



COVERSHEET

Minister	Hon Michael Wood	Portfolio	Immigration
Title of Cabinet paper	<i>Aotearoa New Zealand's refugee resettlement offer to Australia</i>	Date to be published	18 August 2022

List of documents that have been proactively released		
Date	Title	Author
February 2022	<i>Aotearoa New Zealand's refugee resettlement offer to Australia</i>	<i>Office of the Minister of Immigration</i>
21 February 2021	<i>CAB-22-MIN-0031 Minute</i>	<i>Cabinet Office</i>

Information redacted

YES / NO

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Some information has been withheld for the reasons of international relations, confidential information entrusted to the Government, and free and frank opinions.

Offices of the Ministers of Immigration and Foreign Affairs
Cabinet External Relations and Security Committee

Aotearoa New Zealand's refugee resettlement offer to Australia

Proposal

- 1 This paper seeks agreement to the parameters of Aotearoa New Zealand's refugee resettlement offer to Australia, in order to progress discussions between Aotearoa New Zealand and Australian officials, including that:
 - 1.1 Aotearoa New Zealand will take up to three annual cohorts of up to 150 people who are subject to Australia's offshore processing legislation;
 - 1.2 Those considered will require referral from the United Nations High Commissioner for Refugees (UNHCR) as priority refugees and will be subject to Aotearoa New Zealand's Refugee Quota Programme screening and assessment processes;
 - 1.3 Aotearoa New Zealand will only consider resettling refugees transferred onshore to Australia from Nauru or Papua New Guinea (PNG) subject to UNHCR referral.

Relation to Government priorities

- 2 The Labour Party committed in its 2020 election manifesto to resuming the Refugee Quota Programme as border restrictions eased, which includes 150 places set aside annually under Aotearoa New Zealand's 2013 offer to Australia to resettle refugees subject to Australia's regional processing legislation.

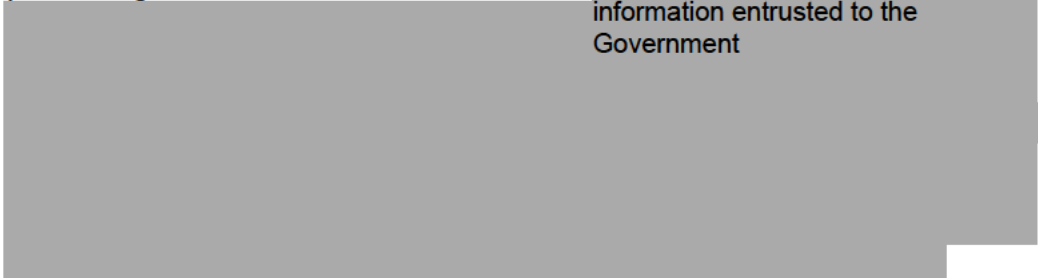
Executive Summary

- 3 In 2013 Aotearoa New Zealand offered to resettle annual cohorts of 150 refugees who were subject to Australia's offshore processing legislation. After electing not to take up the offer for several years, Australia indicated it was ready to accept it in early 2021 and officials began discussions about how it could proceed.

- 4 Confidential information entrusted to the Government

- 5 Confidential information entrusted to the Government

6 In addition to offshore resettlements, Australia has also requested that Aotearoa New Zealand resettle people who were previously in offshore processing centres but are now in Australia. International relations, Confidential information entrusted to the Government



7 International relations



8 We seek agreement to proceed with finalising an arrangement with Australia on the following basis:

8.1 Aotearoa New Zealand will take up to three annual cohorts of 150 (up to 450 in total) to be resettled in Aotearoa New Zealand;

8.2 Those on Nauru will be the first priority for resettlement;


8.3 Those subject to Australia's offshore processing legislation who are currently onshore in Australia can be included in the offer, but only if referred by UNHCR.

9 These decisions will allow officials to further discuss arrangements with Australia, with an aim for the Minister of Immigration (Aotearoa New Zealand) and the Minister of Home Affairs (Australia) to undertake an Exchange of Letters should both countries agree on a process for resettling refugees under this offer. The earliest that cohorts would start to arrive is late 2022.

Background


10 In 2013, then Prime Minister John Key and Australian Prime Minister Julia Gillard jointly announced that Aotearoa New Zealand would work closely with Australia to resettle up to 150 refugees each year who had arrived irregularly in Australia by boat to seek asylum. Since 2014, Cabinet has continued to set aside up to 150 places within the annual Refugee Quota Programme to resettle the group. The Aotearoa New Zealand Government has regularly confirmed publicly that its offer to Australia still stands.

