

Talking Points for Update on New Zealand's Afghanistan Emergency Response for Cabinet COVID Committee, 19 August 2021

- I am updating Ministers on the fast moving situation in Afghanistan, the responses agencies have stood up to support evacuation, and some of the issues they are dealing with. I also have an update on other countries' actions and discussion with other 5-country Ministers.

New Zealanders in Afghanistan

- As of 0900 18 August NZT we are aware of **110 New Zealanders** in Afghanistan and have offered consular assistance to all of them. This number comprises:
 - 66 New Zealand citizens
 - 19 New Zealand Permanent Residents
 - s9(2)(a)
 - 21 Afghan citizens where visa status to enter NZ is either unconfirmed or unknown (all traveling with NZ Citizen or NZPR family)
- The total number continues to increase and will be updated regularly.
- Where New Zealand citizens or permanent residents are in Afghanistan and asking for immediate family members who are Afghan nationals to travel with them, MFAT and MBIE are in direct contact to confirm visa status (including whether an application is pending). Cleared lists of New Zealanders and family members who wish to be evacuated are only being provided to Australian authorities if every member of the traveling group has an existing right to enter New Zealand. There are currently 27 people on our 'cleared list'.

Requests from Afghan nationals for humanitarian assistance/visas

- To coordinate inter-agency efforts MFAT has stood up its Emergency Coordination Centre (ECC), resulting in a significant re-deployment of personnel resources to support the Government's response. Immigration officials are embedded in the ECC.
- MFAT has received a very high number of requests and inquiries about Afghan nationals and their families seeking resettlement to New Zealand. As of midday 18 August inquiries totalled over 300.
- Officials are working through these requests to determine and verify which ones meet the government's resettlement criteria. It is too soon to confirm or estimate how many might meet the criteria, or how many might be considered on humanitarian grounds.
- Relocation requests with a visa aspect are allocated to INZ's delegated decision makers for a visa decision, which are then processed by the Henderson Office. INZ's Border Operations will facilitate approved travel and entry for visa holders.

ACTION – Expanding our support to people in Afghanistan with a valid NZ visa

- There are currently 432 Afghan nationals who are offshore and hold a valid visa allowing entry to New Zealand. The majority are permanent resident or resident visa holders. The number of this group who are currently in Afghanistan is unknown.

- Some of this group may be residents (up to 150) who have not travelled to NZ before and are not eligible for a boarder exception such as family granted residence as part of the refugee family support category, including for resettled Afghan interpreters.
- Given the fast moving situation I seek agreement for those in Afghanistan with valid visas to enter New Zealand to be included in the group that is eligible for evacuation. This may include other foreign nationals in Afghanistan holding a valid visa for New Zealand.

Recommendation to table –

Agree that people in Afghanistan with a valid New Zealand visa can be included in exit flights if space permits, and granted a border exception to enter New Zealand;

- There are also Afghanistan citizens who have visa applications that have not been processed. s9(2)(g)(i)

On-ground planning for evacuation processes

- Immigration New Zealand are currently confirming the screening and validation processes for individuals seeking to be evacuated from Afghanistan.
- INZ will deploy staff (likely 4 experts) to establish a forward screening process at the Al Minhad Air Base (AMAB) in the UAE, 24km from Dubai. This would be supported by NZDF and MFAT Consular personnel and include staff with language and screening skills, and with the ability to collect identity information. INZ and MFAT have ruled out deploying resources to Kabul due to security concerns. In the event Ministers directed officials to deploy to Kabul, a significant range of health, safety and security issues would need to be addressed. The Australians, for example, have deployed a Special Forces unit to provide close protection for Australian officials in Kabul.
- s6(a)
- The process for forward screening and assessing each applicant will be complex. Beyond determining eligibility for resettlement, and verifying the identify and information received (many do not hold valid passports), applicants and their families will also have presenting fraud, security and other risks (including COVID-19 health risks) that relevant agencies will need to manage.
- Visa holders will be security screened with the support of other agencies.

Update on evacuation discussions with Australia

- MFAT are currently in direct contact with DFAT consular officials in Canberra regarding immediate evacuation plans to get New Zealanders out of Kabul on Australian government flights and into the UAE [please protect].
- Details of what will happen to Australians and New Zealanders evacuated by Australia to Al Minhad Air Base s6(a) have not yet been confirmed by Australian authorities and are still being worked out (for example, to help them return to Australasia or third countries).
- There are a range of factors being worked through with DFAT, s6(a)

- INZ is undertaking scenario planning and potential options on arrival will be subject to numbers, with the initial focus on using Te Ahuru Mowai o Aotearoa. Options will need to take into account capacity at Te Ahuru Mowai o Aotearoa and managed isolation facilities.
- MIQ capacity is currently strained and accommodating a planeload in the next 2 weeks will be challenging with current pressures including the NSW returns tail, resuming red flights and potential pressure for more quarantine facilities.

