



## COVERSHEET

<b>Minister</b>	Hon Erica Stanford	<b>Portfolio</b>	Immigration
<b>Title of Cabinet paper</b>	Immigration Fee and Levy Review	<b>Date to be published</b>	9 August 2024

<b>List of documents that have been proactively released</b>		
<b>Date</b>	<b>Title</b>	<b>Author</b>
27 June 2024	Immigration Fee and Levy Review – final proposed rates ECO-24-MIN-0117 Minute	Cabinet Office
19 June 2024	Immigration Fee and Levy Review – final proposed rates	Office of the Minister of Immigration
2 May 2024	2324-2878 Immigration fee and levy review – targeted consultation report back	MBIE
2 April 2024	2324-2695 Targeted consultation material – Immigration fee and levy review	MBIE
2 April 2024	Immigration Fee and Levy Review	Office of the Minister of Immigration
27 March 2024	Immigration Fee and Levy Review ECO-24-MIN-0040 Minute	Cabinet Office
4 March 2024	2324-1491 Immigration fee and levy review proposed rates and draft Cabinet paper	MBIE
1 February 2024	2324-1757 Further information on refugee support activities and reallocating ESOL costs	MBIE
31 January 2024	2324-1685 Options to address refugee and protected person claim processing challenges	MBIE
21 December 2023	2324-1069 Further advice on fiscal sustainability options for the immigration system	MBIE
27 November 2023	2324-0932 Fiscal sustainability options for the immigration system	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 reasons of international relations; confidential advice to government; legal professional privilege; negotiations; confidentiality; free and frank opinions; maintenance of the law; confidential information entrusted to the government; and privacy of natural persons.



## BRIEFING

### 2324-1685: Options to address refugee and protected person claim processing challenges

<b>Date:</b>	31 January 2024	<b>Priority:</b>	High
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2324-1685

#### Action sought: Indication to preferred options

	Action sought	Deadline
Hon Erica Stanford <b>Minister for Immigration</b>	Agree to provide direction on preferred options	8 February 2024

#### Contact for telephone discussion (if required)

Name	Position	Telephone	1st contact
Fiona Whiteridge	General Manager Refugee and Migrant Services, INZ	<div style="background-color: #cccccc; padding: 2px;">Privacy of natural persons</div>	✓
Greig Young	Head of Operations, Refugee Status Unit, INZ	[09] 928 2224	<div style="background-color: #cccccc; padding: 2px;">Privacy of natural persons</div>
Amy Hamerton	Principal Advisor, Refugee and Migrant Support, INZ	[04] 890 3512	

#### 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

### 2324-1685: Options to address refugee and protected person claim processing challenges

<b>Date:</b>	31 January 2024	<b>Priority:</b>	High
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#### Purpose

This briefing provides you with advice on options to address challenges with the processing of refugee and protection (asylum seeker) claims due to the significant increase in claim numbers.

#### Executive summary

New Zealand has obligations under the Refugee Convention, the Convention Against Torture and Articles 6 and 7 of the International Covenant on Civil and Political Rights incorporated into the Immigration Act 2009 (the Act) to consider and determine all onshore refugee and protection claims.

There has been a significant increase in refugee and protection claims since the re-opening of the border. The increase in claims is consistent with international trends, including our M5 partners. In the New Zealand context, the increase is predominantly driven by claims being made by Chinese and Indian nationals arriving on General Visitor Visas.

The determination of refugee and protected person claims sits within a broader end to end system. As such, potential options can be considered at different points of the system to address the cause of the increase and/or respond to the impact of the increase. Further, options to address challenges in parts of the system need to consider implications and flow on impacts for the broader system (refer to diagram one on page 6).

**Immigration New Zealand (INZ) has taken steps to address and manage unmeritorious claims through visa settings**

## Maintenance of the law

It is likely to take some time for this to translate to a decrease in refugee and protection claims.

Further changes requiring English translations to be provided with applications will be introduced soon which will assist with applications **Maintenance of the law**

The Deputy Secretary, Immigration, will also take steps to increase Airline Liaison Officers presence offshore to provide greater coverage of incoming flights to New Zealand. While it would target a small number of high-risk travellers, we expect it will have a preventative effect of deterring similar cohorts.

