled from the Africa and Middle East regions. If you agree, the paper will be considered by the Cabinet Economic Development Committee (DEV) on Wednesday 23 May 2018.

Recommended action

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

- a **Note** that a draft Cabinet paper was provided to you on 30 April 2018 that sought Cabinet agreement to remove the family link requirement for refugees resettled from the Africa and Middle East regions
Noted
- b **Note** that you received feedback from the Minister of Foreign Affairs concerning the impact of the proposal on national security, and whether loosening the family link to the target populations would lead to poorer settlement outcomes for those refugees
Noted
- c **Note** that information has been added to the Cabinet paper to address this feedback
Noted
- d **Note** that changes have also been made to strengthen the section of the Cabinet paper referring to the original rationale for the family link requirement
Noted
- e **Agree** to lodge the attached Cabinet paper with the Cabinet Office by 10am on Thursday 17 May 2018 for consideration by DEV on Wednesday 23 May 2018; and
Agree / Disagree
- f **Note** that talking points to support discussion on this proposal will be provided to you by Monday 21 May 2018.
Noted

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

11 / 05 / 2018

Hon Iain Lees-Galloway
Minister of Immigration

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Background

1. You have agreed, subject to Cabinet approval, to permanently remove the requirement for refugees being considered for resettlement under the Refugee Quota Programme from the Africa and Middle East regions to have an existing family link in New Zealand [2428 17-18 refers].
2. The Ministry of Business, Innovation and Employment provided you with a draft Cabinet paper seeking agreement to this proposal on 30 April 2018, on which you consulted with your Ministerial colleagues [2863 17-18 refers].

Final Cabinet paper

3. A final version of the Cabinet paper is attached in Annex One.
4. You received feedback from the Minister of Foreign Affairs on the draft Cabinet paper, which noted that:
 - a more thorough national security assessment should accompany this paper; and
 - officials should address whether loosening the family link to the target populations would lead to poorer settlement outcomes for those refugees.
5. Information has been added at paragraphs 21-25 of the Cabinet paper to address this feedback, including:
 - additional information regarding the way in which security risks associated with the Refugee Quota are mitigated; and
 - further detail on how the proposal will affect both refugees resettled from the Africa and Middle East regions who are already in New Zealand, and refugees who may be resettled from these regions in the future. The proposal is not expected to have negative impacts for either of these groups.
6. Changes have also been made at paragraphs 7-9 of the Cabinet paper to address the original rationale of the family link requirement, which is unclear.

Next steps

7. If you agree, the Cabinet paper can be lodged with the Cabinet office by 10am on Thursday 17 May for consideration at the DEV meeting of 23 May.
8. Talking points to support discussion on this proposal at the DEV meeting will be provided to you by Monday 21 May.

Annexes

Annex One: Cabinet paper – *Removal of the Family Link Requirement for Refugees Resettled from the Africa and Middle East Regions*

Annex One: Cabinet paper – Removal of the Family Link Requirement for Refugees Resettled from the Africa and Middle East Regions

Please note that this paper was lodged but not considered by Cabinet.

PROACTIVELY RELEASED

In Confidence

Office of the Minister of Immigration

Chair, Cabinet Economic Development Committee

Removal of the Family Link Requirement for Refugees Resettled from the Africa and Middle East Regions

Proposal

- 1 This paper seeks approval to permanently remove the requirement for refugees being considered for resettlement under the Refugee Quota Programme from the Africa and Middle East regions to have an existing family link in New Zealand.

Executive Summary

- 2 In 2010, Cabinet agreed that refugees situated in the Africa and Middle East regions would be required to have an existing family link in New Zealand in order to be considered for resettlement under the Refugee Quota Programme [DES Min (10) 2/3]. A "family link" is defined as either an immediate family member in New Zealand, or, in cases involving UNHCR priority protection cases, other relatives in New Zealand (such as a cousin or sibling).
- 3 The family link requirement has meant that the number of refugees resettled from the Africa and Middle East regions is lower than the number agreed by Cabinet.
- 4 I have assessed the policy settings for the 2018/19 Refugee Quota and propose that Cabinet agree to remove the family link requirement for refugees resettled from the Africa and Middle East regions from 2018/19 onwards. In developing this proposal, I have considered:
 - 4.1 the impact of the family link requirement on the number of refugees that are resettled from the Africa and Middle East regions;
 - 4.2 global refugee resettlement needs and the humanitarian objectives of the Refugee Quota Programme;
 - 4.3 the views of key stakeholders; and
 - 4.4 security and settlement concerns.

