

AIDE MEMOIRE

Meeting with Hon Murray McCully on 29 April 2015

Date:	28 April 2015	Priority:	Medium
Security Classification:	In Confidence	Tracker number:	2627 14-15

Hon Michael Woodhouse Minister of Immigration
Hon Craig Foss Associate Minister of Immigration

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Christine Hyndman	Manager, Immigration Policy	s 9(2)(a)	✓
Floss Caughey	Senior Advisor, Immigration Policy		

The following departments/agencies have been consulted					
<input type="checkbox"/> Treasury	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> TPK	<input type="checkbox"/> MoH
<input type="checkbox"/> Other:			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 Withdrawn |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:



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Purpose

1. To provide talking points for your meeting with Hon Murray McCully, Minister of Foreign Affairs, on Wednesday 29 April 2015 at 3.30 pm. Steve Stuart (Acting DCE, Immigration New Zealand) and Christine Hyndman (Manager, Immigration New Zealand) will be available to support you at the meeting.

Items for discussion

2. The agenda items for your meeting with Minister McCully on 29 April 2015 are:

- Proposed 2015/16 Refugee Quota and allocation decisions
Out of Scope

3. Talking points on these three items are provided below. Information on other refugee topics, not directly related to the 2015/16 Refugee Quota decisions, is provided in Annex One in case they are raised in the course of the discussion.

Proposed 2015/16 Refugee Quota and allocation decisions

More refugees from Syrian conflict could be accepted?

4. A joint Ministry of Business, Innovation and Employment (the Ministry) and Ministry of Foreign Affairs and Trade (MFAT) briefing [tracker number 2209 14-15] provided on Tuesday 7 April 2015 sought decisions on the 2015/16 Refugee Quota.
5. The continuing conflict in Syria has resulted in large numbers of Syrians fleeing the country and the United Nations High Commissioner for Refugees (UNHCR) has called on countries to offer more places to resettle Syrian refugees. Officials propose that:
 - the 50 places within the Refugee Quota, agreed by Cabinet to be used annually to resettle refugees from large-scale refugee crisis situations, be used in 2015/16 to resettle Syrian refugees, and
 - EITHER 100 out of the 150 places ^{s6(b)(i)} for its transferees be reallocated to Syrian refugees and the remaining 50 places be reallocated to refugees resettled from the Asia-Pacific region (Option One preferred) OR all 150 places be allocated to refugees from the Asia-Pacific region (Option Two).

6. Officials support the first option because it would provide an immediate humanitarian response to the Syrian crisis while still demonstrating commitment to the Asia-Pacific region. Option One would also provide a more balanced regional allocation. Under Option One, over half (52 per cent) of the available places in 2015/16 and 61 per cent of the three year quota would be allocated to the Asia-Pacific region. Under Option Two, two thirds of the available places (65 per cent in 2015/16 and 66 per cent of the three year quota) would be allocated to the Asia-Pacific region.

Stringent security checks would be undertaken

7. All refugees submitted by the UNHCR for consideration for resettlement in New Zealand under the Refugee Quota Programme have to meet stringent security checks which include:
- on and off-shore screening and assessment that focuses on credibility, risk and settlement, to ensure the person is not a security risk or character of concern to New Zealand and 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 by the Security Intelligence Service
 - Five Country Conference (FCC) biometric checks; and
 - INZ health assessment.
8. Prospective quota refugees who do not meet security and FCC checks and immigration risk and health assessments are declined.

Draft Cabinet paper will now be submitted for signature by 14 May 2015

9. Officials will prepare a Cabinet paper for consideration by the External Relations and Defence Committee on Tuesday 26 May 2015 seeking its decision on the reallocation of the 150 places s6(b)(i). We now propose to submit a draft for the joint signatures of the Ministers of Immigration and Foreign Affairs by Thursday 14 May 2015.