11 Australia's Coalition Government (elected in late 2013) declined to take up Aotearoa New Zealand's offer, but asked Aotearoa New Zealand to hold it in reserve. Since 2016, Australia has been focused on a separate resettlement arrangement with the United States that is nearly complete. Until now, the 150 places set aside each year by Aotearoa New Zealand have been re-allocated to United Nations High Commissioner for Refugees (UNHCR)-referred refugees.

- 12 Following approaches from Australia, exploratory discussions about the offer have been held intermittently at officials' level since 2019, during which Aotearoa New Zealand's requirements for proceeding have been clearly communicated, including the need for UNHCR involvement. On 15 January 2021, Australian Home Affairs Minister Peter Dutton wrote to Minister Faafoi to state that "the Australian Government is now ready to accept the resettlement arrangement with New Zealand". On 30 April 2021, Minister Faafoi wrote to new Home Affairs Minister Karen Andrews to confirm that officials would meet to discuss taking the offer forward.
- 13 The letter also included a request that Aotearoa New Zealand take people who are subject to the offshore processing legislation but are currently onshore in Australia. International relations, Confidential information entrusted to the Government

- 14 Cabinet decisions are now required for officials to progress agreement on this arrangement.

Agreement to take refugees in Nauru

Confidential information entrusted to the Government



17 Confidential information entrusted to the Government
[Redacted]

18 Confidential information entrusted to the Government
[Redacted]

19 We consider that these refugees fall within the scope of the original offer and there are strong good faith reasons to proceed with consideration of their resettlement under Aotearoa New Zealand's Refugee Quota Programme, if and when satisfactory arrangements with Australia are finalised. Any refugees considered for resettlement by Aotearoa New Zealand under the Refugee Quota Programme would be subject to the comprehensive Refugee Quota Programme screening and assessment processes. Following Cabinet consideration of the parameters of the offer, officials will proceed with developing arrangements with Australia related to this cohort.

Australia's arrangements with PNG ended on 31 December 2021

20 Australia and PNG announced on 6 October 2021 that they had agreed to end their regional resettlement arrangement, which had been in place since July 2013. Australian Government regional processing contracts in PNG ceased on 31 December 2021, with PNG agreeing to assume responsibility for people subject to regional processing who remain there. Australia offered those in PNG the ability to transfer to Nauru, but this offer was time-limited and ended in December 2021.

21 Those choosing to remain in PNG will not be eligible for the 150 places in Aotearoa New Zealand's resettlement offer. Aotearoa New Zealand could in future consider resettling refugees who are located in PNG under the Refugee Quota Programme, subject to UNHCR referrals and Aotearoa New Zealand's other requirements. International relations
[Redacted]

