



## COVERSHEET

<b>Minister</b>	Hon Andrew Little	<b>Portfolio</b>	Immigration
<b>Title of Cabinet paper</b>	Eligibility for Immediate Family Members Under the Community Organisation Refugee Sponsorship Category Pilot	<b>Date to be published</b>	2 October 2023

<b>List of documents that have been proactively released</b>		
<b>Date</b>	<b>Title</b>	<b>Author</b>
August 2023	Eligibility for Immediate Family Members Under the Community Organisation Refugee Sponsorship Category Pilot	Office of the Minister of Immigration
16 August 2023	Eligibility for Immediate Family Members Under the Community Organisation Refugee Sponsorship Category Pilot DEV-23-MIN-0174 Minute	Cabinet Office

### **Information redacted**

**NO**

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.

## In Confidence

Office of the Minister of Immigration

Cabinet Economic Development Committee

## Eligibility for immediate family members under the Community Organisation Refugee Sponsorship category pilot

### Proposal

- 1 This paper seeks agreement to extend eligibility under the Community Organisation Refugee Sponsorship (CORS) category pilot to enable refugees to include their partner and dependent children in their CORS application, regardless of whether the partner and dependent children are mandated refugees.

### Relation to government priorities

- 2 The proposals in this paper support our priorities to improve the wellbeing of New Zealand citizens and residents and their families. It demonstrates our ongoing response to the scale of refugee movement and commitment to international responsibility sharing.

### Executive Summary

- 3 The Community Organisation Refugee Sponsorship (CORS) category pilot enables 150 United Nations High Commissioner for Refugees mandated refugees to be sponsored by approved community organisations.
- 4 When CORS was established in 2017, Cabinet agreed that all applicants must be mandated refugees under the 1951 Refugee Convention [EGI-17-MIN-0224]. This means that partners and/or dependent children of a principal applicant are not able to be included in the application unless they are also mandated refugees.
- 5 Refugee and humanitarian pathways to New Zealand explicitly provide for wider family reunification to support families staying together and positive settlement outcomes. I consider there is no rationale for requiring immediate family to be mandated refugees under CORS. The current approach is inconsistent with immediate family eligibility settings in other refugee pathways for New Zealand, including the Refugee Quota Programme.
- 6 I am seeking Cabinet agreement to enable sponsored refugees to include their partner and dependent children in their CORS application, regardless of whether they are mandated refugees. I am also seeking Cabinet agreement that places for immediate family members will be included within the existing 150 places for the CORS pilot.
- 7 The proposal aligns with CORS objectives to support successful refugee settlement and better enable sponsored refugees to become independent and self-sufficient by facilitating family reunification.

- 8 Subject to Cabinet agreement, I will certify new immigration instructions to give effect to the decision as soon as practicable.

## **Background**

- 9 Under the CORS pilot, sponsored refugees are provided with residence visas, which allow the recipient, their partner, and dependent children (as long as they are refugees) to live, work and study in New Zealand. The pilot was created in 2017 and extended in 2021 to provide 150 places over three years until 30 June 2024. Prior to the end of the pilot, advice will be provided on its future which will be informed by ongoing evaluation.
- 10 The objectives of the pilot are to:
- 10.1 Provide an opportunity for community organisations to actively engage in supporting successful refugee settlement and to build local communities that welcome refugees;
  - 10.2 Enable sponsored refugees, with the support of community organisations, to quickly become independent and self-sufficient so that they are able to enter the labour market, navigate their communities and access mainstream services without requiring additional support; and
  - 10.3 Provide an alternative form of admission for refugees to complement New Zealand's Refugee Quota Programme and, in doing so, demonstrate New Zealand's response to the scale of refugee movement and commitment to international responsibility sharing.
- 11 Currently, all applicants on a CORS application need to be mandated as refugees under the 1951 Refugee Convention.

## **There are barriers to family reunification under the existing CORS settings**

- 12 Sector stakeholders have highlighted the issue of eligibility for immediate family members under the CORS pilot as a barrier to family reunification. In order for a residence application to be approved under the CORS pilot, an immigration officer must be satisfied that there are no significant barriers to the ability of any of the applicants to settle in New Zealand.
- 13 Under the current CORS settings, if family members cannot be included in the application due to not being refugees, the principal applicant may be declined because their family not being able to join them could be considered a significant barrier to their settlement in New Zealand.
- 14 In practice, this means that where CORS applicants have a partner and/or dependent children who are not mandated refugees (e.g., because they did not flee the country), they could not successfully include their partner and dependent children in their application. This could lead to either families being split, or the principal applicant being declined because the uncertainty around family reunification in New Zealand would be considered a significant barrier to settlement.

- 15 For those approved, there are reunification issues, as the family members who are not mandated refugees would need to subsequently apply via alternative visa pathways. I do not consider these alternative pathways are appropriate, as they may have more stringent criteria and incur additional costs which CORS refugees are unlikely to be able to meet in the initial stages of their settlement. There is also likely to be a longer delay, with no guarantee of approval.