Cabinet decisions on the next three-year Refugee Quota Programme due next year

10. Cabinet decisions on the next three-year (2016/17 – 2018/19) Refugee Quota Programme are required early in 2016. There is heightened interest from key stakeholders on the size and composition of the three-year Refugee Quota. One way to manage this could be to invite submissions from key stakeholders.
11. Stakeholders are expected to seek an increase in the Refugee Quota. New Zealand's Refugee Quota has remained at 750 (plus or minus 10 per cent) annually for two decades. New Zealand ranks seventh equal with the United Kingdom in the number of UNHCR-referred refugees it accepts for resettlement each year but most other resettlement countries experience much higher numbers of asylum claimants.

Out of Scope

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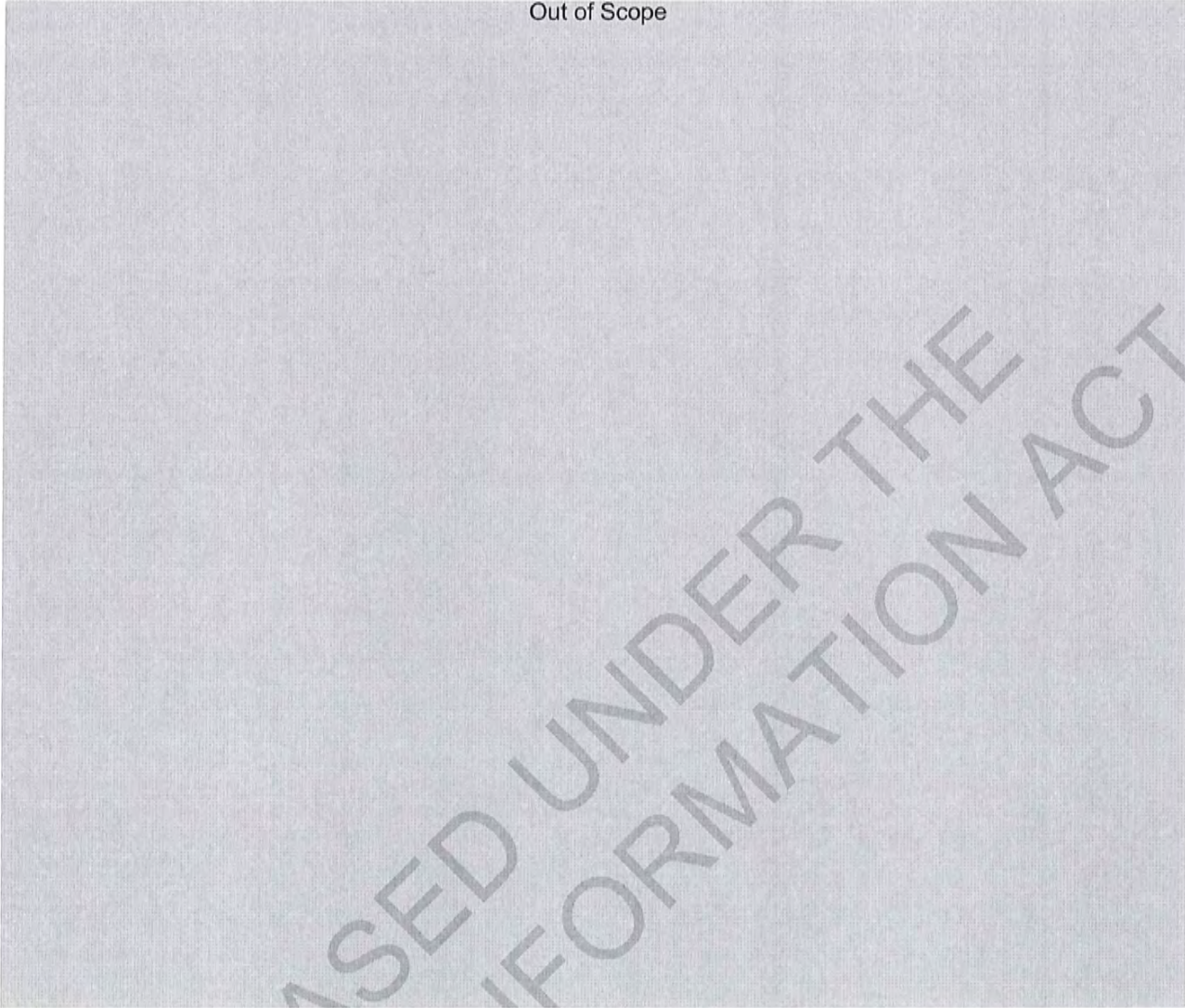
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**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI