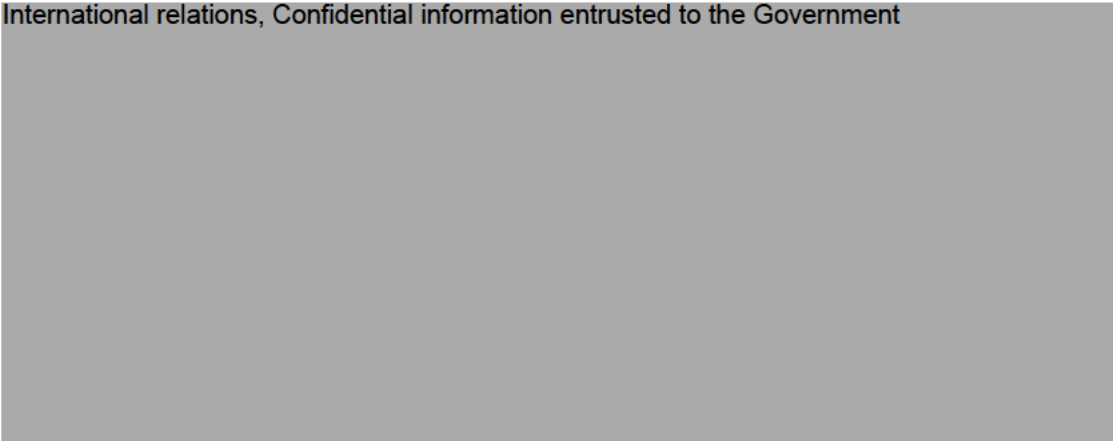
Refugees currently onshore in Australia

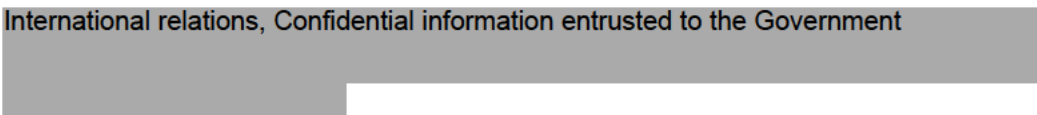
22 Australia has requested that Aotearoa New Zealand considers resettlements from a group of Confidential information entrusted to the Government refugees (subject to Australia's offshore processing legislation) currently located in Australia. Confidential information entrusted to the Government
[Redacted] Australia classes this group as 'transitory persons' and Australian policy is that they will never be able to settle in Australia permanently.

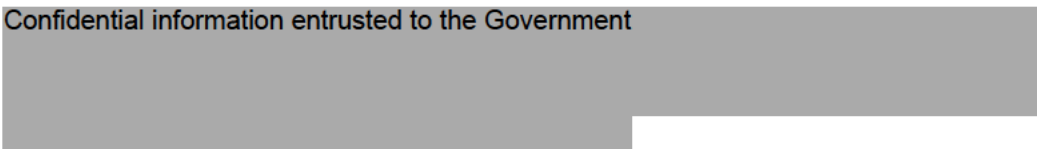
23 International relations
[Redacted]

24 All refugees resettled under Aotearoa New Zealand's Refugee Quota Programme are referred to Aotearoa New Zealand from the UNHCR. Aotearoa

New Zealand has made this process clear to Australia and stated that UNHCR involvement was a requirement for discussions about the 150 places offer to proceed.

25 International relations, Confidential information entrusted to the Government


26 International relations, Confidential information entrusted to the Government


27 Confidential information entrusted to the Government


28 If UNHCR agrees to facilitate a referral process for individuals onshore in Australia, we consider that Aotearoa New Zealand can resettle these people without precedent risk for our Refugee Quota Programme.

29 International relations


30 International relations


31 We therefore seek Cabinet's agreement to resettle relevant refugees who are currently onshore in Australia (and subject to Australia's offshore processing legislation) only if they are referred by UNHCR as refugees.

32 International relations [Redacted]

End point

33 International relations, Free and frank opinions [Redacted]

34 Should refugees be resettled from Australia, an endpoint will limit the total number of refugees that arrive under the offer. ^{Confidential information entrusted to the Government} [Redacted] Officials recommend that the endpoint be set at three years, allowing up to 450 refugees (150 per year) to be resettled under the offer. This will provide certainty to those affected by this offer and will cover a sizeable portion of those currently without a resettlement pathway.

35 Should a suitable arrangement not be reached with Australia and UNHCR for the onshore cohort, the number of people resettled will likely be fewer than 150, in which case the main impact of introducing an endpoint would be to remove the ongoing allocation of 150 places set aside each year. ^{International relations} [Redacted]

36 Confidential information entrusted to the Government [Redacted]

Family reunification

37 Refugee family reunification is a vital aspect of supporting refugee settlement outcomes and meets our commitments to supporting the principle of family unity. It was indicated in the Cabinet paper titled 'Refugee Quota Programme 2013/14 to 2015/16 and Arrangement with Australia to Resettle Refugees' that those resettled under this offer would have the same access to family reunification as other refugees resettled under the Refugee Quota Programme. As with other quota refugees being reunified with immediate family members, this means that family members located in their country of origin or another third country (outside of Nauru and Australia) would be resettled within the 1,500 places of the Refugee Quota, but outside the 150 places offer. Officials recommend this approach to accounting for family reunification. ^{Confidential information entrusted to the Government} ^{International relations} [Redacted]

38 Confidential information entrusted to the Government [Redacted]

Confidential information entrusted to the Government

- 39 Given the average predicted family size and the time it may take to locate and process family members that are not located in Australia or Nauru, officials do not consider that offering this group resettlement outside of the 150 offer will significantly impact the ability of other groups with high protection needs from accessing places under the quota. Any immediate family members resettled under the Refugee Quota Programme will be included within the planned and scheduled refugee intakes across the financial year(s).

