



22 April 2026

Vivian

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DOIA-REQ-0029975

Tēnā koe Vivian

Thank you for your email of 23 March 2026 to the Ministry of Business, Innovation and Employment requesting, under the Official Information Act 1982 (the Act), the following:

*The Minister stated in public information released this month that the number of backlogged asylum claim cases has already reached a historical peak. Therefore, please disclose the following information:*

*1. Has the proposal made public in 2024 to increase staffing by 52 Full-Time Equivalent (FTE) in order to address the backlog of asylum claim cases still not been fully implemented as of now?*

*2. We note that, in the 2025 Bondi Beach shooting incident in Sydney, Australia, one person risked his life to stop the gunman and was widely regarded as having helped save many lives; there were also reports showing that persons with a refugee background also risked their lives to save people at the scene. Please disclose whether, when formulating this current policy relating to asylum claim cases, refugee determination, or related policies, the New Zealand government referred to cases in other Refugee Convention countries where asylum claimants or persons already granted protection made positive contributions to society, as a reference factor for policy judgment, risk assessment, or institutional design.*

*3. Does the government currently still have no further plan to increase staffing related to asylum claim cases?*

*4. In light of the Minister's public statements this month and the government's future plans to respond to the backlog of asylum claim cases, please disclose whether the government has referred to the practices of other Refugee Convention countries in examining asylum claim cases.*

*5. Please disclose whether the government has comprehensively examined the causes of the backlog of asylum claim cases reaching a historical peak, especially including the following aspects:*

*(a) whether it is related to internal staff shortages;*

*(b) whether it is related to the excessive length of time taken by officers to examine each individual case;*

*(c) whether it is related to the approval process for most asylum claim cases being excessively stringent (with reference to the practices of other Refugee Convention countries for comparison).*

*6. In light of the Minister's public statements this month and the government's future plans to respond to the backlog of asylum claim cases, the relevant approach appears to attribute most of the responsibility and consequences for the backlog of asylum claim cases reaching a historical peak to the asylum claimants themselves. Please disclose whether, when forming the above policy, position, or plan, the government ever relied on data, research, risk assessments, legal advice, or human rights impact assessments to analyse whether such an approach could cause*

*harm to persons who genuinely need international protection; and whether it ever assessed whether such an approach could increase the possibility that some persons may be wrongly refused, removed, or placed in situations where they may face torture, persecution, or other serious harm.*

*If the government has conducted the above examinations, comparisons, or assessments, please disclose the relevant documents, reports, opinions, briefings, analyses, or recommendations.*

On 23 March 2026, you further wrote:

*Further to point 2 of my original request, I would like to add the following clarification: the “cases where asylum claimants or persons already granted protection made positive contributions to society” referred to in point 2 also include domestic New Zealand cases.*

*We note that, according to public reporting, during the Christchurch mosque attack in New Zealand, Abdul Aziz Wahabzadah, who has been reported as having a refugee background, risked his life to confront the gunman and prevented him from re-entering the mosque to continue harming people, and was therefore widely regarded as having saved many lives.*

*Please also clarify whether, when formulating the current policy relating to asylum claim cases, refugee status determination, or related policies, the New Zealand government considered cases of this kind — namely, cases in which persons with an asylum seeker, refugee, or protected background made major positive contributions — as a reference factor in policy judgment, risk assessment, or institutional design.*

*This clarification is intended only as an explanation and example under point 2 of the original request, rather than a new request.*

## **Our Response**

### *Question 1*

*Has the proposal made public in 2024 to increase staffing by 52 Full-Time Equivalents (FTE) in order to address the backlog of asylum claim cases still not been fully implemented as of now?*

Recruitment to fill the additional 52 Full Time Equivalents (FTE) positions announced in 2024 occurred throughout the 2024/2025 financial year. The Refugee Status Unit received 23 of the announced positions (16 Refugee and Protection Officers (RPO), two Technical Advisors, two Managers, one Business Advisor, one Interpreter Coordinator and one Support Officer). The remaining FTE positions were shared between related parts of the Ministry of Business Innovation and Employment such as the Privacy and Country Research and Open Source (CROS) teams and Work Visa Asylum (WVA) processing.

### *Question 2*

*We note that, in the 2025 Bondi Beach shooting incident in Sydney, Australia, one person risked his life to stop the gunman and was widely regarded as having helped save many lives; there were also reports showing that persons with a refugee background also risked their lives to save people at the scene. Please disclose whether, when formulating this current policy relating to asylum claim cases, refugee determination, or related policies, the New Zealand government referred to cases in other Refugee Convention countries where asylum claimants or persons already granted protection made positive contributions to society, as a reference factor for policy judgment, risk assessment, or institutional design.*

We are refusing this part of your request under section 18(e) of the Act as the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found. I do not consider that consulting with you would allow your request to be fulfilled.

With regard to refugee and protection status determinations, RPO's assess each claim on its individual merits. In making this decision, the RPO considers all information provided, alongside any other relevant information available about the claim and the claimant's country of origin. The assessment focuses on

whether the claimant's statements are truthful and credible, and whether the claim meets the criteria set out in Article 1A(2) of the Refugee Convention or qualifies for protected person status.

### *Question 3*

*Does the government currently still have no further plan to increase staffing related to asylum claim cases?*

The government does not have any plans at the current time to further increase the FTE involved in the refugee status determination system.

