



COVERSHEET

Minister	Hon Andrew Little	Portfolio	Immigration
Title of Cabinet paper	Government response to the petition of Leo Li: <i>Help a family from Tibet to avoid deportation from New Zealand</i>	Date to be published	17 July 2023

List of documents that have been proactively released		
Date	Title	Author
June 2023	Government response to the petition of Leo Li: <i>Help a family from Tibet to avoid deportation from New Zealand</i>	Office of the Minister of Immigration
1 June 2023	Government response to the petition of Leo Li LEG-23-MIN-0074 Minute	Cabinet Office

Information redacted

YES

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 to protect the privacy of natural persons.

In Confidence

Office of the Minister of Immigration
Chair, Cabinet Legislation Committee

Government Response to the Petition of Leo Li: *Help a family from Tibet to avoid deportation from New Zealand*

Proposal

1. This paper seeks approval to the proposed Government response to the Petition of Leo Li (Mr Li): *Help a family from Tibet to avoid deportation from New Zealand*.

Background of the Petition

- 2 On 13 March 2023, the Petitions Committee referred Mr Li’s petition to me for response. The petition, attached at Appendix One, requests the following:

“Please consider people’s choice and our family circumstances to take a sympathetic approach, urge the Government to allow our family to stay in New Zealand as refugees and grant residency”.

- 3 The family left the People’s Republic of China (China) for New Zealand approximately 3.5 years ago. Mr Li and [Privacy of natural persons] currently have claims to refugee and protection status before the Immigration and Protection Tribunal (IPT). They are not liable for deportation at this stage.

- 4 Mr Li lodged his refugee and protection claim on [Privacy of natural persons], and subsequently lodged claims for [Privacy of natural persons] on [Privacy of natural persons], [Privacy of natural persons]

[Redacted]

- 5 Refugee and protection claims are at first instance considered by a refugee and protection officer designated in accordance with the Immigration Act 2009 (the Act), and if the claim is declined and that decision is appealed, by the IPT.

- 6 [Privacy of natural persons]

- 7 [Privacy of Natural Persons]

[Privacy of natural persons]

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10 A refugee and protection officer declined Mr Li and [Privacy of natural persons] claims for refugee and protection status, which was based on [Privacy of natural persons] [redacted]. The family then appealed this decision to the IPT.

11 The family has approached media platforms to raise awareness of their appeal and their petition. Under section 151 of the Act, confidentiality is to be maintained in respect of claimants, refugees and protected persons at all times. However, in line with section 151(6)(b) of the Act it can be disclosed that they are claimants because subsequent to the determination of Mr Li [Privacy of Nat] [redacted] claims by the refugee and protection officer, the family have impliedly waived their right to confidentiality by disclosing to the media that they are refugee and protection claimants, particulars in relation to them and their claims, and that they have appealed their claim for refugee and protection status to the IPT.

12 The Minister of Immigration has no ability to make decisions in relation to refugee and protection claims. Such claims can only be determined by a refugee and protection officer or by the IPT on appeal.

13 The petitioner's refugee and protection claim is under active consideration before the IPT (a tribunal independent of Government), with an appeal hearing scheduled for a date after the Government's response must be presented to the House. I am therefore unable to comment further.

14 The open letter is publicly available, and the petition has also been reported in Canadian and New Zealand media.³

Comment on the Government response

- 15 The Government response includes New Zealand's commitment, as a signatory to the 1951 Convention Relating to the Status of Refugees and other international human rights instruments, to allow any non-resident/citizen in New Zealand to make a claim to refugee and protection status if they fear serious harm on return to their country of origin.
- 16 The proposed Government response is attached in Appendix Two.

Timing of the government response

- 17 The Government response must be presented to the House no later than 8 June 2023.

Consultation

- 18 The Ministry of Justice was consulted in the development of this paper.

Financial implications

- 19 There are no financial implications.

Publicity

- 20 No publicity is planned. The Ministry of Business, Innovation and Employment will publish this paper, subject to redactions consistent with the Official Information Act 1982, on its website within 30 business days of decisions being confirmed by Cabinet.

Recommendations

The Minister of Immigration recommends that the Cabinet Legislation Committee:

- 1 **Note** the Petitions Committee's referral of the petition entitled *Help a family from Tibet to avoid deportation from New Zealand*;
- 2 **Note** New Zealand's commitment to provide protection to those who fear returning to their own country and to make decisions on refugee and protected person status as a signatory of international human rights instruments;
- 3 **Note** that the petitioner has impliedly waived his family's right to confidentiality by disclosing to the media that they are refugee claimants, particulars in relation to them and their claims, and that they have appealed to the Immigration and Protection Tribunal;
- 4 **Note** that the Minister of Immigration has no ability to make decisions in relation to refugee and protection claims, and that such claims can only be

Privacy of natural persons

determined by a refugee and protection officer or by the Immigration and Protection Tribunal on appeal;

- 5 **Note** that the petitioner's refugee and protection claim is under active consideration before the Immigration and Protection Tribunal, a Tribunal independent of the Government;
- 6 **Note** the Immigration and Protection Tribunal appeal hearing is scheduled for after the Government response is due to be presented to the House and that the Minister of Immigration is unable to comment further in response to this petition;
- 7 **Approve** the Government response, attached to this submission, to the petition of Leo Li: *Help a family from Tibet to avoid deportation from New Zealand*;
- 8 **Invite** the Minister of Immigration to present the Government response to the House in accordance with Standing Order 380;
- 9 **Invite** the Minister of Immigration to write to the petitioner enclosing a copy of the Government response, after the response has been presented to the House.

Authorised for lodgement
Hon Michael Wood
Minister of Immigration