The processing of refugee and protected person status claims is based on legislation (obligations under the three United Nations Conventions mentioned above are incorporated into the Act), regulations, fairness and natural justice and established practice. Every claim must be determined individually on its own merits in accordance with the Act and New Zealand's international protection obligations.

Confidential advice to Government

### **The increase in claims has created significant pressures and challenges for INZ's Refugee Status Unit (RSU)**

The associated challenges and pressures of the increase in claims has resulted in delays in making determinations and backlogs. The RSU is Crown funded and is currently resourced to make up to 1,000 decisions per annum when new Refugee and Protection Officers (RPOs) have completed training and taken on full caseloads.<sup>2</sup>

Based on the current inflow this financial year, it is forecast that the total number of claims for the 2023/24 year will be over 2000. Claim numbers last reached this level in 1998/99. While the high rate of claims is expected to subside, when it will subside is uncertain. We expect the high rate of claims above pre-pandemic levels to continue at least through all of 2024.

Delays in determining claims has downstream impacts to other parts of the immigration system as well as other public services such as welfare, health, and education that asylum seekers can access. Processing delays may also place more vulnerable claimants in precarious and exploitative situations for longer periods in New Zealand.

The current workforce for asylum claims processing at the RSU is 51 Fulltime Equivalent (FTE) staff. The FTE count in the options below includes RPOs and RSU staff and also support FTE for the Privacy Team, Work Visa Asylum (WVA) Processing, Country Research and Open Source (CROS), and the Asylum Support Panel.

We have identified three options for additional resourcing for the RSU to address the processing challenges associated with increased claims. Option One was presented to you as part of the December 2023 fiscal advice [2324-1069 refers] and Options Two and Three are additional ones for you to further consider.

Refugee and protection status decisions are complex and officers need to be highly trained (noting that as officers work through their training they are able to work on simpler claims). The options below assume RPOs are fully trained with the full capability to make determinations. Because time

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<sup>1</sup> Refugee and protected person claimants can apply for a work visa to help support themselves while progressing a claim. A claimant must have a work visa for entitlement and eligibility to Work and Income financial assistance (Emergency Benefit and Temporary Additional Support).

<sup>2</sup> RSU is Crown funded for 500 decisions per annum. INZ agreed to an increase in staff (14 FTE) for the 2023/24 financial year to make up to 1,000 decisions per annum. There is no on-going funding for the additional 14 FTE and on-going funding is included on the resourcing options presented in this paper.

is needed to recruit and fully train RPOs (approximately nine months), processing the backlog of claims within the current financial year 2023/24 will not be feasible.

The three options are:

- Option One: provide an additional 52 FTE at a total estimated cost of \$10.23m per annum. It would mean the total decision output would increase to 1,500-1,600 refugee and protection decisions per year but require an inflow drop below 120-130 claims per month before the RSU could begin clearing the backlog. Without a drop in claims it would be insufficient to meet current inflow or reduce the managed queue of claims awaiting allocation.
- Option Two: provide an additional 94 FTE at a total estimated cost of \$16.71m per annum. It would mean that the total decision output would increase to 1600-1900 refugee and protection decisions per year but would require an inflow drop below 140-150 claims per month before the RSU could begin clearing the backlog.
- Option Three: provide an additional 133 FTE at a total cost of \$27.77m per annum. This is the maximum option that would see the total decision output increase to 2,500-2,800 refugee and protection decisions per year and does not require a drop in claim numbers but may result in eventual over capacity if claim numbers do drop as expected.

An increase to the number of claims determined by the RSU will have a proportionate flow-on impact, including resourcing, for other immigration areas such as INZ's Immigration Compliance and Investigations branch (ICI) and the Immigration and Protection Tribunal (IPT) which hears appeals against declined refugee and protection claims (administered by the Ministry of Justice).

