



COVERSHEET

Minister	Hon Iain Lees-Galloway	Portfolio	Immigration
Title of Cabinet paper	Update on Christchurch Response (2019) Visa	Date to be published	27 May 2019 / 28 May 2019 after 2pm

List of documents that have been proactively released		
Date	Title	Author
28/05/2019	<i>Update on Christchurch Response (2019) Visa</i>	<i>Office of the Minister of Immigration</i>
28/05/2019	<i>CAB-19-MIN-0172 Update on Christchurch Response Visa</i>	<i>Cabinet Office</i>

Information redacted

YES / **NO** (please select)

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Please note that some information has been withheld for the following reasons:

- Maintenance of the law

UPDATE ON CHRISTCHURCH RESPONSE (2019) Visa

Proposal

1. I seek Cabinet's further agreement to the proposed scope of eligibility for the Christchurch Response (2019) Visa, and provide an update on the estimated number of people who will be offered permanent residence under this policy.

Executive Summary

2. On 25 March 2019, Cabinet agreed to create the Christchurch Response (2019) Visa, which provides permanent residence for those affected by the Christchurch mosques terror attack and their immediate families who were normally living in New Zealand on the day of the attack [CAB-19-MIN-0121 refers]. This visa will not be open to offshore family members (individuals who were not normally living in New Zealand on the day of the terror attack).
3. Under the settings agreed by Cabinet, officials estimate that ^{Mainten} people would become eligible for the visa, at a cost to Government of ^{Maintenance of the law}.
4. Cabinet invited me to report back with a recommendation for whether Cabinet should:
 - 4.1. also make the Christchurch Response (2019) Visa available to those who were present at the mosques during the attack but did not incur physical injury, and their immediate families; and
 - 4.2. expand the definition of family to include parents of adults (and grandparents of children), adult siblings and/or non-dependent adult children.
5. After discussing with my Ministerial colleagues, I recommend that the scope of the visa includes those who were present at the mosques but were not included on the New Zealand Police injured survivors list,¹ and that the definition of family is expanded to also include parents of adults, and grandparents of children. Officials estimate that this expanded scope would mean that an additional ^{Maintenanc} people become eligible for the visa, at an additional cost to Government of ^{Maintenance of the law}.
6. I am also inviting Cabinet to make a decision on whether to include non-dependent children and adult siblings who are also living in New Zealand within the definition of 'immediate family.' Officials estimate that expanding the scope to this group would mean that an additional ^{Mainten} people become eligible for the visa, at a cost to Government of an additional ^{Maintenance of the law}.
7. All those who become eligible for the visa must have been normally living in New Zealand on the day of the terror attack. Officials estimate that nearly half would be

¹ I have revised the definition of 'physically injured' in this paper from 'physically injured requiring immediate hospital treatment at the time of the attacks' to 'injured survivors as per the New Zealand Police injured survivors list.'

transferring from residence to permanent residence, with the remainder transferring from temporary visa status (work or student) to permanent residence.

On 25 March Cabinet agreed to create the Christchurch Response (2019) Visa

8. On 25 March 2019, Cabinet agreed to create a special humanitarian permanent resident visa category to ensure:
 - 8.1. certainty of immigration status for those whose eligibility for permanent residence has been affected by the Christchurch mosques terror attack;
 - 8.2. that those affected by the attacks who were on a pathway to permanent residence are assured of their permanent residence; and
 - 8.3. that those affected by the attacks who were living in New Zealand on a temporary visa without a clear pathway to permanent residence may stay in New Zealand permanently if they wish.
9. This visa applies only to individuals who were normally living in New Zealand at 15 March 2019 on temporary or resident visas. It is a two-year time-limited category specifically to respond to this attack.
10. Cabinet agreed to make the visa category available to the following people who were normally living in New Zealand at 15 March 2019:
 - 10.1. the immediate family of any individual who died in the attack; and
 - 10.2. individuals who were physically injured in the attack and their immediate families.
11. Cabinet agreed that 'immediate family' for the purpose of eligibility for this visa includes at least:
 - 11.1. (for adults) their partner and any dependent children normally living in New Zealand; and
 - 11.2. (for a dependent child) their parent(s) and any dependent siblings normally living in New Zealand.
12. Under these settings, officials have estimated that ^{Mainten} people would be eligible for the visa, and the cost to Government would be ^{Maintenance of the law}
13. Cabinet deferred decisions on whether the scope of those eligible for the visa would also include those who were present in the mosques but were not injured and their immediate families, and whether the definition of the relatives included within 'immediate family' should be expanded, and invited me to report back.
14. Cabinet deferred public announcement of the new visa category until the scope had been confirmed.