Background

- 5 New Zealand works with the United Nations High Commissioner for Refugees (UNHCR) and the international community to resettle people who have been recognised as refugees offshore through the Refugee Quota Programme.
- 6 The Refugee Quota Programme operates as a three year rolling programme, with decisions made by Cabinet on the international regional allocation of Refugee Quota places before the start of each three year cycle. The international regional allocation of

Refugee Quota places applies to the region from which refugees are referred by the UNHCR for resettlement, and not nationality.¹ The current three year cycle runs from 2016/17 to 2018/19.

The original rationale for the family link requirement is unclear

- 7 The family link requirement for refugees resettled from the Africa and Middle East regions was introduced in 2010, when the international regional allocation of Refugee Quota places was changed to place more emphasis on the Asia-Pacific region. This was aimed at demonstrating New Zealand’s commitment to regional responsibility sharing. Where previously places had been more evenly allocated across international regions, Cabinet agreed to allocate 50 per cent of places to the Asia-Pacific region, and 50 per cent to the rest of the world [DES Min (10) 2/3].
- 8 The family link requirement was intended 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 in New Zealand from the Africa and Middle East regions [DES Min (10) 2/3 refers].
- 9 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, either 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 those who do not have a family link.

The family link requirement makes it difficult to fulfil the international regional allocation of Refugee Quota places that has been agreed by Cabinet

- 10 Since the family link requirement has been applied, the UNHCR and Immigration New Zealand (INZ) have worked to identify refugees in the Africa and Middle East regions who have a family link in New Zealand. However, this has been challenging, and as a result, the proportion of refugees resettled from the Africa and Middle East regions have been lower than the proportions agreed by Cabinet in 2010 [DES Min (10) 2/3]. These proportions were reconfirmed for subsequent three-year Refugee Quota Programme cycles [CAB Min (13) 20-15; CAB-16-MIN-0271].
- 11 The Refugee Quota has been met with refugees from other regions, and has meant that the distribution of Refugee Quota places across each international region differs from that agreed by Cabinet, as shown in Table One below.

Table One: Refugee Quota arrivals by region of asylum

Region of Asylum	Cabinet-agreed allocation (%)	2014/15 arrivals (%)	2015/16 arrivals (%)	2016/17 arrivals (%)
Asia-Pacific	50	63	74	64
Americas	22	16	19	32
Middle East	14	20	6	3
Africa	14	1	1	1

¹ This means that, for example, a person of Syrian nationality being considered for resettlement under the Refugee Quota who has claimed asylum, found to be a refugee, and been referred for resettlement to a safe third country by the UNHCR in Indonesia would be included in the places allocated to the Asia-Pacific region.

- 12 The percentage of Refugee Quota places that are allocated to resettle refugees from each international region excludes the 150 places that are set aside for refugees subject to Australia's offshore processing legislation, and the 100 places that are set aside for large-scale refugee crisis situations. The family link requirement does not apply to the places set aside for large-scale refugee crisis situations, some of which have been allocated to the Middle East region in recent years. In addition, the family link requirement has not been applied to the emergency Syrian response that was implemented over the last three financial years.²
- 13 It is expected that the challenges of identifying refugees with an existing family link in New Zealand will persist.

There are large numbers of refugees in need of resettlement in the regions where the family link requirement is applied

- 14 Refugees are referred to New Zealand for resettlement under the Refugee Quota Programme by the UNHCR. Refugees who are referred for resettlement by the UNHCR have been identified as those for whom there are no durable solutions in their country of asylum, and who are in need of resettlement in a safe third country.³ The UNHCR prioritises those refugee cases most in need of resettlement for referral to third countries like New Zealand who have offered to provide resettlement to refugees.
- 15 UNHCR forecasting of global refugee resettlement needs for 2018 is shown in Table Two. Of the regions from which New Zealand currently resettles refugees under the Refugee Quota Programme,⁴ the countries with the largest numbers of refugees in need of resettlement are in the Africa and Middle East regions.

