



## COVERSHEET

<b>Minister</b>	Hon Casey Costello	<b>Portfolio</b>	Immigration
<b>Title of Cabinet paper</b>	Government response to the Petitions Committee report on the petition of Sabah Deniz Gulensoy: Temporary post-earthquake visas	<b>Date to be published</b>	10 April 2024

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
22 February 2024	Government response to the Petitions Committee report on the petition of Sabah Deniz Gulensoy: Temporary post-earthquake visas	Office of the Associate Minister of Immigration
February 2024	LEG-24-MIN-0012 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.

N.B. the Government response is not included in this proactive release as it was presented to the House on 5 March 2024 and is publicly available [here](#)

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Office of the Associate Minister of Immigration  
Chair, Cabinet Legislation Committee

## Government response to the Petitions Committee report on the petition of Sabah Deniz Gulensoy: Temporary post-earthquake visas

### Proposal

- 1 This paper seeks approval for the Government's response to the Petitions Committee report on the petition of Sabah Deniz Gulensoy: *Temporary post-earthquake visas*.

### Background

- 2 The petition from Sabah Deniz Gulensoy titled *Temporary post-earthquake visas* was referred to the Petitions Committee on 29 March 2023. The petition requested:
  - 2.1 that the House of Representatives ask the Government to grant temporary work visas to family and loved ones affected by the earthquakes in Turkey.
- 3 The petitioner submitted that the Turkish community in New Zealand is very concerned about the safety of family and loved ones in regions affected by the earthquake of 6 February 2023<sup>1</sup>. The petitioner noted that because many people in those regions are well-educated young people and skilled workers, introducing temporary work visas would benefit New Zealand as well as the earthquake victims.
- 4 The Committee met between 11 May and 7 September 2023 to consider the petition and received written and oral submissions from the petitioner and the Ministry of Business, Innovation and Employment (MBIE). In its written submission, MBIE:
  - 4.1 provided details of New Zealand's general immigration response to offshore crises and natural disasters;
  - 4.2 noted the focus of New Zealand's refugee and humanitarian visa policies is on fulfilling our international responsibilities to refugee and protected persons;

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<sup>1</sup> A magnitude 7.8 earthquake and magnitude 7.5 aftershock contributed to significant destruction and loss of life in Türkiye where more than 50,000 people died; more than 8,000 also died in Syria.

- 4.3 advised that New Zealand has not previously created bespoke visa pathways for people affected by natural disasters in other countries; and
- 4.4 stated that it did not consider it appropriate to create a temporary visa pathway in response to this situation given existing visa pathways for applicants from Türkiye to enter New Zealand. These include visitor visas for tourists or people wanting to visit family, Accredited Employer Work visas or Working Holiday Schemes for people wanting to work here.
- 5 The Committee presented its final report, which included one recommendation, on 7 September 2023. Under Standing Order 256, a Government response must be tabled in the House by 5 March 2024.

### **The Petitions Committee's recommendation**

- 6 The Committee's report on the petition recommends that the Government:
- 6.1 "consider undertaking policy work to establish a visa framework to better support displaced persons who are not considered refugees".
- 7 The Committee noted that the effects of climate change mean that natural disasters are expected to increase in number and intensity, and the number of displaced people who are not currently defined as refugees by the UN Refugee Convention will therefore increase. The definition does not include those who are internally displaced, or who are displaced across borders due to natural disasters.<sup>2</sup>
- 8 The Committee commented that work on a visa framework for displaced persons needs to be undertaken promptly so that future natural disasters can be better addressed by immigration policy.
- 9 The Committee acknowledged the destruction that the earthquakes had caused and that the response in the aftermath was particularly challenging. However, the Committee considered that because New Zealand had not previously created bespoke visa pathways for natural disasters, it was not appropriate to do so in this situation in order to maintain consistency and equity within immigration policy.
- 10 The Committee strongly encouraged the Turkish community in New Zealand to reach out to local members of Parliament in their electorates to support visa applications for family members in Türkiye.

