



MP for Palmerston North

Minister for Workplace Relations and Safety Deputy Leader of the House

Minister of Immigration

Minister for ACC

21 DEC 2017

MOIA 22

Alex Harris

fyi-request-6895-b56758a7@requests.fyi.org.nz

Dear Alex

I refer to your email received on 26 November 2017, in which you requested the following information under the Official Information Act 1982 (the Act):

According to your answer to Parliamentary Written Question 8488, you received a briefing named "Arrangement with Australia to resettle refugees and Manus Island closure" on 2 November. I would like to request a copy of that briefing under the OIA.

I have attached the information as requested. Certain information has been withheld under the following sections of the Act:

- section 6(a), as the making available of this information would likely prejudice the international relations of the Government of New Zealand;
- section 6(b), as the making available of this information would likely prejudice the entrusting of information to the Government of New Zealand on a basis of confidence;
- section 9(2)(a), to protect the privacy of natural persons; and
- section 9(2)(f)(iv), to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

You have the right under section 28(3) of the Act to ask the Ombudsman to investigate and review my decision to withhold some information. The relevant contact details are as follows:

Office of Ombudsman
PO Box 10152
WELLINGTON 6143
Ph 0800 802 602
www.ombudsman.parliament.nz

Yours sincerely

Hon Iain Lees-Galloway

Minister of Immigration



AIDE MEMOIRE

Arrangement with Australia to resettle refugees and Manus Island closure

Date:	2 November 2017	Priority:	Medium
Security classification:	In Confidence	Tracking number:	0795 17-18

Information for Minister(s)
Hon Iain Lees-Galloway Minister of Immigration
Hon Kris Faafoi Associate Minister of Immigration

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Siân Roguski	Manager, Immigration Policy	04 901 3855	s 9(2)(a)	✓
Kate Manners	Policy Advisor, Immigration Policy	04 896 5924	N/A	

The following departments/agencies have been consulted
MFAT

Minister's office to complete:

- | | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



AIDE MEMOIRE

Arrangement with Australia to resettle refugees and Manus Island closure

Date:	2 November 2017	Priority:	Medium
Security classification:	In Confidence	Tracking number:	0795 17-18

Purpose

The purpose of this aide memoire is to provide you with background information on the arrangement with Australia to resettle refugees. This information is provided in the context of the recent closure of the Manus Island offshore processing centre, correspondence you have received and the meeting of the Prime Minister with Australian Prime Minister Turnbull arranged for Sunday 5 November.

A briefing on wider refugee policy and issues, including in relation to your manifesto commitments, will be provided to you in the coming weeks.

Ruth Isaac
General Manager, Labour and Immigration Policy
Labour, Science and Enterprise, MBIE

2.../.../.../17.

The arrangement with Australia to resettle refugees

New Zealand has an arrangement with Australia to resettle refugees who have been subject to Australia's offshore processing legislation

1. In June 2013 Cabinet agreed that New Zealand would resettle up to 150 refugees annually who have been subject to Australia's offshore processing legislation¹ (and hereafter referred to as transferees) within the Refugee Quota Programme [CAB Min (13) 20/15]. The Cabinet decision confirmed an arrangement that had been made by the then Prime Ministers of New Zealand and Australia.
2. Implementation of the arrangement was scheduled to begin in July 2014.
3. The Refugee Quota Programme is a humanitarian policy and the offer to Australia of a limited number of places within the quota for transferees reflects New Zealand's role in responsibility sharing on irregular migration issues within the Asia-Pacific region.

¹ Refugees and asylum seekers who arrive in Australia via irregular maritime means are subject to transfer to offshore regional processing centres in Papua New Guinea (Manus Island) and Nauru.

Australia has never utilised New Zealand's offer to resettle transferees

4. New Zealand's offer to resettle up to 150 transferees annually from Australia's offshore processing centres has remained open since it first took effect in 2014. Australia declined to utilise the 150 places set aside in the 2014/15 refugee quota and in each of the following years. As a result, Cabinet has subsequently made decisions on the reallocation of these places to United Nations High Commissioner for Refugees (UNHCR)-referred refugees.

s 6(b)

s 6(a)

s 6(b)

New Zealand's refugee quota selection criteria and settlement support services apply to refugees that are resettled from regional processing centres

10. As the arrangement stands, if Australia decides to take up New Zealand's offer of up to 150 refugee quota places for transferees, the following broad process would apply:

s 9(2)(f)(iv)

b. *Transferees must have their refugee status confirmed by the relevant country authorities.* In the case of the Manus Island Regional Processing Centre, this is the government of Papua New Guinea.

c. *New Zealand* s 9(2)(f)(iv)

and would not accept those who do not meet New Zealand's refugee quota selection criteria. This includes those who pose a security risk, where there are character or credibility concerns, or where an individual does not meet health requirements. In the past New Zealand has also expressed a preference to resettle family groups. This is to mitigate transferees taking an

increasing share of the overall refugee quota through the family (partners and dependent children) policy.

- d. Once in New Zealand, *transferees that are resettled as part of the arrangement will be provided with the same reception programme and ongoing support as other refugees* under the Refugee Quota Programme.

The current situation at Manus Island Regional Processing Centre

11. New Zealand's existing arrangement to resettle transferees is with Australia, and not with Papua New Guinea. s 9(2)(f)(iv)

s 9(2)(f)(iv)

12. s 6(b)

13.

14. The UNHCR's recent public statement on 18 November highlighted serious concerns with health, physical security, accommodation and welfare arrangements for those remaining at the facility. A press release from the Australian Minister for Immigration and Border Protection reiterated Australia's position that all maritime asylum seekers would be denied resettlement in Australia.
15. The decision to close the Manus Island facility was made after it was found to be unconstitutional by the Papua New Guinea Supreme Court in 2016.

Proposed response to correspondence

16. There has been significant media interest in the situation on Manus Island and in New Zealand's agreement with Australia to resettle transferees. You have also received correspondence in regards to New Zealand's role in assisting refugees and asylum seekers who remain on Manus Island.
17. Suggested text for response to correspondence is provided at Annex One.

Annexes

Annex One: Proposed key messages for response to correspondence regarding the arrangement with Australia and Manus Island closure

Annex One: Proposed key messages for response to correspondence regarding the arrangement with Australia and Manus Island closure

- In 2013, the New Zealand Government agreed that up to 150 places would be allocated annually from July 2014 from within the Refugee Quota Programme to resettle refugees who have been subject to Australia's offshore processing legislation. This offer remains open.
- New Zealand has a Refugee Quota Programme through which priority protection refugee cases are referred by the United Nations High Commissioner for Refugees (UNHCR) to New Zealand for consideration for resettlement. Under our Immigration legislation, New Zealand undertakes refugee status determination of asylum claims made in New Zealand.
- To date, the 150 places have not been utilised by Australia and the places have been reallocated to refugees referred by the UNHCR.
- New Zealand's arrangement to resettle 150 refugees subject to Australia's offshore processing is with Australia. The Government is not considering entering into a separate arrangement directly with Papua New Guinea or Nauru regarding the resettlement of refugees.