



COVERSHEET

Minister	Hon Rachel Brooking	Portfolio	Immigration
Title of Cabinet paper	Government Response to the Petition of Juliana Carvalho: <i>Let Arianna stay in New Zealand New Zealand</i>	Date to be published	15 August 2023

List of documents that have been proactively released		
Date	Title	Author
June 2023	Government Response to Referral of petition of Juliana Carvalho: <i>Let Arianna stay in New Zealand New Zealand</i>	Office of the Associate Minister of Immigration
29 June 2023	Government Response to the Petition of Juliana Carvalho: <i>Let Arianna stay in New Zealand New Zealand</i> LEG-23-MIN-0112 Minute of Decision	Cabinet Office
1 June 2023	Briefing – Proposed Response to the Petitions Committee – petition of Juliana Carvalho – <i>Let Arianna stay in New Zealand</i>	MBIE

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 for the reason of privacy of natural persons.



BRIEFING

Proposed response to the Petitions Committee - petition of Juliana Carvalho - Let Arianna stay in New Zealand

Date:	1 June 2023	Priority:	Medium
Security classification:	In Confidence	Tracking number:	2223-0796

Action sought		
	Action sought	Deadline
Hon Rachel Brooking Associate Minister of Immigration	Approve the proposed government response to the immigration related petition of Juliana Carvalho	12 June 2023
Hon Michael Wood Minister of Immigration	Copy for your information	N/A

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Karen Bishop	General Manager Enablement, Immigration New Zealand	04 896 5420	Privacy of Natural Persons	
Emma Palmer	Principal Advisor, Business Management Team, Enablement, INZ	04 897 5238		✓

The following departments/agencies have been consulted
N/A

- Minister's office to complete:
- | | | |
|--|---|------------------------------------|
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Overtaken by Events | <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Seen |
| | | <input type="checkbox"/> Withdrawn |

Comments



BRIEFING

Proposed response to the Petitions Committee - petition of Juliana Carvalho - Let Arianna stay in New Zealand

Date:	1 June 2023	Priority:	Medium
Security classification:	In Confidence	Tracking number:	2223-0796

Purpose

This paper attaches for your consideration a proposed Government response to the petition of Juliana Carvalho – *Let Arianna stay in New Zealand*.

Recommended action

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

- a **Note** that the Petitions Committee has referred an immigration-related petition from Juliana Carvalho – *Let Arianna stay in New Zealand* to the Associate Minister of Immigration for response on behalf of the Government
- b **Approve** the proposed Government response to the immigration petition from Juliana Carvalho (attached in Annex 2), which includes advice that you will not revisit the original decision on this case made by the previous Associate Minister of Immigration Hon. Phil Twyford.

Noted

Approved / Not approved

Karen Bishop
General Manager Enablement
Immigration New Zealand, MBIE

Hon Rachel Brooking
Associate Minister of Immigration

01/06/2023

15/6/2023

Background

1. A petition from Juliana Carvalho was presented to Parliament on 4 May 2022, titled 'Let Arianna stay in New Zealand'.
2. The petition requests that:
"the House of Representatives urge the Associate Minister of Immigration to exempt Arianna Alfonzo from the Acceptable Standards of Health policy and grant Arianna residence so she can live with her parents in New Zealand and note that 4,179 people have signed an online petition to this effect."
3. The full petition is attached as Annex 1.
4. The Petitions Committee wrote to the Ministry on 16 June 2022 requesting that the Ministry provide a written submission commenting on the issues raised, with a deadline of 15 July 2022.
5. Before the Ministry could make a submission however, the Petitions Committee referred the Petition directly to the office of the Associate Minister of Immigration (the Associate Minister) on 28 June 2022 to provide a response from the Government on the issues raised in accordance with Standing Order 380:

Standing Order 380: Referral of petition to Minister for response

- (1) *The Petitions Committee may refer a petition to a Minister for response.*
 - (2) *If a petition has been transferred to another select committee, that committee may request that the Petitions Committee refer the petition to a Minister for response.*
 - (3) *In referring a petition to a Minister for response, the Petitions Committee may draw attention to any matters arising from the petition that the committee considers should be addressed in the Minister's response.*
 - (4) *When a petition is referred to a Minister for response, —*
 - (a) *the petition is discharged from the committee that was considering it;*
 - (b) *the Minister must respond to the petition within 60 working days;*
 - (c) *the Minister's response is presented to the House by the Minister as a parliamentary paper.*
6. Responses to petitions are considered to be Official Government responses and follow the standard process for these¹.
 7. A proposed response to this petition was provided to Hon. Phil Twyford in his previous capacity as Associate Minister of Immigration, who provided feedback to the Ministry. Unfortunately, due to a process issue, there has been a delay in sending a revised response back to the office of the Associate Minister. The Ministry apologises for this delay.