### *Question 4*

*In light of the Minister's public statements this month and the government's future plans to respond to the backlog of asylum claim cases, please disclose whether the government has referred to the practices of other Refugee Convention countries in examining asylum claim cases.*

Comparison with the practices of similar asylum receiving countries is a standard consideration when reviewing New Zealand's practices.

### *Question 5*

*Please disclose whether the government has comprehensively examined the causes of the backlog of asylum claim cases reaching a historical peak, especially including the following aspects:*

- (a) whether it is related to internal staff shortages;*
- (b) whether it is related to the excessive length of time taken by officers to examine each individual case;*
- (c) whether it is related to the approval process for most asylum claim cases being excessively stringent (with reference to the practices of other Refugee Convention countries for comparison).*

Available information indicates that the increase in asylum claims is largely associated with the reopening of New Zealand's borders following the COVID-19 pandemic. This pattern aligns with international experience, with OECD countries recording historically high levels of asylum applications in the post-pandemic period.

In responding to the increase, officials considered all relevant operational factors, including staffing capacity and processing timeframes, and took steps to increase resourcing and streamline processes. The rigour of refugee and protection status determination was not identified as a contributing factor.

New Zealand's decision-making framework remains consistent with practices in comparable Refugee Convention countries, and approval rates have declined during this period. Comparative international legal and operational settings are routinely considered when responding to changes in asylum demand.

### *Question 6*

*In light of the Minister's public statements this month and the government's future plans to respond to the backlog of asylum claim cases, the relevant approach appears to attribute most of the responsibility and consequences for the backlog of asylum claim cases reaching a historical peak to the asylum claimants themselves. Please disclose whether, when forming the above policy, position, or plan, the government ever relied on data, research, risk assessments, legal advice, or human rights impact assessments to analyse whether such an approach could cause harm to persons who genuinely need international protection; and whether it ever assessed whether such an approach could increase the possibility that some persons may be wrongly refused, removed, or placed in situations where they may face torture, persecution, or other serious harm. If the government has conducted the above examinations, comparisons, or assessments, please disclose the relevant documents, reports, opinions, briefings, analyses, or recommendations.*

Asylum seekers are individuals who fear persecution in their home country and seek protection in New Zealand through the asylum system. Their claims for protection are assessed by Immigration New Zealand (INZ) in the first instance. Claimants who do not meet the legal threshold for refugee status, but do have a genuine need of international protection, may be granted protected person status. Successful claimants

are recognised as refugees or protected people and can apply for residence, which entitles them to the same rights to education, healthcare and social services as citizens. Both refugees and protected people can apply for residence, with the exception of protected people who have been excluded from the Convention, in which case the Minister of Immigration must determine their immigration status

#### *New Zealand's international human rights obligations*

New Zealand has obligations under various international instruments (the 1951 Convention Relating to the Status of Refugees (the Convention) and its 1967 Protocol, the Convention Against Torture and Articles 6 and 7 of the International Covenant on Civil and Political Rights) which are incorporated into the Immigration Act 2009. These obligations prevent New Zealand from expelling or returning a refugee or asylum seeker to any place where their life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion. They also prevent returning a person to a place where they would be in danger of torture. New Zealand must consider and determine all onshore refugee and protection claims in a manner that complies with our international obligations.

#### *Data and evidence*

New Zealand continues to experience large numbers of asylum claims and significant backlogs in determinations, consistent with global trends. Since the border reopening in 2022, asylum claims have increased significantly:

- As at 31 January 2026, there were 4,001 undecided claims, with 2,269 claims received in the 2024/25 year.
- Approval rates remain low, at 23.3 per cent for 2024/25 and 25.5 per cent for 2025/26 year to date as at 31 January 2026.
- The IPT received a 60 per cent increase in refugee and protection appeals in 2024/25. It noted in its 2024/25 Annual Report that its workload was impacted by the Refugee Status Unit (RSU) increase in capacity and decision-making output and earlier immigration policy decisions which changed temporary visa settings.

In forming the advice, officials consulted with:

- Agencies: Ministry of Justice (Human Rights team and the Services and Tribunals team), and the Ministry of Foreign Affairs and Trade.
- International: counterparts in Australia, the United Kingdom and Canada and the United Nations High Commissioner for Refugees (UNHCR).
- Civil society: members of the immigration refugee bar (including representatives from the law society and the law association).

#### *Expected outcomes for genuine asylum seekers*

The proposed amendments have been informed by the data, consultation with both refugee and human rights law specialists and legal representatives. They balance upholding international obligations and ensuring that those who genuinely need international protection receive it (and in a timely manner).

Please refer to the attached appendix that includes Annex Five of the briefing "Protecting the protection system - additional asylum proposals to include in the Immigration (Enhanced Risk Management) Amendment Bill" that includes international comparisons of asylum settings.

Please note that some information has been withheld from the above document under the following sections of the Act:

- 6(a) as its release would be likely to prejudice the security or defence of New Zealand; and
- 9(2)(f)(iv) to protect the confidentiality of advice tendered by Ministers and officials. I do not consider that the withholding of this information is outweighed by public interest considerations in making the information available.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

If you wish to discuss any aspect of your request or this response, please contact [inzoias@mbie.govt.nz](mailto:inzoias@mbie.govt.nz).

Nāku noa, nā

A handwritten signature in blue ink that reads "Fiona Whiteridge". The signature is written in a cursive, flowing style.

Fiona Whiteridge  
**General Manager Refugee and Migrant Services**  
Immigration New Zealand  
Ministry of Business, Innovation & Employment