*The CORS approach to immediate family members differs from other refugee pathways*

- 16 The approach to partners and dependent children in CORS differs from the Refugee Quota Programme, under which mandated refugees can sponsor their partner and dependent children. These places for immediate family members are met within the 1,500 Refugee Quota, regardless of whether the partner and children are mandated refugees or not. Mandated refugees can also sponsor their extended family members through the Refugee Family Support Category, which has 600 places available each year in addition to the Refugee Quota.
- 17 Convention refugees (i.e., successful refugee and protection claimants/asylum seekers) can also include their partner and dependent children in their residence applications, regardless of their immediate family's refugee status.

**I am seeking Cabinet agreement to extend access to the CORS category pilot so refugees can support their immediate family, regardless of refugee status**

- 18 Allowing successful CORS applicants to sponsor their partners and dependent children would support positive settlement outcomes for CORS refugees. It also acknowledges that partners and dependent children have a genuine humanitarian need if they are attached to a person who has fled, regardless of whether they themselves are mandated refugees.
- 19 I do not consider there is strong rationale for CORS applicants to have fewer options than Quota and Convention refugees when it comes to supporting a partner and/or dependent children to come to New Zealand.
- 20 I recommend that CORS applicants are able to support their partners and/or dependent children on the same basis as Quota and Convention refugees, and that these partners and/or dependent children are included within the existing 150 places for CORS.

**Implementation**

- 21 This change would require an amendment to the Immigration New Zealand instructions.
- 22 The changes will only apply to future applications. Applications currently affected by the rule regarding partners and dependent children could be referred to a Delegated Decision Maker (DDM) who can make decisions outside of the immigration instructions, on a case-by-case basis.

### **Cost-of-living Implications**

- 23 I do not expect this proposal to have cost of living implications for other New Zealanders.

### **Financial Implications**

- 24 There are no direct financial implications that arise from paper. Cabinet funding has already been approved for the 150 places within the CORS pilot and this proposed change does not increase the number of places required.

### **Legislative Implications**

- 25 There are no legislative implications resulting from the proposals in this paper. However, amendments to immigration instructions will be required to give effect to the decisions taken. Immigration instructions are the rules and criteria for the grant of visas and entry permission to New Zealand and are set out in the INZ Operational Manual. Section 22 of the Immigration Act 2009 authorises the Minister of Immigration to certify immigration instructions.
- 26 Subject to Cabinet agreement, I will certify new immigration instructions in line with the decisions taken.

### **Impact Analysis**

#### **Regulatory Impact Statement**

- 27 As no changes to legislation are required for this policy change, the regulatory impact requirements do not apply to these proposals.

#### **Climate Implications of Policy Assessment**

- 28 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

### **Population Implications**

- 29 The proposal in this paper will benefit refugees and their families. Having the ability to support family is particularly important for refugee and humanitarian pathways to support successful settlement for those who can often have complex settlement needs (for example mental health and trauma).

### **Human Rights**

- 30 While the Immigration Act 2009 recognises that immigration matters inherently involved different treatment on the basis of personal characteristics, immigration policy development seeks to ensure that any changes are necessary and proportionate. The Ministry of Business, Innovation and Employment (MBIE) considers that the proposals in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

### Use of external resources

31 The development of these policy proposals has not used any external resources.

### Consultation

32 This paper was prepared by MBIE. The Ministries of Health, Education, Social Development, Foreign Affairs and Trade, Ethnic Communities, Oranga Tamariki, the Treasury and the Department of the Prime Minister and Cabinet (Policy Advisory Group) were consulted on this paper.

### Communications

33 Subject to Cabinet agreement, communications material will be developed to ensure those affected are aware and updated immigration instructions will be published.

### Proactive Release

34 This paper will be proactively released in line with the Cabinet Office circular Proactive Release of Cabinet Material: Updated Requirements [CO (18) 4].

### Recommendations

The Minister of Immigration recommends that the Committee:

- 1 **note** that current settings for the Community Organisation Refugee Sponsorship category mean that refugees can only include their partners and dependent children in their application if they are also mandated refugees;
- 2 **agree** to extend the eligibility criteria for the Community Organisation Refugee Sponsorship category to include partners and dependent children of sponsored refugees, regardless of their refugee status;
- 3 **agree** that partners and dependent children of refugees are included within the 150 places of the Community Organisation Refugee Sponsorship category;
- 4 **note** that there are no additional costs associated with this proposed change, as the partners and dependent children would be included within the established 150 places for the Community Organisation Refugee Sponsorship category;
- 5 **note** that the Minister of Immigration will certify amendments to Immigration Instructions in line with the decisions taken in this paper;
- 6 **note** that the proposed changes will apply to residence applications made on and after the immigration instructions take effect and cannot retrospectively apply to existing residence applications already lodged with Immigration New Zealand.

Authorised for lodgement

Hon Andrew Little  
Minister of Immigration