Another significant additional constraint will be the capacity of the legal sector. There are risks associated with the capacity of the legal sector to support an increase in capacity of the RSU to process and determine claims. The ability of the relatively small bar to service a significant increase in claims being actively processed by RPOs will likely provide a significant bottleneck for processing. Any measures that effect the ability of the limited bar to properly advise and represent their clients (including through capacity and time pressures), may create natural justice and access to justice implications, will have legal risk, and likely draw challenge and negative commentary.

On balance officials' preferred option is either Option One or Option Two. We consider this approach strikes a good balance between responding to the RSU's current demand and a more sustainable approach over the longer term.

Option Three would clear the backlog more quickly than Options One and Two and without a need for a drop in claims per month but is not preferred. Option Three is the costliest and presents the most challenge to scale up (large-scale recruitment and training) and does not recognise claim numbers are forecast to come down which creates a risk of overcapacity (and need to scale back down). Further, proportionately it would have the biggest flow-on impact for other parts of the immigration system, such as compliance, IPT, and the legal sector.

Further, INZ can focus communications and engagement activities on discouraging further unmeritorious claims by running targeted engagement with migrant organisations involved with refugees, and immigration professionals. Consideration could be given to restart a campaign similar to the INZ 'Protect yourself from scams' campaign. The total cost of such a campaign would range from \$60,000 to \$210,000 depending on design and length (not included in the total costs in the options above).

To enable resourcing asylum claims costs to be incorporated into the rate modelling in the upcoming fee and levy rate adjustments and targeted consultation for the Cabinet paper due in March 2024, your preferred approach to resourcing asylum claims is needed by 8 February.

## Recommended action

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

- a **Note** that the significant increase in refugee and protection claims has resulted in delays in making determinations.  
*Noted*
- b **Note** that the increase in claims will have impacts for other parts of the immigration and broader public service systems.  
*Noted*
- c [REDACTED] Confidential advice to Government  
[REDACTED]  
[REDACTED]  
*Agree / Disagree*
- d [REDACTED] Confidential advice to Government  
[REDACTED]  
[REDACTED]  
[REDACTED]  
*Noted*
- e **Note** that the current resourcing for the Refugee Status Unit is insufficient to meet the current inflow of claims or to reduce the managed queue of claims awaiting allocation in a timely way.  
*Noted*
- f **Agree** to provide direction on your preferred option for additional resourcing for the Refugee Status Unit so that these costs can be included in the upcoming draft Cabinet paper on the Immigration fee and levy review and adjusted rates for consultation [2324-1491]:
1. Option One: an additional 52 FTE at a total estimated cost of \$10.23m (option presented to you as part of the December 2023 fiscal advice)  
*Agree / Disagree*
  2. Option Two: an additional 94 FTE at a total estimated cost of \$16.71m; or  
*Agree / Disagree*
  3. Option Three: an additional 133 FTE at a total estimated cost of \$27.77m (not recommended)  
*Agree / Disagree*
- g **Note** that under any of the above options processing the backlog of claims within the current financial year 2023/24 is not feasible due to the time needed to recruit and fully Refugee Protection Officers.  
*Noted*
- h **Note** that options to increase the Refugee Status Unit resource to increase the number of refugee and protection decisions will have flow-on impacts, including resourcing to other parts of the immigration system.  
*Noted*

i **Note** that there are significant risks associated with the capacity of the legal sector to support an increase in capacity of the RSU and subsequent increased refugee and protected person decision-making.

**Noted**

j **Note** that substantive decisions on how Crown savings can be achieved by shifting costs to third-party users will be addressed in the fee and levy review Cabinet paper in March 2024 ahead of the Budget moratorium.

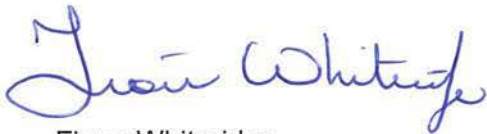
**Noted**

k **Note** that Immigration New Zealand will develop a communications and engagement plan to focus on discouraging further unmeritorious claims by running targeted engagement with migrant organisations involved with refugees, and immigration professionals.

**Noted**

l **Forward** a copy of this briefing to the Associate Minister of Immigration for their information.