Table Two: Projected global refugee resettlement needs for 2018

Region of Asylum	Projected resettlement needs for 2018 (number of persons and percentage of global total)
Africa	510,676 (43%)
Asia-Pacific	100,988 (8%)
Europe	302,000 (25%)
Middle East and North Africa	279,855 (23%)
Americas	1,830 (<1%)
Total	1,195,349

Source: UNHCR Projected Global Resettlement Needs 2018

- 16 Removal of the family link requirement would facilitate resettlement of refugees from the Africa and Middle East regions, where there are large numbers of refugees in need of resettlement. It would also enable the UNHCR to refer refugee cases to New Zealand that are considered to be most in need of resettlement, regardless of whether they have a family link in New Zealand. Responding to the resettlement need in these regions is consistent with the humanitarian objectives of the Refugee Quota Programme.

² The emergency Syrian response has consisted of 600 places for Syrian refugees that are additional to the Refugee Quota over the past three financial years (100 places in 2015/16 and 250 places each in 2016/17 and 2017/18), and 150 places within the Refugee Quota.

³ The UNHCR promotes three durable solutions for refugees: voluntary repatriation, local integration in the country of asylum, or resettlement in a safe third country.

⁴ New Zealand does not currently resettle refugees from Europe.

- 17 If the family link requirement was removed, countries from which refugees would likely be considered for resettlement under the Refugee Quota, based on UNHCR priority resettlement areas, include:
- 17.5 Ethiopia (refugees of South Sudanese, Eritrean and Somali nationality);
 - 17.6 Kenya (refugees of Ethiopian, South Sudanese and Somali nationality);
 - 17.7 Rwanda and Uganda (refugees of Congolese nationality); and
 - 17.8 Jordan and Lebanon (refugees of Syrian and Iraqi nationality).

The family link requirement has attracted criticism from key stakeholders

- 18 Key stakeholders, including the UNHCR, the refugee community in New Zealand and non-government organisations have expressed opposition to the family link requirement.
- 19 In its submission on the current 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 imposition of the requirement only for some regions could be perceived as discriminatory.
- 20 Stakeholders in the refugee community and non-government organisations perceive the requirement to be discriminatory against refugees from the Africa and Middle East regions by restricting them from accessing resettlement in New Zealand. Although the requirement applies to refugees' region of asylum, the majority of refugees that would be referred from the Africa and Middle East regions are of African or Middle Eastern nationality.

There are no national security or settlement concerns associated with removal of the family link requirement

Robust assessment and screening processes are applied to the Refugee Quota Programme

- 21 All refugee cases submitted to INZ by the UNHCR undergo a full assessment and screening before they are accepted for resettlement under the Refugee Quota. A full description of this process is included in Annex One. The New Zealand Security and Intelligence Service supports INZ to provide this robust and deliberate national security screening process for refugees.
- 22 There are no security or settlement concerns that specifically apply to refugees resettled from the Africa and Middle East regions. 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.

The proposal is not expected to impact refugee settlement outcomes

- 23 There are no indications that there will be a higher likelihood of poor refugee settlement outcomes associated with the removal of the family link requirement, either for refugees from the Africa and Middle East regions who are already in New Zealand, or for refugees who will be resettled from those regions in the future. I am confident that the all-of-government approach to the provision of settlement support services to all refugees

resettled under the Refugee Quota under the New Zealand Refugee Resettlement Strategy is sufficient to manage any difficulties that arise.

- 24 Removal of the family link requirement will not prevent refugees already in New Zealand that were resettled from the Africa and Middle East regions from reunifying with family. Quota refugees in New Zealand are able to reunify with immediate family through the Refugee Quota Family Reunification Category (part of the general protection sub-category of the Refugee Quota) or by applying to sponsor other family members through the Refugee Family Support Category.
- 25 It is possible that removal of the family link requirement will mean that New Zealand will resettle cohorts of refugees that have not been resettled here before. The existence of an established community of refugees of the same nationality can be beneficial for settlement of refugees in New Zealand. However, the settlement support that is provided as part of the Refugee Quota Programme is designed to support refugees' settlement into their communities regardless of whether there is an existing community of refugees of the same nationality.

