



23 October 2020

Stephanie Johnstone

By email: fyi-request-13676-d7a7ca90@requests.fyi.org.nz

Reference: OIA-2020/21-0139

Dear Stephanie Johnstone

Official Information Act request relating to Cabinet advice regarding children with a non-New Zealand national parent

Thank you for your Official Information Act 1982 (the Act) request received by the Department of the Prime Minister and Cabinet (DPMC) on 5 September 2020. You requested:

"Please provide copies of all advice considered by Cabinet pertaining to the rights of and/or wellbeing considerations relating to New Zealand children who are currently indefinitely prevented from seeing one of their parents as a result of the government's prohibition on the entry of non New Zealand citizens..."

I note on 2 October 2020 the time limit for responding to your request was extended by 15 working days. The additional time was needed to complete consultations before a final decision was made on your request. Following this, I am in a position to respond.

I would like to begin by noting that advice prepared for Cabinet and Cabinet Committees typically considers human rights implications, as well as the impact decisions will have on priority groups. Therefore, much of the advice considered by Ministers relating to border measures took human rights into account, for example Cabinet paper "COVID-19 Temporary Border Measures and Considerations Regarding Possible Exemptions". This paper was considered by the Cabinet Economic Development Committee on 19 February 2020, and is available online at: <https://covid19.govt.nz/assets/resources/proactive-release/COVID-19-Temporary-Border-Measures-and-Considerations-Regarding-Possible-Exemptions.pdf>.

I am advised a search was undertaken of Cabinet material held by DPMC directly relating to the rights of and/or wellbeing considerations of New Zealand children separated from parents who are not New Zealand citizens. No information was identified as specifically in scope of your request; accordingly I am formally refusing your request under section 18(e) of the Act, as "the information requested does not exist or, despite reasonable efforts to locate it, cannot be found".

However, I understand that Hon Kris Faafoi, as Minister of Immigration, announced amended rules regarding border exemptions to reunite family members on 9 September 2020. Further information about this can be found online at: <https://www.beehive.govt.nz/release/border-changes-help-reunite-new-zealanders-their-loved-ones>. Please be advised that any advice considered by Cabinet after the date your request was made does not fall in scope of this response to your request.

As you may be aware, key advice documents relating to the Government's response to COVID-19, including briefings prepared by agencies including the Ministry of Business, Innovation & Employment, and Cabinet material related to border measures, have been regularly published online at: <https://covid19.govt.nz/updates-and-resources/legislation-and-key-documents/proactive-release/border/>

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will not be published on DPMC's website during our regular publication cycle.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Ombler', with a stylized flourish at the end.

John Ombler
Deputy Chief Executive
COVID-19 All-of-Government Response Group