**Agree / Disagree**



Fiona Whiteridge  
**General Manager,  
Refugee and Migrant Services, INZ**

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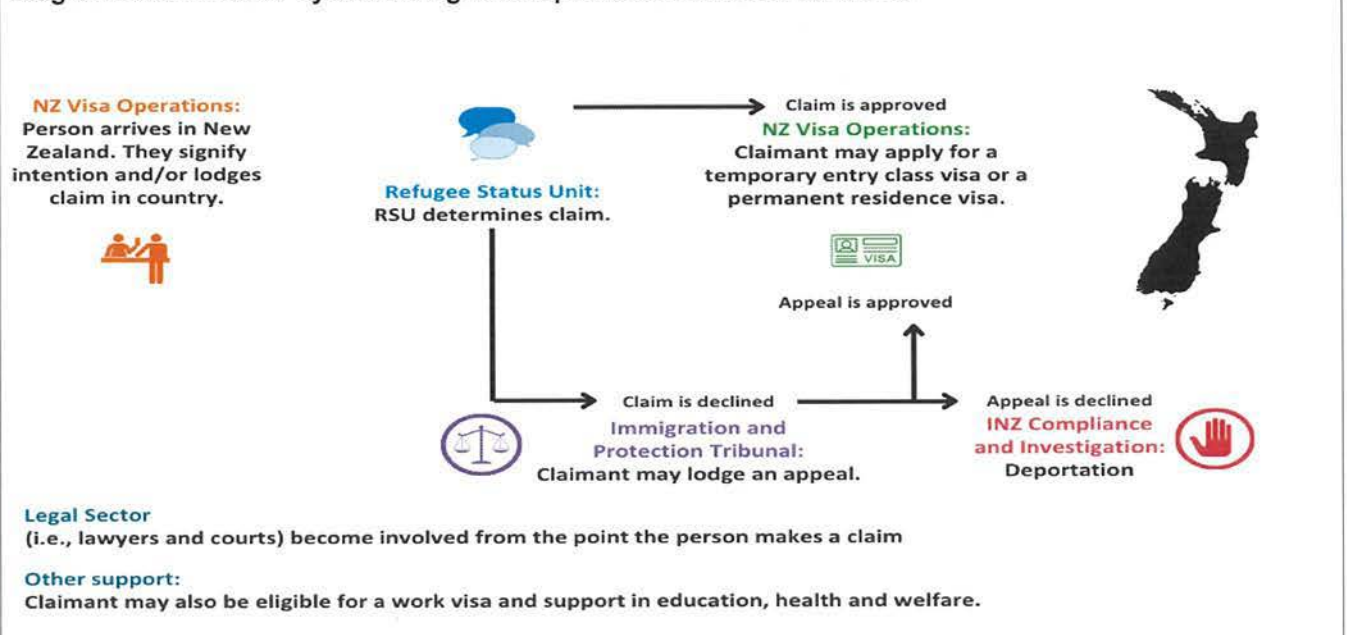
Hon Erica Stanford  
**Minister for Immigration**

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## Background

1. You requested advice on options to address the challenges in processing refugee and protection (asylum) claims.
2. New Zealand's international protection obligations under the Refugee Convention, the Convention Against Torture and Articles 6 and 7 of the International Covenant on Civil and Political Rights incorporated into the Immigration Act 2009 (the Act) require all onshore refugee and protection claims to be considered and determined. Due to the nature of the claims, and the consequences of an incorrect determination (potential refoulement to a country in which the person will be persecuted), consideration of claims is a complex and time-consuming process and claimants are afforded appropriate time for fairness and natural justice in order to put their best possible claim forward.
3. As you are aware, there has been a significant increase in the number of claims since the border reopened in August 2022. During the 2022/2023 financial year, 780 refugee and protection claims were lodged compared to approximately 500 claims per year in the two years immediately pre-pandemic. This has created immediate pressures in the refugee and protection system.
4. Between 1 July 2023 and 1 January 2024, 1,172 claims were lodged, more than during the entirety of any financial year since 2001/2002 (1,394). Based on the current inflow this financial year, it is forecast that the total number of claims for the 2023/24 year will be over 2,000. The highest number of claims New Zealand has ever received in a financial year was 2,020 in 1998/99. At 1 January 2024 there were 1,726 refugee and protection claims pending determination. On current trends this is expected to increase to approximately 2500 claims on hand by the end of June 2024.
5. While INZ's Refugee Status Unit (RSU) is responsible for the first instance determination of refugee and protection claims it sits within a broader end-to-end system. What happens within one part of the system can impact and have implications for other parts of the system. To this end, options to address the challenges associated with processing of refugee and protection claims need to be considered within this broader system.