NEW ZEALAND
FOREIGN AFFAIRS & TRADE

BRIEFING

Proposed 2015/16 Refugee Quota and allocation decisions

Date:	7 April 2015	Priority:	Medium
Security classification:	In Confidence	Tracking number:	2209 14-15

Action sought		
	Action sought	Deadline
Hon Michael Woodhouse Minister of Immigration	Agree to the recommendations	16 April 2015
Hon Murray McCully Minister of Foreign Affairs	Agree to the recommendations	16 April 2015
Hon Craig Foss Associate Minister of Immigration	Copy attached for your information.	N/A

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Christine Hyndman	Manager, Immigration Policy, MBIE	s 9(2)(a)	✓
Floss Caughey	Senior Advisor, Immigration Policy		
s 9(2)(a)	Divisional Manager, United Nations, Human Rights and Commonwealth		✓

The following departments/agencies have been consulted					
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Minister's office to complete:

Approved

Noted

Seen

See Minister's Notes

Declined

Needs change

Overtaken by Events

Withdrawn

Comments:

BRIEFING

Proposed 2015/16 Refugee Quota and allocation decisions

Date:	7 April 2015	Priority:	Medium
Security classification:	In Confidence	Tracking number:	2209 14-15

Purpose

To seek your agreement to the proposed 2015/16 Refugee Quota composition, in particular:

- your agreement to the allocation of the 50 places earmarked for large-scale refugee crisis situations, and

s6(b)(i)

We also seek your preferred approach to consultation on the next three-year 2015/17 – 2016/19 Refugee Quota Programme.

Executive Summary

The composition of the final year of the current Cabinet-agreed three-year 2014/15 – 2015/16 Refugee Quota Programme requires two Ministerial decisions to enable implementation of the Refugee Quota in 2015/16:

1. The continuing conflict in Syria has resulted in large numbers of Syrians fleeing the country and requiring resettlement as refugees. This paper proposes that the Cabinet-agreed allocation of up to 50 places annually for large-scale refugee crisis situations be allocated to Syrian refugees within the 2015/16 Refugee Quota, and

2.

s 6(b)(i)

This paper puts forward two options for your consideration prior to seeking Cabinet decisions:

- a. either reallocating 100 of those places to resettle Syrian refugees from the Syrian conflict and reallocating the remaining 50 places to the Asia-Pacific region;

OR

- b. reallocating all 150 places to the Asia-Pacific region.

This paper supports the first option as it would provide an immediate humanitarian response to the Syrian crisis, while still demonstrating commitment to the Asia-Pacific region.

The proposed 2015/16 Refugee Quota composition is shown in detail in Annex One.

Recommended action

The Ministry of Business, Innovation and Employment and the Ministry of Foreign Affairs and Trade recommends that you:

a agree that up to 50 places available in the 2015/16 Refugee Quota to resettle refugees from large-scale refugee crisis situations be used to resettle Syrian refugees from the Syrian conflict

Agree / Disagree

b agree that Cabinet approval be sought for, either:

(i) up to 100 of the 150 places in the Refugee Quota, s6(b)(i) be used to resettle 100 United Nations High Commissioner for Refugees (UNHCR)-referred Syrian refugees from the Syrian conflict and the remaining 50 places be used to resettle UNHCR-referred refugees from the Asia-Pacific region

Agree / Disagree

OR

(ii) all 150 places, s6(b)(i) in 2015/16, be used to resettle up to 150 UNHCR-referred refugees from the Asia-Pacific region

Agree / Disagree

c agree to the proposed 2015/16 Refugee Quota composition as shown in Annex One

Agree/Disagree

d agree that key stakeholders be invited to make submissions before a Cabinet decision is sought on the next three-year (2016/17 – 2017/18) Refugee Quota Programme.