I recommend including those who were present but not physically injured

15. Following consultation with my colleagues, I recommend that the visa category would also be available to all those who were present in the mosques at the time of the attack and normally living in New Zealand, and their immediate families.
16. This will ensure that those who were personally in danger from the attack and those experiencing mental trauma as a result of the attack have certainty of their visa status and a clear pathway to stay in New Zealand if they wish.
17. Officials' estimates use New Zealand Police figures which record that people were in the mosques and did not die or incur physical injury, and estimate that approximately per cent of these individuals and their immediate families may be in New Zealand on temporary or resident visas and therefore become eligible for this visa.

I recommend expanding the definition of immediate family to include parents of adults

18. After discussing with Ministerial colleagues, I also recommend that the definition of immediate family be expanded to include parents (and parents-in-law) of adults and grandparents of children who were in the mosques.
19. Including parents will recognise the social and practical support that New Zealand-based parents and grandparents can provide to their family member who was injured, or to the immediate family of a person who was killed. It will prevent unintended situations in which a parent or grandparent is unable to remain with their family on a permanent basis because they do not meet the criteria for inclusion and their current temporary work or student visa status does not provide a pathway to residence.
20. In all cases this only applies to family members of a person at the mosques who were normally living in New Zealand at 15 March 2019. It does not apply to off-shore-based family members without temporary or resident visa status. Immigration New Zealand will assess whether an individual was normally living in New Zealand on a range of factors including visa status and intent, residence, employment and family.
21. During consultation there was some support for also extending the definition to include non-dependent children and adult siblings who were also normally living in New Zealand. I invite Cabinet to make a decision on whether to include non-dependent children and adult siblings who are also living in New Zealand within the definition of 'immediate family.'

Officials estimate that 188 people will be eligible for this visa

22. The New Zealand Police is working to establish the number of people who were at the mosques at the time of the attack. This provides both an investigated number upon which to base estimates, and a defined list of those eligible for inclusion within this policy. This will prevent claims from people not established as physically injured or present at the mosques. The estimates that informed the policy development are that 50 people died, incurred physical injury (as listed on the Police's injured survivors list), and a further people were present at the mosques and did not die or incur physical injury.

23. Officials expect that the total number of people eligible for this policy may change slightly as investigations progress, but have a degree of confidence that this change will not be significant. The recent estimates of those present at the mosques (who did not die or incur injury) are lower than the estimate of ^{Maintenance} people used for the original Cabinet paper.
24. If the scope of the visa and definition of immediate family were to remain the same as was agreed by Cabinet on 25 March, officials estimate that ^{Maintenance} people will be eligible.
25. Officials estimate that if Cabinet agrees that the scope include those present at the mosques but not physically injured, and the definition of immediate family includes parents of adults and grandparents of children, an additional ^{Maintenance} people will be eligible (a total of 188 people).
26. Officials estimate that if, following discussion, Cabinet agrees to further expand the definition of 'immediate family' to include adult siblings and non-dependent children, an additional ^{Maintenance} people would be eligible (a total of 240 people).
27. Officials estimate that nearly half the individuals included within this policy would be transferring from resident visas to permanent resident visas. Just over half would be transferring from temporary work or student visas to permanent resident visas.
28. Once these individuals have permanent residence, they would be able to sponsor partners and dependent children from overseas under the usual family immigration streams. Most of these family members would already be in New Zealand and are therefore included under this policy and accounted for in the figures above.
29. On 25 March Cabinet agreed that all applicants transferring from temporary visas to permanent resident visas would be subject to security and identity screening at the same level as that usually required for the New Zealand Residence Programme. The majority of individuals eligible for this visa, who are currently on resident visas and would transfer to permanent resident visas, will have already undergone this security and identity screening.