Diagram one: Broader system refugee and protections claims sit within



6. Officials provided advice on fiscal sustainability options for the immigration system on 21 December 2023 [2324-1069 refers]. This briefing described the immediate cost pressures in the asylum claims space and options for managing these in the short-term (seeking Crown



funding through Budget 2024, repurposing an existing Crown-funded tagged operating contingency, or operating within current funding). The advice proposed that there could be justification for shifting costs relating to asylum claims from Crown to third-party users (via the Immigration levy) in the future. Work on this will be progressed as part of the upcoming fee and levy review.

## **Drivers of the increase in refugee and protected person (asylum) claims**

7. While New Zealand is geographically unique and, in an international context the increase in claims is comparably small, the increase we have experienced is relatively significant and consistent with international trends. As such, international experience can inform our approach to addressing the associated challenges. M5 partner states are also currently experiencing significant increases in asylum claims. This is consistent with a worldwide pattern of increased irregular and forced migration reported by UNHCR post-pandemic.
8. Similar to New Zealand, Canada and Australia have continually received more asylum claims than they are funded to process and are taking steps to address the challenges of increased volumes and related processing capacity pressures such as further resourcing, streamlining triage processes and shorter determination processes for less complex cases. The RSU has been continually identifying and implementing changes for greater processing efficiency within its current resourcing.

### 9. **Confidential information entrusted to the Government**

### 10. **Confidential information entrusted to the Government**

They had introduced new legislation and operational efficiency measures regarding both manifestly founded and unfounded claims. Their processing currently focuses on a "legacy" caseload of claims lodged under previous legislation. The UK's "Rwanda policy" to relocate asylum seekers to Rwanda as a designated safe country was ruled unlawful by the Supreme Court. This was because Rwanda was deemed not a safe country to which asylum seekers could be removed to, based upon Rwanda's human rights records and inadequacies in their asylum system.

## **The increase to New Zealand's increased claims is predominantly driven by Chinese and Indian nationals arriving on General Visitor Visas**

11. Many of the new claims received appear prima facie unmeritorious or weak, and exhibit hallmarks of fraudulent claims such as repetitive and formulaic claim narratives across the cohort. **Maintenance of the law**

12. Only a relatively small percentage will go on to claim asylum and then have their claim determined.

## **INZ has taken steps to address unmeritorious claims and decrease processing times**

### 13. **Maintenance of the law**

14. Further changes are to be introduced shortly requiring English translations to be provided with applications.

## Maintenance of the law

15. The Deputy Secretary, Immigration, will take steps to increase the Airline Liaison Officer (ALO) presence offshore with a focus on places where the risks are the greatest. The purpose is to provide greater coverage of incoming flights to New Zealand thereby intercepting more ineligible travellers before they travel. It will target a small number of higher risk travellers and have a preventative effect of deterring similar cohorts. Full implementation is estimated to take between four weeks to three months. Overall business impacts would be low due to the small number of staff.

### Further options to address unmeritorious claims and decrease processing times

16. As we continue to gain a better understanding of what is driving the increase in claims and based on the experience of international jurisdictions, you may wish to consider other measures to reduce unmeritorious claims and the subsequent flow and processing of claims in the refugee and protection system.

17. **Maintenance of the law**

18. **Confidential advice to Government**

19. This is because determination of refugee and protection status is based on legislation, regulations, fairness and natural justice obligations, and established practice. Every claim for refugee and protection status must be determined individually on its own merits in accordance with the Act, the three Conventions and jurisprudence on the interpretation of those conventions from the IPT and Courts. The Act requires that if a person meets the definition of a refugee or a protected person they must be recognised as such. The standard process for determining claims at first instance is set out in the Refugee Status Unit Practice Note<sup>4</sup>.