¹ <https://dpmc.govt.nz/publications/official-government-response-process>

Information on the petitioner

8. This petition was written and submitted by Juliana Carvalho and *Migrants Against the Acceptable Standard of Health Aotearoa*, in collaboration with Lorigail and Allan Alfonzo, the parents of Arianna Alfonzo.
9. Ms Carvalho has presented a number of petitions on disability and immigration-related issues in the past and has received responses from both the Ministry and the Government.
10. Ms Carvalho was declined residence under the Skilled Migrant Category due to her having a condition (paraplegia) that is deemed to impose significant costs and/or demands on New Zealand's health services. The previous Associate Minister granted her residence by way of Ministerial Direction in 2020.

Specific circumstances stated by Juliana Carvalho in the petition

11. The subject of the petition, Miss Arianna Alfonzo, aged 12, has a significant disability. Miss Alfonzo's parents are permanent residents of New Zealand, but Miss Alfonzo currently resides in the Philippines. Miss Alfonzo's father is currently onshore, and her mother has been offshore since 4 June 2018.
12. Miss Alfonzo's visitor visa application was declined in 2018 due to not meeting an acceptable standard of health on education cost grounds. Miss Alfonzo was not included in her parents' residence application.
13. In March 2022, the Hon. Phil Twyford, in his previous capacity as Associate Minister of Immigration, declined to intervene and grant Miss Alfonzo an exception from the Acceptable Standard of Health (ASH) requirement, and a visa.
14. This petition submission was put before the Hon. Barbara Edmonds in April 2023 who requested further information about the United Nations Convention on the Rights of the Child (UNROC). (Hon. Phil Twyford had previously been briefed regarding the role of New Zealand's international obligations in decision-making related to immigration cases. This included obligations under the United Nations Convention on the Rights of the Child).

Proposed response

15. The Ministry has drafted a proposed Government response to the petition based on the circumstances of this case, which is consistent with past responses on this issue.
16. The proposed Government response is attached as Annex 3. The response covers:
 - a. immigration health settings
 - b. New Zealand's obligations under the United Nations Convention on the Rights of Persons with Disabilities
 - c. details on the United Nations Convention on the Rights of the Child
 - d. requests for Ministerial Intervention.
17. The response also notes that you will not revisit the original decision on this case made by the previous Associate Minister of Immigration Hon. Phil Twyford.

Risks and mitigations

18. The Ministry does not consider that the petition raises any risks that require mitigation.
19. The proposed Government response, if approved by you, will be made public.

Next steps

20. Subject to your approval of the proposed response, the table below sets out our recommended timeline and process for responding to the petition.

Milestone/Activity	Timeframe
Ministerial Consultation	29 May – 12 June 2023
60 working day deadline for response	The initial deadline was 19 September 2022. Unfortunately, as noted in paragraph 7, there has been a delay in this Petition being sent back to the office of the Associate Minister by INZ.

Annexes

Annex 1: Petition of Juliana Carvalho: *Let Arianna stay in New Zealand*

Annex 2: Draft Cabinet Paper on the proposed Government response to the Immigration-related petition presented by Juliana Carvalho

Annex 3: Proposed Government Response to referral of petition from Juliana Carvalho: "*Let Arianna stay in New Zealand*"

Annex 1: Petition of Juliana Carvalho: *Let Arianna stay in New Zealand*

Annex 2: Draft Cabinet Paper on the proposed Government response to the Immigration-related petition presented by Juliana Carvalho

**Annex 3: Proposed Government Response to referral of petition
from Juliana Carvalho: “*Let Arianna stay in New Zealand*”**