Financial Implications

30. On 25 March Cabinet agreed that the costs for application fees and medical checks would be met by the Crown. At the time, those costs were estimated to be between \$430,000 and \$690,000. Cabinet authorised the Minister of Finance and the Minister of Immigration to take decisions on the changes in appropriations necessary to give effect to the decisions agreed and any subsequent decisions, including this decision to expand the scope.
31. After receiving further information from the New Zealand Police and Immigration New Zealand, officials estimate that if the scope of the visa and definition of immediate family were to remain the same as was agreed by Cabinet on 25 March, the cost to Government would be ^{Maintenance of the law}.
32. Officials estimate that if Cabinet agrees to the recommendations in this Cabinet paper, the additional cost to Government will be ^{Maintenance of the law} (a total of ^{Maintenance of the law}).

33. Officials estimate that if Cabinet agrees to further expand the definition of immediate family, the additional cost to Government will be ^{Maintenance of the law} (a total of ^{Maintenance of the law}).

34. However, there may be additional costs associated with managing ineligible or unsuccessful applications. Officials have designed a process that will quickly rule out applications that do not meet the list-based criteria, but some costs may still be incurred. Therefore I propose that \$400,000 be appropriated. This amount provides a buffer for additional costs, and can be accommodated within the remaining between-Budget contingency. Officials will report back to the Minister of Finance and the Minister of Immigration by the end of 2019/20 on actual volumes to return any underspend, or approve additional funding as needed.

Consultation

35. The Ministry of Business, Innovation and Employment (MBIE) informed the Department of Internal Affairs (Office of Ethnic Communities), the Department of Prime Minister and Cabinet, the New Zealand Police, the Ministry of Foreign Affairs and Trade, the New Zealand Security Intelligence Service and the New Zealand Treasury of development of this policy.

Legislative Implications

36. No legislative implications are associated with this paper. On 25 March 2019 Cabinet agreed that the Minister of Immigration would certify Immigration Instructions to give effect to this permanent resident visa category.

Human Rights

37. This proposal is consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. The *Immigration Act 2009* recognises that immigration matters inherently involve different treatment on the basis of personal characteristics, but immigration policy development seeks to ensure that any changes are necessary and proportionate.

Publicity

38. The new policy will be announced following Cabinet agreement. This will provide certainty to those affected as quickly as possible. Officials will work with my office to develop a communications strategy, which will also include communicating the new policy directly to those affected through the most appropriate channels.

39. The new visa category will be made available from 24 April 2019.

Proactive Release

40. MBIE intends to proactively release this Cabinet paper on its website within 30 business days of a decision being made by Cabinet. Proactive release will be subject to redaction as appropriate under the Official Information Act.

Recommendations

The Minister of Immigration recommends that Cabinet:

- 1 **Note** that on 25 March 2019, Cabinet agreed [CAB-19-MIN-0121 refers]:
 - 1.1. to make available a special permanent resident visa category to the following people if they were normally living in New Zealand at the time of the Christchurch terrorist attacks of 15 March 2019:
 - (i) the immediate family of any individual who died in the terrorist attacks; and
 - (ii) individuals injured and requiring immediate hospital treatment at the times of the terrorist attacks and their immediate family normally living in New Zealand
 - 1.2. that those included in the scope of 'family' for the purpose of eligibility for this visa includes at least the individual and:
 - (i) (for adults) their married or de facto partner, and any dependent children of the individual or their partner; and
 - (ii) (for a dependent child) their parents and other dependent siblings;
 - 1.3. to relax the medical and financial requirements for the visa while retaining the high threshold for security checking and identity verification required for New Zealand permanent residence;
 - 1.4. that no fees or levies will be charged for permanent residence applications under this category, and that costs of fees and medical checks (estimated as between \$430,000 and \$690,000) would be met by the Crown;
- 2 **Note** that Cabinet deferred decisions on whether:
 - 2.1. the visa category would be available to all those who were present in the mosques at the time of the attacks and normally living in New Zealand, and their families;
 - 2.2. to expand the definition of immediate family for the purpose of eligibility for this visa to include:
 - (i) parents of adults (and grandparents of children) who were normally living in New Zealand;
 - (ii) non-dependent children and adult siblings who were normally living in New Zealand;
- 3 **Agree** that, to recognise the significance of mental harm as a result of the attacks, the visa category be made available to those who were present in the mosques at the time of the attacks and normally living in New Zealand but not physically injured, and their families;