20. **Confidential advice to Government**

<sup>3</sup> Maintenance of the law

<sup>4</sup> The Practice Note was agreed by MBIE with stakeholders including the Bar, Crown Law, IPT, the Legal Services Agency and relevant civil society groups.

# Confidential advice to Government

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## **The increase in claims has resulted in immediate pressures for the RSU and will have downstream impacts**

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22. Claims are decided on a case-by-case basis on their own merits by the RSU in INZ in the first instance. Declined decisions can be appealed to the independent Immigration and Protection Tribunal. The RSU aims to complete 75% of claims within 240 days of allocation to a RPO.
23. Currently, the resourcing for processing claims is 51 FTE. This has recently increased from 37 FTE. Recruitment for the additional 14 roles has been mostly completed with 13 additional FTE having started training in January 2024.
24. Based on current resourcing and allocation levels, and additional RPOs being fully trained, INZ expects up to 1,000 claims to be determined by December 2024. Although the RSU is on track to determine more claims during the 2023/24 financial year than in recent years and expect to determine more in 2024 than in recent calendar years, this is insufficient to meet current inflow.
25. As of 30 January 2024, there are:
  - 1826 claims on hand
  - 1134 unallocated
  - 692 allocated (being processed with a RPO).
26. Claimants awaiting a decision on their claim can access a range of services, such as benefits, health, and education, so there are significant flow-on costs to the Crown stemming from long processing times. The longer claimants, including those who will be ultimately unsuccessful, are waiting for a decision from the RSU or IPT, the longer they will be potentially accessing public services.
27. Delays in determining claims has downstream impacts to other parts of the immigration system as well as other public services such as welfare, health, and education that asylum

seekers can access. Processing delays may also place more vulnerable claimants in precarious and exploitative situations for longer periods in New Zealand.

28. The overwhelming majority of claimants are in the community while their claims are processed. Claimants may apply for an asylum seeker work visa while their claim is pending so that they may seek employment and/or access a benefit if they cannot find work. Some will be in a precarious situation in New Zealand during this time and there are limited resources to support them. Asylum seekers are also considered to be a population group that is vulnerable to exploitation and will include persons who are already victims of exploitation. Processing delays may place them in vulnerable circumstances in New Zealand for a longer period.
29. Processing delays can also encourage further unmeritorious claims, including abusive subsequent claims. Processing timelines increase the incentives to make a claim purely to extend a stay in New Zealand or access the benefits available to asylum seekers such as access to an asylum seeker work visa.
30. While we expect claim numbers to subside at some point, it is likely that the higher rate of new claims will continue at least over 2024 and leave a significant backlog of claims for processing even if even claim numbers start to reduce.

### **RSU Resourcing options to address asylum claim processing challenges**

31. Irrespective of stemming the flow into the refugee and protection system the RSU is experiencing current and immediate challenges to processing claims.
32. The RSU has been continually identifying and implementing changes for greater processing efficiency within its current resourcing, caseload, and policy and legislative settings, including exploring options to prioritise cohorts of similar claims to achieve economies of scale. Although future opportunities may present, we consider there is limited benefit that can be further obtained within current legal and procedural settings due to the sheer volume of the increase in claims and the legal requirements of the refugee and protection status determination process.
33. We have identified three options (refer to table one on page 12) for additional RSU resource to address the current processing challenges. The main trade-offs are how quickly you want to progress and determine claims, sustainability over time, and cost and complexity to implement. Option One was presented to you as part of the December 2023 fiscal advice [2324-1069 refers] and Options Two and Three are additional ones for you to further consider.
34. The determination process is complex and takes time due to the nature of the decision being made. All options assume RPOs are fully trained with the full capability to make determinations. Because time is needed to recruit and fully train RPOs (approximately nine months), processing the backlog of claims within the current financial year 2023/24 will not be feasible.
35. Depending on the level the level of additional resourcing and how the rates are set, there could be implications for the timeliness of returning the levy hypothecation account to surplus.
36. The resourcing options FTE count includes RPOs and RSU staff and support FTE for the Privacy Team, Work Visa Asylum (WVA) Processing, Country Research and Open Source (CROS), and the Asylum Support Panel. Overtime, we would need to make provision for compliance resource.

