



COVERSHEET

Minister	Hon Andrew Little	Portfolio	Immigration
Title of Cabinet paper	Government Response to the Report of the Foreign Affairs, Defence and Trade Committee: Petition of Democracy for Myanmar Working Group New Zealand: Emergency Rescue for Myanmar Refugees (Family Members of New Zealand Residents)	Date to be published	22 August 2023

List of documents that have been proactively released

Date	Title	Author
July 2023	Government Response to the Report of the Foreign Affairs, Defence and Trade Committee: Petition of Democracy for Myanmar Working Group New Zealand: Emergency Rescue for Myanmar Refugees (Family Members of New Zealand Residents) The Government Response is accessible here: https://selectcommittees.parliament.nz/v/Paper/378dd3c9-0231-4e3d-0a58-08db9221999d	Office of the Minister of Immigration
27 July 2023	Government Response to the Report of the Foreign Affairs, Defence and Trade Committee: Petition of Democracy for Myanmar Working Group New Zealand: Emergency Rescue for Myanmar Refugees (Family Members of New Zealand Residents) LEG-23-MIN-0127 Minute	Cabinet Office

Information redacted

NO

Any information redacted in this document is redacted in accordance with MBIE's and MFAT'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.

[In Confidence]

Office of the Minister of Immigration
Cabinet Legislation Committee

Government response to the Report of the Foreign Affairs, Defence and Trade Committee: Petition of Democracy for Myanmar Working Group New Zealand: Emergency rescue for Myanmar refugees (family members of New Zealand residents)

Proposal

1. This paper seeks approval of the Government's response (the Response) to the Report of the Foreign Affairs, Defence and Trade Committee (FADTC): *Petition of Democracy for Myanmar Working Group New Zealand: Emergency rescue for Myanmar refugees (family members of New Zealand residents)*. The FADTC recommends that the Minister of Immigration commission work on a specific immigration response to the humanitarian situation in Myanmar.

Relation to Government priorities

2. This paper seeks approval of the Government's response to a recommendation from the FADTC which must be tabled in the House by 1 August under Standing Order 256.

Background

3. The Democracy for Myanmar Working Group New Zealand presented the petition: *Emergency rescue for Myanmar refugees (family members of New Zealand residents)* (the Petition), to the House on 24 March 2022 and referred to the Petitions Committee. The petition requests:

That the House of Representatives allow one thousand refugees from Myanmar whose families are New Zealand citizens, permanent residents, quota refugees and asylum seekers, to be resettled in New Zealand within the category "emergency humanitarian rescue mission".

4. The Petitions Committee sought and received written submissions from the petitioner and MBIE.
5. The petitioner highlighted the vulnerable position of Myanmar citizens, ethnic communities and minority groups has been exacerbated following the Myanmar military coup on 1 February 2021. Many Myanmar citizens have been attacked by Myanmar military and security forces, and their homes bombed and burned.
6. The petition was referred onto the FADTC from the Petitions Committee, on 30 June 2022.
7. The FADTC met between 28 July 2022 and 4 May 2023 to consider the petition, hearing oral evidence from the petitioner and MBIE.

8. The FADTC subsequently presented a report to the House titled *Petition of Democracy for Myanmar Working Group New Zealand: Emergency rescue for Myanmar refugees (family members of New Zealand residents)* (the Report), on 5 May 2023.
9. FADTC's report sets out the concerns of Democracy for Myanmar Working Group New Zealand and summarises MBIE's submissions (oral and written) and sets out one recommendation to the Government:
 - i. The Minister of Immigration commission work on a specific immigration response to the humanitarian situation in Myanmar.

Proposed Government response to Foreign Affairs, Defence and Trade Committee Report

10. The submissions received by FADTC and its recommendation, reflect general concern about the safety and wellbeing of ethnic communities and minority groups who continue to experience persecution in Myanmar. The 2021 military coup adding to Myanmar's long-standing refugee and humanitarian crisis.
11. I recommend the Government's response highlight that New Zealand takes its international responsibilities to support those affected by offshore crises seriously, while acknowledging that as a relatively small country, the extent of any support will necessarily be limited.
12. New Zealand works with the United Nations High Commissioner for Refugees (UNHCR) and the international community to find durable protection solutions for refugees who are not able to return safely to their home country. New Zealand's Refugee Quota Programme is a demonstration of this commitment and provides the ability to resettle 1500 refugees per year in New Zealand. The RQP is based on referrals from the UNHCR of those refugees who have the highest priority needs for resettlement. This makes sure that the programme is aligned to global protection needs and protects the integrity of the programme.
13. I note that in some specific circumstances, the Government has taken a targeted approach in responses to international humanitarian crises. When these have been done previously, they reflect specific responsibilities New Zealand has to groups of refugees or migrants or other exceptional circumstances. For example, the pathway offered to Afghanistan evacuees who directly supported the New Zealand Government's work in Afghanistan. But also, our response to the Ukraine crisis which recognises both the scale of the Ukraine crises but also that fact that our RQP programme does not resettle refugees from the Europe region.
14. Establishment of any new humanitarian pathway or expansion to existing pathways has significant implications which need to be carefully considered including:
 - 14.1 Support for arrivals: potentially including costs for travel and access to welfare, as well as publicly funded healthcare, and education.
 - 14.2 Housing: New Zealand's housing infrastructure is under significant pressure and finding suitable housing for new arrivals may be difficult.

- 14.3 Creating expectations: that the Government would consider special pathways for other communities.
15. Any reallocation of existing pathways to support the families of New Zealand residents from Myanmar would require trade-offs with other groups or regions who also have extensive resettlement and family reunification needs.
16. Overall, I do not think that the Myanmar situation meets the threshold of a bespoke immigration pathway. We will continue to accept significant numbers of refugees from Myanmar under the RQP. This year on top of our normal Asia Pacific allocations the large-scale crises places will be allocated to Rohingya refugees from Myanmar and Syrians.
17. The proposed response therefore indicates that MBIE should continue to monitor the humanitarian situation in Myanmar, including whether a specific immigration response may be necessary in the future. However, there are currently no plans to progress further advice on any special allocations specifically for people from Myanmar.

Timing of the Government response

18. The Government response must be presented to the House by 1 August 2023.

Cost-of-living Implications

19. There are no cost-of-living implications in relation to the Government's proposed response.

Financial implications

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

Legislative implications

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

Te Tiriti o Waitangi

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

Population implications

23. The Government's proposed response does not have any direct population considerations.

Human Rights

24. There are no human rights implications in relation to the Government's proposed response.

Use of external Resources

25. This paper did not require any external resources.

Consultation

26. This paper has been consulted with Ministry of Foreign Affairs and Trade.

Proactive release

27. 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

28. I recommend that the Cabinet Legislation Committee:

1. **note** that, on 5 May 2023, the Foreign Affairs, Defence and Trade Committee presented its report to the House, titled *Petition of Democracy for Myanmar Working Group New Zealand: Emergency rescue for Myanmar refugees (family members of New Zealand residents)*;
2. **note** that the Foreign Affairs, Defence and Trade Committee has made one recommendation, which relates to the Minister of Immigration commissioning work on a specific immigration response to the humanitarian situation in Myanmar;
3. **approve** the proposed Government response to the Report of the Foreign Affairs, Defence and Trade Committee, attached as Appendix One;
4. **note** that the Government response must be presented to the House by 1 August 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 Andrew Little

Minister of Immigration