### **Proposed Government response**

- 11 I seek Cabinet's approval for the Government's response (Appendix One). I recommend that the Government response highlights that the Government

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<sup>2</sup> A refugee is defined as a person who has crossed an international border "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion". (1951 Refugee Convention and its 1967 Protocol.)

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will focus on delivering our immediate priorities, upholding New Zealand's international and humanitarian responsibilities and continuing climate mobility actions which could inform consideration of future work.

- 12 The primary way New Zealand provides support for international refugee crises is through the Refugee Quota Programme (RQP) which provides the ability to resettle 1500 refugees per year. The RQP responds to referrals from the United Nations High Commissioner for Refugees (UNHCR) and includes a sub-quota of places for large-scale emergencies determined every year.
- 13 New Zealand's standard immigration approach to past offshore crises, including natural disasters, civil wars and invasions has been to:
  - 13.1 extend temporary visas on a case by case basis for people who are onshore on temporary visas, while maintaining an expectation that, unless they meet residence criteria, they will eventually leave; and
  - 13.2 work with the international community to help meet the protection needs of displaced people.
- 14 I note that, in some limited instances, the Government has taken a targeted approach to reflect specific responsibilities New Zealand has to groups of refugees or migrants, or other exceptional circumstances, for example:
  - 14.1 the pathway offered to Afghanistan evacuees who directly supported the New Zealand Government's work in Afghanistan; and
  - 14.2 our response to the Ukraine crisis, which recognises both the scale of the crisis and also that our RQP does not resettle refugees from the Europe region.
- 15 As noted earlier, natural disasters, including those related to climate change, are not currently a reason to be granted refugee status under international law. There are no legally binding regional conventions or treaties for other countries to assist citizens of other countries displaced by natural disasters.
- 16 Establishing a visa framework for displaced persons who are not refugees would be a significant expansion of New Zealand's existing refugee and humanitarian pathways. Any expansion would need to consider a range of factors, including how the immigration system operates, New Zealand's national resources and visa-specific matters such as who would be eligible, how large any possible resettlement would be and the length of time of any visa. It would also need to consider which events it would be responsive to.
- 17 The Ministry of Foreign Affairs and Trade (MFAT) is currently delivering a Climate Migration Action Plan, which is focused on climate mobility in the Pacific. It includes a multi-year research programme to better understand climate migration trends, and the impact on communities in the Pacific and New Zealand, which could inform future policy development in this area.

### Timing of Government response

- 18 Once a response is approved, it can be presented in House on the next available sitting day.
- 19 A Government response to the Committee's final report must be presented to the House by 5 March 2024.

### Consultation

- 20 The Minister of Immigration has been consulted on the proposed Government response and agreed to the lodgement of this Cabinet paper.
- 21 The Ministry of Foreign Affairs and Trade was consulted. The Department of the Prime Minister and Cabinet has been informed.

### Financial implications

- 22 There are no financial implications associated with this proposed response.

### Publicity

- 23 The Government response will be publicly released in line with petitions procedures.

### Proactive release

- 24 This paper will be proactively released in line with the Cabinet Office circular Proactive Release of Cabinet Material: Updated Requirements [CO (23) 4].

### Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** that, on 7 September 2023, the Petitions Committee presented its report to the House entitled *Petition of Sabah Deniz Gulensoy: Temporary post-earthquake visas*;
- 2 **note** that the Petitions Committee made one recommendation to the Government, that it:
  - 2.1 “consider undertaking policy work to establish a visa framework to better support displaced persons who are not considered refugees”;
- 3 **approve** the Government response, attached at Appendix One, to the Report of the Petitions Committee entitled “*Petition of Sabah Deniz Gulensoy: Temporary post-earthquake visas*”;
- 4 **note** that, once approved, the Government response can be presented in the House on the next available sitting day;
- 5 **note** that the Government response must be presented to the House by 5 March 2024;

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- 6 **invite** the Associate Minister of Immigration to present the Government response to the House in accordance with Standing Order 256;
- 7 **invite** the Associate Minister of Immigration to write to the petitioner enclosing a copy of the Government response to the report of the Petitions Committee on the petition, after the response has been presented to the House.

Authorised for lodgement

Hon Casey Costello

Associate Minister of Immigration