*All the options need to consider the flow-on impact to the broader system*

37. Declined claims to refugee and protection status may normally be appealed to the Immigration and Protection Tribunal (IPT). A claimant has ten working days from receipt of the RPO's decision to lodge an appeal (this is five days if claimant is subject to any restrictions of liberty under the Immigration Act). The IPT are an independent Tribunal administered by the Ministry of Justice and chaired by a District Court Judge. Refugee and protection appeals are heard de novo.
38. This means that the claim will be completely reheard and that new evidence, or even new grounds for the claim, may be submitted by the appellant. Most appeals will involve the appellant attending an in person hearing before the IPT Member(s), although the IPT has discretion to determine manifestly unfounded appeals on the papers (if appellant was previously interviewed by an RPO). Appellants can be assisted by counsel and may be eligible for legal aid for the RSU claim and appeal process. If a refugee and protection appellant is eligible for a humanitarian/deportation appeal the IPT will consider this concurrently with the refugee and protection appeal.
39. Appeals may take approximately six months to one year to be determined. If the appeal is successful, the appellant is recognised as a refugee or a protected person and is usually eligible to apply for residence on that basis. Declined appeals may be appealed to the High Court or judicial review may be sought, but this is subject to meeting leave requirements.
40. A person is considered a claimant until their claim is finally determined – that is, any appeal right has expired, or if the matter is appealed, the appeal has been determined. Whilst a person is a claimant, they may not be deported from New Zealand. As appeals can take six months to one year to be determined, the declined refugee and protected cases will not flow through for compliance and possible deportation action for at least 12 months. Deportation is complex and can be a lengthy process involving INZ co-ordination with external parties such as New Zealand Police, Foreign Missions, and airlines. Further adding to the complexity of the process, refugee and protection claimants whose first claim has been declined can lodge a further claim. In turn the compliance activity is suspended until the claim is determined again by the RSU and/or IPT.
41. Another significant additional constraint will be the capacity of the legal sector. There is a relatively small number of lawyers and Licensed Immigration Advisors who represent claimants. Claimants are entitled to legal representation and may be eligible for legal aid funding. There are currently 46 lawyers who represent claimants (currently, 131 claimants are unrepresented (7.25% of the caseload)); however, five small law firms account for 66.6% of the refugee and protection claim caseload. These lawyers also represent claimants on appeal and on other immigration matters.
42. The ability of the relatively small bar to service a significant increase in claims being actively processed by RPOs will likely provide a significant bottleneck for processing. Any measures that effect the ability of the limited bar to properly advise and represent their clients (including through capacity and time pressures), may create natural justice and access to justice implications, will have legal risk, and likely draw challenge and negative commentary.
43. The RSU regularly meets with legal representatives with the largest caseloads to discuss the management of the caseload and to communicate expectations regarding their ability to service the work they have taken on. The RSU works with them to look at ways to streamline processes and seek greater efficiencies, but these strategies will likely have diminishing returns if inflow remains high.

