



COVERSHEET

Minister	Hon Michael Wood	Portfolio	Immigration
Title of Cabinet paper	Government Response to the Report of the Education and Workforce Committee - Briefing on the report on undocumented Tuvaluans in Auckland	Date to be published	3 July 2023

List of documents that have been proactively released		
Date	Title	Author
February 2023	Government Response to the Report of the Education and Workforce Committee - Briefing on the report on undocumented Tuvaluans in Auckland	Office of the Minister of Immigration
23 February 2023	Government Response to the Report of the Education and Workforce Committee - Briefing on the report on undocumented Tuvaluans in Auckland LEG-23-MIN-0005 Minute	Cabinet Office

Information redacted

YES / NO

Any information redacted in this document is redacted in accordance with MBIE's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the reason of Confidential advice to Government.

[In Confidence]

Office of the Minister of Immigration
Cabinet Legislation Committee

Government response to the Report of the Education and Workforce Committee: Briefing on the report on undocumented Tuvaluans in Auckland

Proposal

- 1 This paper seeks approval of the Government's response (the Response) to the Report of the Education and Workforce Committee (the Committee): *Briefing on the report on undocumented Tuvaluans in Auckland*.

Relation to Government priorities

- 2 The Committee's report recommends that the government address the systemic causes of migrants being in New Zealand unlawfully. The Government has been pursuing a broad programme of work to target and combat migrant exploitation. Addressing migrant exploitation is a key part of wider efforts to address issues relating to migrants being in New Zealand unlawfully.

Background

- 3 In 2021, Dr Hoa Thi Nguyen and David Kenkel of Unitec Institute of Technology published a report (the Hidden Gems Report) into the lived experiences of Tuvaluan "hope seekers", living in New Zealand unlawfully in hope of better and more secure lives.¹
- 4 The Committee subsequently initiated a briefing to speak with Dr Hoa Thi Nguyen and David Kenkel about their report. The Committee presented its report to the House, titled *Briefing on the report on undocumented Tuvaluans in Auckland* (the Briefing), on 17 November 2022.
- 5 The Briefing discusses some of the key findings in the Hidden Gems Report, along with summaries of submissions from the Human Rights Commission (HRC), the Irish Department of Justice, and advice provided by the Ministry of Business, Innovation and Employment (MBIE) into the phenomena and impact of people overstaying their visas. It also sets out summaries of initiatives and approaches to addressing overstaying in several other jurisdictions.
- 6 The Briefing sets out two recommendations to the Government:
 - i. investigate ways to address the systemic causes of migrants being in New Zealand illegally, and
 - ii. consider a regularisation initiative for undocumented migrants, taking into consideration lessons from Ireland's 2022 scheme

¹ Nguyen, H., & Kenkel, D. (2021). *Taleni seki atagina: Te akasakiga o kaaiga Tuvalu seki nofo tumau iluga i Aotearoa Niusila. Hidden gems - lived experiences of Tuvaluan hope seekers and their families in Aotearoa New Zealand*. Unitec. <https://hdl.handle.net/10652/5560>

Proposed Government response to Education and Workforce Committee Report

7 The submissions received by the Committee, and its recommendations, reflect general concern about the status and wellbeing of people living in New Zealand unlawfully and their families. For example, people living in New Zealand unlawfully are often living in fear of deportation, experience relatively high levels of labour market vulnerability and risks of exploitation, and have low or no access to publicly-funded services.

8 Confidential advice to Government

9 I recommend that the Government's response highlight the need to undertake careful, longer-term work to ensure that the wellbeing and status of people living in New Zealand is protected, while also ensuring that the overall number of people overstaying their visas reduces over time. The proposed response therefore indicates that further work by MBIE, which could report on options for addressing identified issues and reducing the numbers of overstayers over time, while maintaining the integrity of the immigration system, is under consideration.

10 The proposed response also notes work underway by MBIE to report during 2023 on an updated number of overstayers in New Zealand. This will ensure that any future initiatives are informed by accurate estimates.

11 I also propose that, given the relatively high risk of exploitation faced by migrants living in New Zealand unlawfully, the Government response notes the work currently underway aimed at addressing risks relating to migrant exploitation. This includes the Migrant Exploitation Protection Visa, and increased funding to Employment New Zealand and Immigration New Zealand to respond to reports of exploitation and take action.

Timing of the Government response

12 The Government response must be presented to the House by 6 March 2023.

Financial implications

13 There are no financial implications in relation to the Government's proposed response.

Legislative implications

14 There are no legislative implications in relation to the Government's proposed response.

Te Tiriti o Waitangi

15 There are no direct Te Tiriti o Waitangi considerations from this response.

Population implications

16 The Government's proposed response does not have any direct population considerations. Confidential advice to Government

Confidential advice to Government

Consultation

- 17 This paper has been consulted with the Ministry of Foreign Affairs and Trade and the Ministry for Pacific Peoples.

Proactive release

- 18 This paper will be proactively released (subject to redactions in line with the *Official Information Act 1982*) within 30 business days of decisions being confirmed by Cabinet.

Recommendations

- 19 I recommend that the Cabinet Legislation Committee:
- 1 **note** that, on 17 November 2022, the Education and Workforce Committee presented its report to the House, titled *Briefing on the report on undocumented Tuvaluans in Auckland*;
 - 2 **note** that the Education and Workforce Committee has made two recommendations, which relate to addressing the systemic issues that give rise to unlawful migration over time as well as improving the position and wellbeing of people living in New Zealand unlawfully;
 - 3 **approve** the proposed Government response to the Report of the Education and Workforce Committee, attached as Appendix One;
 - 4 **note** that the Government response must be presented to the House by 6 March 2023; and
 - 5 **invite** the Minister of Immigration to present the Government response to the House, in accordance with Standing Order 256.

Authorised for lodgement

Hon Michael Wood
Minister of Immigration