Agree / Disagree

Christine Hyndman

Christine Hyndman
Manager, Immigration Policy
People, Science and Enterprise
Ministry of Business, Innovation and Employment

Hon Michael Woodhouse
Minister of Immigration

7.4.15

RPB
Rosemary Paterson
Acting Deputy Secretary
Multilateral and Legal Group
Ministry of Foreign Affairs and Trade

... / ... / ...

Hon Murray McCully
Minister of Foreign Affairs

... / ... / ...

7.4.15

Background

1. In June 2013, Cabinet agreed to the following [CAB Min (13) 20/15 refers]:
 - up to 50 places would be allocated annually within the Refugee Quota to resettle UNHCR-referred refugees who require emergency resettlement from large-scale refugee crisis situations, and
 - up to 150 places would be allocated annually from within the Refugee Quota to resettle refugees who have been subject to Australia's offshore processing legislation (transferees). Should Australia decide not to take up the 150 places then, subject to Cabinet's consideration of the regional allocation, they would be reallocated to refugees referred by the UNHCR.
2. This paper seeks your agreement on the 2015/16 Refugee Quota composition, and specifically:
 - your agreement on the allocation of the 50 places within the 2015/16 Refugee Quota earmarked for UNHCR-referred refugees who require emergency resettlement from large-scale refugee crisis situations, and
 - s6(b)(i)

Stringent security checks of all cases submitted for resettlement

3. All cases submitted by UNHCR for consideration of resettlement in New Zealand are subject to Immigration New Zealand's on- and off-shore screening and assessment. These assessments 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.
4. Furthermore, all cases undergo immigration risk assessments, security and character checks, biometric checks with our Five Country Conference (FCC) partners, and health assessment. Those that do not meet the criteria relating to the Government's agreed Refugee Quota Programme, New Zealand's relevant Immigration policies, security, character and FCC checks, and risk and health assessments, will be declined.

Proposal to use 50 large-scale crisis places in 2015/16 to resettle Syrian refugees

Places allocated to Syrian refugees in 2013/14 and 2014/15

5. In February 2014, you agreed that the 50 annual large-scale refugee crisis places, approved by Cabinet in 2013, would be used to resettle up to 100 Syrian refugees within the 2013/14 and 2014/15 Refugee Quotas [briefing 13/05328 refers]. Given the timing of that decision, and processing and logistics required to consider the Syrian refugee referrals from the UNHCR, the up to 100 Syrian refugees were included for resettlement within the 2014/15 Refugee Quota rather than being spread over the 2013/14 and 2014/15 financial years [briefing 3411 13-14 refers].
6. Around 70 Syrian refugees and their immediate family members will be resettled in New Zealand in the 2014/15 Refugee Quota. Of the UNHCR-referred Syrian cases submitted to New Zealand, at least 14 individuals were withdrawn as they did not want to proceed with resettlement for family or other reasons. A further six cases were declined as they did not meet Immigration New Zealand medical criteria. Any remaining cases from the 100 to be resettled in 2014/15 will be resettled within the 2015/16 Refugee Quota.

Continued large-scale movement of Syrians

7. UNHCR reporting notes that since the conflict began in Syria in March 2011, an estimated 12 million people within Syria are displaced and affected by the conflict. In addition, more than 3.8 million Syrians have fled Syria and have either registered as refugees or are waiting to register in the surrounding region (mainly in Jordan, Turkey, Egypt, Lebanon, and Iraq). The UNHCR has called for a total of 130,000 places for resettlement and other forms of admission for Syrian refugees from 2013 to 2016.
8. Given the continued large-scale movement of Syrians in the Middle East region and the UNHCR's call for increased resettlement places for Syrian refugees, we propose that the Cabinet-agreed up to 50 large-scale refugee crisis places within the 2015/16 Refugee Quota be allocated to Syrian refugees. As with all refugees submitted for resettlement under the Refugee Quota, they will undergo risk assessments and security and character checks.