**Table One: RSU resourcing options**

Options	Description
Option One: Two additional RPO teams (option put forward in December 2023 fiscal briefing)	<ul style="list-style-type: none"> <li>• Total cost is an estimated \$10.23m and would add a further two teams to the existing RSU resource with an attendant scale up of support functions.</li> <li>• Additional 52 FTE.</li> <li>• Deliver a total output of 1,500-1,600 decisions protection decisions per year but require an inflow drop below 120-130 claims per month before the RSU could begin clearing the backlog.</li> <li>• Insufficient to meet current inflow or reduce the managed queue of claims awaiting allocation.</li> <li>• Backlog of claims would increase absent a sustained decrease in claims numbers below the rate 1500 per year.</li> </ul>
Option Two: Three additional RPO teams	<ul style="list-style-type: none"> <li>• Total cost is an estimated \$16.71m and would add a further three teams to the existing RSU resource with an attendant scale up of support functions.</li> <li>• Additional 94 FTE.</li> <li>• Deliver a total output of 1600-1900 refugee and protection decisions per year but would require an inflow drop below 140-150 claims per month before the RSU could begin clearing the backlog.</li> <li>• Backlog of claims would increase absent a sustained decrease in claims numbers below the rate 1800 per year.</li> </ul>
Option Three: Six additional RPO teams	<ul style="list-style-type: none"> <li>• Total cost of this option is an estimated \$27.77m and would add a further six teams to the existing RSU resource with an attendant scale up of support functions.</li> <li>• Additional 133 FTE (some of which would be made up of fixed term contracts).</li> <li>• Maximum option that would deliver a total output of 2,500-2,800 decisions per year. Provides sufficient capacity to both meet inflow and begin decreasing the managed queue of claims.</li> <li>• Does not require a drop in claim numbers and may result in eventual over capacity if claim numbers do drop as expected.</li> <li>• Support ancillary refugee and protection status determination workstream with ease.</li> <li>• More complex and longer to implement.</li> </ul>

44. On balance officials' preferred option is either RSU resourcing Option One or Option Two. We consider these options, despite requiring a drop a in claims per month to clear the back log within a year, strikes a good balance between responding to the RSU's current processing challenges and a more sustainable approach over the longer term.
45. Option Three would clear the backlog more quickly than Options One and Two and without a need for a drop in claims per month but is not preferred. Option Three is the costliest and presents the most challenge to scale up (large-scale recruitment and training) and does not

recognise claim numbers are forecast to come down which creates a risk of overcapacity (and need to scale back down). Further, proportionately it would have the biggest flow-on impact for other parts of the immigration system, such as compliance, IPT, and the legal sector.

### **We can use communications, engagement, and marketing to support this work**

46. Our communications and engagement activities can focus on discouraging further unmeritorious claims by:
  - a. reviewing web content and brochures to make clearer the high bar for a claim to be accepted, the low acceptance rate, and the consequences of an unsuccessful claim, including the consequences of providing false and misleading information as part of any visa application or claim; and
  - b. running targeted engagement with migrant groups, organisations involved with refugees, and immigration professionals on the importance of making valid claims, to ensure the system is prioritised people with a genuine fear of returning to their own country.
47. We will also develop material to communicate the agreed actions to address delays in the processing of refugee and protected person claims.
48. Between August and November 2023, INZ ran a 'Protect yourself from scams' campaign, in response to new information about migrants paying fees for their job and falling victims to other scams. The campaign promoted INZ's anti-scam advice ([www.immigration.govt.nz/scams](http://www.immigration.govt.nz/scams)) through paid offshore marketing activities. The campaign was viewed 22 million times across social media, search, and traditional media outlets in five countries, at a cost of \$46,000. Restarting a similar campaign could play an important role in discouraging people from falling victim to scams and coming to New Zealand for non-genuine purposes. Depending on the design and length of the campaign the cost would range from \$60,000 to \$210,000.
49. The above figures include an allowance for campaign development, including collateral, videos, and translations and have not been included in the RSU resourcing options in table one.

### **Next steps**

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50. Substantive decisions on how Crown savings can be achieved from the immigration system by shifting costs to third-party users will be addressed in a Cabinet paper in March 2024 ahead of the Budget moratorium. Direction by 8 February on your preferred approach to resourcing asylum claims will enable these costs to be included in the fee and levy rate adjustments for the Cabinet paper and targeted consultation.
51. High-level timeframes for the fee and levy review are outlined in Table Two below:

**Table Two: Timeline for levy and fee review**

Date	Milestone
Mid-February	Draft fee and levy review Cabinet paper seeking approval in principle to adjusted rates ahead of targeted consultation with key stakeholders to Minister's office for feedback [2324-1491]
Early March	Ministerial consultation
Late March	Cabinet consideration
March - April	Targeted consultation on proposed adjustments with key stakeholders
Early July	Cabinet consideration of final fee and levy rates
Late August	Cabinet legislative decisions on amendments to visa regulations (fee and levy schedules)