Removal of the family link requirement would come into effect immediately following Cabinet approval

- 26 The family link requirement is not specified in immigration instructions; therefore, removal of the requirement would come into effect immediately following Cabinet agreement.
- 27 Currently, the UNHCR identifies family-linked refugee cases for consideration by INZ. INZ would communicate a decision to remove the family link requirement to the UNHCR, who could then begin referring non-family linked cases for consideration. Family-linked cases that have already been referred to INZ would continue to be processed.

Cabinet agreement to increase the annual Refugee Quota to 1,500 places will be sought in June 2018

- 28 I have considered advice on increasing the annual Refugee Quota to 1,500 places. I intend to seek Cabinet agreement to this increase, and to the plan for implementing it, in June 2018.
- 29 2018/19 is the last year of the current three-year Refugee Quota Programme. Cabinet decisions on the details of the next three-year Refugee Quota Programme (2019/20 – 2021/22), including the international regional allocation of all Refugee Quota places for this time period, will be sought in early 2019.

Consultation

- 30 The following agencies have been consulted on the proposal: the Ministry of Foreign Affairs and Trade; the Office of Ethnic Communities; and the Department of Prime Minister and Cabinet. The Treasury has been informed.

Financial Implications

- 31 There are no financial implications arising from this proposal as the removal of the family link requirement will not change the number of refugees that are resettled in New Zealand each year under the Refugee Quota Programme.

Human Rights

- 32 The proposal is consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Legislative Implications

- 33 There are no legislative or regulatory implications associated with this proposal.

Publicity

- 34 An announcement of the decision to remove the family link requirement will be made by my office. In addition, INZ will notify the UNHCR of the decision. Key stakeholders from the refugee community and from non-government organisations are expected to have a strong interest in the decision.
- 35 This paper will be proactively released in due course.

Recommendations

- 36 The Minister of Immigration recommends that the Committee:
- 1 note that in 2010, Cabinet agreed that refugees from the Africa and Middle East regions would be required to have an existing family link in New Zealand in order to be considered for resettlement under the Refugee Quota Programme [DES Min (10) 2/3]
 - 2 note that as a result of the family link requirement, the number of refugees from the Africa and Middle East regions has been lower than that agreed by Cabinet, and the Refugee Quota has been met from other regions
 - 3 note that removal of the family link requirement for refugees resettled from the Africa and Middle East regions would:
 - 3.1 enable New Zealand to respond to the large numbers of refugees in need of resettlement in the Africa and Middle East regions;
 - 3.2 be positively received by key stakeholders including the United Nations High Commissioner for Refugees, the refugee community and non-government organisations, who have criticised the family link requirement; and
 - 3.3 not create any additional security or settlement risks
 - 4 agree that the requirement for refugees from the Africa and Middle East regions to have a family link in New Zealand in order to be considered for resettlement under the Refugee Quota Programme be permanently removed from 2018/19 onwards
 - 5 note that an announcement of the decision to remove the family link requirement will be made by my office
 - 6 note that Cabinet agreement to a plan to increase the annual Refugee Quota to 1,500 places will be sought by June 2018

7 note that this paper will be proactively released in due course.

Authorised for lodgement

Hon Iain Lees-Galloway

Minister of Immigration

PROACTIVELY RELEASED

Annex One - Immigration New Zealand's decision-making process for the Refugee Quota

All refugee cases submitted by the UNHCR undergo a full assessment and screening as part of the INZ decision-making process, which includes:

- on- and off-shore screening and assessment, which includes interviews that focus on credibility, risk and settlement to ensure 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;
- immigration risk assessment by the INZ Risk Assessment Team (assessed for reputational risk to New Zealand);
- security check;
- Migration 5 (M5) biometric checks; and
- immigration health assessment.

Those applicants who do not meet the Government's agreed Refugee Quota Programme requirements, New Zealand's relevant immigration policies, security and M5 checks, and risk assessment are declined from inclusion in the Refugee Quota Programme.