Reallocation of the 150 places in 2015/16 not required for transferees

9. Following Cabinet's decisions in June 2013, Australia advised that it did not require the 150 places for the 2014/15 year. Cabinet agreed to reallocate the 150 places to UNHCR-referred refugees, mainly from the Asia-Pacific region [CAB Min (14) 19/4 refers].

10. s 6(b)(i)

11. A Cabinet decision will be required on the reallocation of the 150 places for 2015/16. We therefore seek your direction on the proposed reallocation of the 150 places to be put to Cabinet

Two options for your consideration

12. We put forward two options for your consideration:
 - Option One: reallocate 100 places to resettle Syrian refugees and reallocate the remaining 50 places to the Asia-Pacific region or
 - Option Two: reallocate all 150 places to the Asia-Pacific region.

Option One: Resettle 100 Syrian refugees and reallocate 50 places to the Asia-Pacific region (preferred option)

13. Under this option, 100 of the 150 places would be used to resettle UNHCR-referred Syrian refugees from the Syrian crisis and the remaining 50 places would be reallocated to resettling UNHCR-referred refugees from the Asia-Pacific region. We believe that resettling up to a total of 150 Syrian refugees¹ in 2015/16 (in addition to the remaining cases from 2014/15) would demonstrate New Zealand's humanitarian response to this extremely serious ongoing crisis, as well as support for Syria's neighbouring countries experiencing a large influx of Syrian refugees. At the same time, it is a measured response that would support a more balanced regional allocation of the Refugee Quota between the Asia-Pacific region and the rest of the world.

Option Two: Reallocate all 150 places to the Asia-Pacific region

14. Under this option, all of the 150 places would be reallocated to resettle UNHCR-referred refugees from the Asia-Pacific region. The refugees selected for resettlement from the Asia-Pacific region would be resettled from Indonesia, Malaysia, Thailand and Pakistan.

¹ The 50 places for large-scale refugee crisis situations in addition to the reallocation of the 100 places not required for transferees.

15. Enhanced resettlement from the Asia-Pacific region would demonstrate New Zealand's commitment to sharing regional responsibility in line with our efforts to counter people-smuggling through regional initiatives such as the Bali process. However, for 2013/14 and 2014/15, 67 per cent of the places in the Refugee Quota have already been allocated to the Asia-Pacific region. Reallocating an additional 150 places to the Asia Pacific region in 2015/16 would further skew the composition of the Refugee Quota towards the Asia-Pacific region.

Recommendation: Option One

16. Option One is preferred as it provides an immediate humanitarian response to the Syrian crisis, while still demonstrating commitment to the Asia-Pacific region. We assess that this response would fit within the wider New Zealand humanitarian response to the ongoing crisis in the Middle East region as a result of the Syria conflict. It would also allow for a more balanced regional allocation between the Asia-Pacific region and the rest of the world (see Table One and Table Two below).

Proposed 2015/16 Refugee Quota composition

17. The proposed composition of the 750 places available in the 2015/16 Refugee Quota is shown in the Annex. The table in the annex includes the 50 large-scale refugee crisis places allocated to Syrian refugees, and, of the 150 places not needed by Australia, 100 allocated to Syrian refugees and 50 to refugees resettled from the Asia-Pacific region (Option One).
18. Table One below shows the impact on regional allocations of both Option One and Option Two for the 2015/16 year only. Both options make provision for the 50 large-scale crisis places to be allocated to Syrian refugees.