Further steps and timings

- 40 Timeframes for resettlement will in part be dependent on Aotearoa New Zealand's processes, selection missions by Aotearoa New Zealand officials, comprehensive security and assessment procedures, planning in the context of Aotearoa New Zealand's broader Refugee Quota Programme, and COVID-19 considerations. Should satisfactory arrangements with Australia be developed in the coming months, the earliest that resettlements could begin would be the end of 2022.

- 41 Resettlement of eligible refugees from Nauru will commence as soon as an arrangement with Australia can be finalised and put into place. International relations work on the cohort in Nauru will proceed separately from that group.

- 42 International relations

- 43 International relations

Implications for trans-Tasman travel

International relations

International relations



- 46 We propose that Aotearoa New Zealand takes the position that Australian decisions about who can enter Australia are a sovereign matter for Australia, but that Aotearoa New Zealand will take no actions to disadvantage Aotearoa New Zealand citizens International relations



Financial Implications

- 47 Refugees resettled under the 150 places are accounted for under the current Refugee Quota, which is already funded. Confidential information entrusted to the Government



Legislative Implications

- 48 There are no legislative implications arising from this paper.

Impact Analysis

Regulatory Impact Statement

- 49 A regulatory impact statement was not necessary for this paper.

Climate Implications of Policy Assessment

- 50 A Climate Implications of Policy Assessment (CIPA) was not necessary for this paper.

Population Implications

- 51 Limited implications as referrals will be taking places under the Refugee Quota Programme so would be allocated to other refugees if not utilised by this group.

Human Rights

- 52 The proposals in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993, and with Aotearoa New Zealand's international human rights obligations. The Immigration Act 2009 recognises that immigration matters inherently involve different treatment on the basis of personal characteristics, but immigration policy development seeks to ensure that any changes are necessary and proportionate.

Consultation

- 53 This paper has been consulted with the Ministry of Business, Innovation and Employment and the Ministry of Foreign Affairs and Trade.

Communications

- 54 Aotearoa New Zealand and Australian officials are preparing a draft joint communications and engagement plan with Australian officials for Ministers' consideration. Key stakeholders include UNHCR, the Government of Nauru, individuals who may be considered for resettlement, and refugee advocates.

International relations

Proactive Release

- 55 As the offer is subject to ongoing discussion with Australia, we intend to delay the release of this Cabinet Paper until after a public announcement is made.

Recommendations

The Ministers for Immigration and Foreign Affairs recommend that the Committee:

- 1 **note** that Aotearoa New Zealand announced in 2013 it would work closely with Australia to annually resettle 150 refugees who had arrived irregularly in Australia by boat to seek asylum;
- 2 **note** that, from 2014, Cabinet set aside up to 150 places within the annual Refugee Quota to resettle refugees who had been subject to Australia's offshore processing legislation, but these places have not yet been used for that purpose [Cab Min (13) 20/15];
- 3 **note** that Australia stated in January 2021 that it was ready to accept Aotearoa New Zealand's offer and officials have been engaging with Australia to progress this;
- 4 **note** that Australia is seeking resettlement of refugees currently located in Nauru as a priority, and that officials will proceed with developing arrangements that would allow resettlement of members of this group who meet Aotearoa New Zealand requirements;

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- 5 **note** that Australia is also seeking resettlement of people temporarily onshore in Australia, International relations, Confidential information entrusted to the Government
- 6 **agree** that Aotearoa New Zealand should only consider resettlement of relevant refugees currently located in Australia subject to both UNHCR referral and the development of satisfactory arrangements with Australia;
- 7 International relations
- 8 **agree** that Aotearoa New Zealand should take the position that Australia's border decisions are a sovereign matter, but that Aotearoa New Zealand would take no actions to disadvantage Aotearoa New Zealand citizens;
- 9 **agree** that subject to the development of satisfactory arrangements and commencement of the offer, the 150 places reserved under the offer be continued for three years and then removed from the Refugee Quota Programme;
- 10 **agree** that family members of the transferees located in their country of origin or other third country (not Nauru or Australia) will be eligible for resettlement under the family reunification places in the refugee quota programme and will not be subject to the time limit placed on those applying under the 150 places;
- 11 **agree** to officials undertaking further work to progress the offer within the parameters agreed to above;
- 12 **agree** to delegate authority to a smaller group of the Minister of Immigration, the Minister of Foreign Affairs and the Prime Minister to approve any officials-level arrangements with Australia, any exchange of letters with Australian Ministers and the commencement of a resettlement process.

Authorised for lodgement

Hon Kris Faafoi
Minister of Immigration

Hon Nanaia Mahuta
Minister of Foreign Affairs

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