



12 October 2020

Equal Justice Project

fyi-request-13831-917585f4@requests.fyi.org.nz

File No: DOIA 2021-0624

To whom it may concern,

Thank you for your request of 17 September 2020 to the Ministry of Business, Innovation and Employment (the Ministry) under the Official Information Act 1982 (the Act):

1. *The number of asylum seekers currently being held in prison;*
2. *The average length of time these asylum seekers have been held in prison;*
3. *The support mechanisms in place for asylum seekers during their detention in prison;*
4. *The particular support systems for asylum seekers who are members of the LGBTQIA+ group;*
5. *The number of asylum seekers currently being held in detention (not living in the community freely); and*
6. *The average length of time asylum seekers have been held in detention (and where they are located).*

On 18 September 2020, the Ministry transferred questions 3 and 4 of your request to the Department of Corrections. They will respond to this accordingly.

1. As at 25 September 2020 there were two asylum claimants being held in prison. Please note that the majority of asylum seekers are not detained at any stage. Any decision to detain is made in relation to concerns about identity, or the safety and security of New Zealand. Some asylum seekers are initially held in custody at the port of arrival if there are security or identity issues. Where appropriate, they are usually accommodated at the Mangere Refugee Resettlement Centre (MRRC).
2. The two asylum claimants identified in response to question one spent an average of 395 days held in prison. INZ is committed to processing all asylum claims as efficiently as possible. Fairness and quality of decision-making are important, as well as a timely process. Some detained claimants may appeal a finally declined claim to the courts, or lodge a subsequent claim, which may add time to their detention.

We have interpreted questions 5 and 6 of your request as asylum claimants being detained at the MRRC.

5. As at 25 September one asylum claimant was being held in detention at MRRC under section 316 of the Immigration Act 2009.
6. As at 25 September the one asylum claimant identified in question five had spent a total of 91 days held in detention at MRRC.

Attached below is a link to the Immigration New Zealand website which has information about the asylum claims process, including the current processing timeframe from claim lodgement to allocation to a refugee and protection officer. Currently, that timeframe is approximately 4-6 months, noting that it has been impacted by the COVID-19 response.

<https://www.immigration.govt.nz/audiences/supporting-refugees-and-asylum-seekers/asylum-seekers>

You have the right, under section 28(3) of the Act, to ask the Ombudsman to review any decisions made under this request. If you wish to discuss this response, please email INZOfficialCorrespondence@mbie.govt.nz.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Stephen Vaughan', is written over a horizontal line.

Stephen Vaughan
General Manager – Verification and Compliance
Immigration New Zealand
Ministry of Business, Innovation and Employment