Table One: Impact of each option on the 2015/16 Refugee Quota

Regional allocation	Option One		Option Two	
	Number	%	Number	%
Asia-Pacific region	390	52	490	65
Rest of the world	360	48	260	35
Total	750	100	750	100

19. Table Two shows the impact of each option on the current three-year Refugee Quota Programme (2013/14 – 2015-16).

Table Two: Impact of each option on the three-year Refugee Quota Programme

Regional allocation	First two years of the Refugee Quota		Three-year Refugee Quota under Option One		Three-year Refugee Quota under Option Two	
	Number	%	Number	%	Number	%
Asia-Pacific	1,012	66	1,402	61	1,502	66
Rest of world	519	34	879	39	779	34
Total	1531	100	2281	100	2281	100

Note: The estimated three year total of 2,281 is one percent over 2,250 but well within the 10 percent plus or minus agreed by Cabinet.

Proposed timetable for Cabinet consideration of paper

20. We plan to prepare a draft Cabinet paper concerning the reallocation of the 150 places s6(b)(i) for transferees for you to jointly take to the External Relations and Defence Committee (ERD), scheduled for 26 May 2015. We propose the following timetable:

Table Three: Proposed timetable

Action	Target Date
Your feedback provided on the recommendations in this briefing	16 April 2015
Draft Cabinet paper consulted on and submitted for your signature	6 May 2015
Cabinet paper signed and lodged with Cabinet Office	21 May 2015
Cabinet paper considered by ERD	26 May 2015

Consultation process for the next three-year Refugee Quota Programme

21. Cabinet decisions on the next three-year 2016/17 – 2018/19 Refugee Quota Programme are required early in 2016. Officials will commence the process for seeking Cabinet approval shortly by liaising with UNHCR and domestic agencies and will approach you for guidance on that Cabinet paper in early 2016.
22. We have noted heightened interest and enhanced public diplomacy efforts from key stakeholders on the size and composition of the Refugee Quota. For previous Cabinet mandates, only the views of the UNHCR have been formally sought. One way of managing the heightened interest would be to invite submissions on the next three-year Refugee Quota from key stakeholders such as the New Zealand Red Cross, Amnesty International, and the Human Rights Commission.
23. There is a risk that inviting submissions might raise expectations that the Government will commit to the submissions made. It is likely that most of the key stakeholders' submissions would be in favour of increasing the size of the Refugee Quota, which has not been increased since it was formally established in 1987, and stakeholders would be disappointed if Government decided otherwise. However, we assess that proactive engagement is the most effective way to manage this risk, as it provides an opportunity to discuss the constraints and opportunities with key stakeholders as well as allowing them to present their case.
24. We therefore, on balance, recommend that submissions from key stakeholders be invited later this year, so that they can be a further source of information to support Cabinet's decisions.

Annex

Annex: Proposed 2015/16 Refugee Quota composition.

Annex – Proposed 2015/16 Refugee Quota composition

This table includes the 50 large-scale refugee crisis places allocated to Syrian refugees, and of the 150 places ^{s6(b)(i)} 100 allocated to Syrian refugees and 50 to refugees resettled from the Asia-Pacific region.

2015/16 Proposed Refugee Quota Programme			
Regions/150 places/50 large-scale refugee crisis places	Nationalities***	Number of places	Percentage
Asia-Pacific	Burmese, Bhutanese, Afghan, Sri Lankan, Iraqi	340	45%
Middle East*	Iraqi, Palestinian, Syrian	21	3%
Africa*	Such as Somali, Sudanese, Eritrean and a mix of other African nationalities	45	6%
Americas	Colombian	115	15%
150 places (arrangement with Australia)	Syrian	100	13%
	Asia-Pacific (nationalities as outlined above)	50	7%
50 large-scale refugee crisis places**	Syrian (incl. places remaining from 2014/15 Refugee Quota)	79	11%
TOTAL		750	100%

* Family reunion / family-linked cases from the Middle East and Africa

** Non-family linked

*** The list of nationalities may vary slightly in the case of submissions on emergency resettlement grounds