- 4 **Agree** that, to recognise the significance of social and practical support that parents can provide, the definition of immediate family be expanded to include parents (and parents-in-law) of adults, and grandparents of children, who were normally living in New Zealand at the time of the attack;
- 5 **Agree** that, in addition to recommendation 4, the definition of immediate family be expanded to include non-dependent adult children and non-dependent adult siblings, and those individuals' partners and dependent children, who were normally living in New Zealand;
- 6 **Agree** to appropriate the funding now to give effect to the policy decisions in recommendations 1, 2, 3 and 4 above, rather than authorising joint Ministers to make appropriation changes as previously agreed;
- 7 **Approve** the following changes to appropriations to give effect to the policy decisions in recommendations 1, 2, 3 and 4 above, with a corresponding impact on the operating balance:

Vote Immigration Minister of Immigration	\$m – increase/(decrease)				
	2018/19	2019/20	2020/21	2021/22	2023/23 & Outyears
Multi-Category Expenses and Capital Expenditure: Immigration services MCA Departmental Output Expense: Assessment and Processing Services	0.400	-	-	-	-

- 8 **Agree** that the proposed change to appropriations for 2018/19 above be included in the 2018/19 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply;
- 9 **Agree** that the expenses incurred under recommendation 7 above be charged against the between-Budget contingency established as part of Budget 2018;
- 10 **Note** that there is uncertainty about the timing of uptake of this policy, which may require the in-principle transfer of up to the following maximum amount of operating from 2018/19 to 2019/20 of:

Vote Immigration Minister of/for Portfolio	\$m – increase/(decrease)				
	2018/19	2019/20	2020/21	2021/22	2022/23 & Outyears
Multi-Category Expenses and Capital Expenditure: Immigration services MCA Departmental Output Expense: Assessment and Processing Services	(0.400)	0.400	-	-	-

- 11 Authorise** the Minister of Immigration to take decisions on the visa category design and conditions to achieve the policy intent;
- 12 Direct** the Ministry of Business, Innovation and Employment to report back to the Minister of Finance and the Minister of Immigration by the end of 2019/20 on the volume of applications processed under this policy at the point, and forecasts for future years, to return any funding not required, or to agree to seek further funding if needed;
- 13 Note** that the Minister of Immigration will certify Immigration Instructions to give effect to this permanent resident visa category.

Authorised for lodgement

Hon Iain Lees-Galloway
Minister of Immigration

Annex One: Estimate of impacts

Officials have used the best information available from the New Zealand Police and Immigration New Zealand, to estimate the number of people likely to be eligible for permanent residence as a result of this visa, while also relying on a number of assumptions.

Table A.1: Indicative numbers of those likely to be eligible for this visa

Indicative numbers of those offered permanent residence who are currently on temporary visas	Scope of definition for individual affected				Total people present at mosques (1+2+3)
	1. Those who died	2. Those who were physically injured	3. Those who were present at the mosques but did not die or incur physical injury	Those who died and those who were physically injured (1+2)	
Individuals	50				
A. Individuals and their immediate families					
B. Their immediate families' adult parents					
C. Non-dependent children of A and their immediate families					
D. Adult siblings of A and their immediate families					
A					162
A+B					188
A+B+C					214
A+B+C+D					240

In calculating the number of individuals who could become eligible for this visa, officials have used New Zealand Police figures for the number of people who died, were physically injured, and were present at the mosques; and have estimated that per cent of the individuals affected were on temporary or resident visas.

In calculating the number of parents of adults, non-dependent children and adult siblings, officials have assumed that:

- On average, the individuals affected have parents/grandparents, and per cent of these are in New Zealand on temporary or residence visas
- On average, the individuals affected have adult siblings and non-dependent children, and percent of these are on temporary or residence visas, and these individuals have family members (partners and/or dependent children).

Table A.2: Indicative costs to Government of this visa category

Group	Total costs to Government
Total costs for 1+2 A:	Maintenance of the
Total costs for 1+2 A+B:	Maintenance of the
Total costs for 1+2+3 A	Maintenance of the la
Total costs for 1+2+3 A+B	Maintenance of the la
Total costs for 1+2 A+B+C	Maintenance of the
Total costs for 1+2+3 A+B+C	Maintenance of the la
Total costs for 1+2 A+B+C+D:	Maintenance of the
Total costs for 1+2+3 A+B+C+D:	Maintenance of the la

In calculating the costs, officials have assumed that:

- the cost of the applications would otherwise be the same as family stream applications, which is Maintenance of the per application; and
- the cost of providing medical assessments would be Maintenance of per person.

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