Update on international efforts and missions under way

DOWNLOAD ON 5-COUNTRIES CALL – Use notes provided by Minister of Immigrations Office

Other updates on country actions:

- **Australia:**
 - The first Australian Defence Force aircraft (RAAF Hercules) departed Kabul on morning of 18 August. s6(a)
Australian media is reporting that there may also be a second flight on 18 August and further flights in coming days s6(a)
 - There is now an Australian evacuation planning team on the ground at Kabul airport.
 - Australian media has reported that around 600 people will be evacuated out of Kabul if the Australian government's mission goes to plan. That will include 100 Australian permanent residents and citizens and around 100 of their family members, plus 300 to 400 locally engaged employees.
- **United States:**
 - Initiated a whole-of-government effort to process, transport, and relocate Afghan Special Immigrant Visa applicants and other Afghan allies. Authorised the deployment of approximately 6,000 US troops as part of this response.
 - As of 17 August, secured the airfield in Kabul and started conducting flights out of the country. The US plans to evacuate 5,000-9,000 a day from Kabul.
 - The Biden administration has not made a definite statements about the number of refugees it will take in.
- **Canada:**
 - As of 16 August Canada had flown four at least four evacuation flights out of Kabul, evacuating s6(a) Afghans under a special immigration programme (along with s6(a) Canadian diplomats and Canadian Armed Forces personnel).
 - Canada has committed to resettling more than 20,000 Afghan citizens from groups it considers likely targets of the Taliban, including leading women, rights workers and LGBTQ people.
- **United Kingdom:**
 - s6(a) British nationals, embassy staff and Afghan interpreters flew out on Saturday and Sunday and UK are aiming to bring out hundreds British nationals, diplomats and Afghan interpreters a day.

- The UK has already committed to resettle 5,000 Afghans through the Afghan Relocations and Assistance Policy (ARAP). They have brought 2,000 Afghans to UK since 22 June.
- Additionally, they will announce a new route, the Afghan Citizens Resettlement Programme. This will initially resettle 5,000 Afghans, and look to resettle 20,000 in the longer term.

Current status of the refugee programme (including numbers of Afghans)

- Aotearoa New Zealand has a long standing record of resettling refugees under its quota arrangements. And in 2018, the government agreed to increase our quota by 50%, increasing our quota from 1,000 to 1,500 places a year, effective from July 2020.
- COVID-19 has complicated our capacity to resettle refugees in Aotearoa New Zealand. To date, 198 (in two intakes) quota refugees have been resettled in New Zealand through the 2021/22 Refugee Quota; this includes 41 Afghan nationals.
- There are six intakes remaining for the 2021/22 Refugee Quota – each intake is planned to be composed of 115-120 individuals (to reach 750-1,000 individuals).
- Currently there are:
 - 166 quota refugees at Te Āhuru Mōwai o Aotearoa (the Mangere Refugee Resettlement Centre) from the July intake (and the last of the final intake of 2020/21) who have completed the five week reception programme and are remaining at the centre while accommodation in the settlement locations is identified and secured.
 - As part of the Sept intake, 62 quota refugees are at an MIF prior to transferring to Te Āhuru Mōwai o Aotearoa; and 27 quota refugees are planned to arrive in New Zealand at the end of August (total 102 Sept intake)

s9(2)(f)(iv)

- The COVID-19 lockdown is having an impact on the ability to move and accommodate planned numbers of individuals at Te Āhuru Mōwai o Aotearoa (currently in lockdown). The centre will be at full capacity if lockdown continues past 27 August 2021.

Any Afghan Refugees should come through the UNHCR Process which requires a referral

- The Government agrees on New Zealand's Refugee Quota Programme every three years. The process for refugees to be selected for resettlement in New Zealand under the Refugee Quota Programme includes the following:
 - The United Nations High Commissioner for Refugees (UNHCR) determines whether resettlement is the best option for a refugee and whether his/her case will be referred to a safe third country (such as New Zealand).
 - The UNHCR identifies refugees who have priority protection needs and who require resettlement according to internationally accepted guidelines that take account of their physical and legal protection needs as well as family reunification.
 - The UNHCR refers refugees to New Zealand who have priority protection needs and which align to New Zealand's agreed Refugee Quota Programme
 - All UNHCR-referred refugees undergo comprehensive assessment and screening as part of the Immigration New Zealand decision for resettlement in New Zealand under the Refugee Quota.
 - All UNHCR-referred refugees considered by Immigration New Zealand for resettlement in New Zealand need to meet the relevant immigration policy for inclusion under our Refugee Quota Programme.
- It should be noted that Afghan nationals coming directly from Afghanistan would not be considered to be a Refugee under the Refugee Quota Programme as Refugees by definition need to be from outside their own Country. The Government can make decisions to establish a different category or policy related to the settlement of Afghans directly from Afghanistan These cases would not then be referred by the UNHCR.

MFAT and MBIE
August 2021

Recommendations

Note that progress has been made standing up systems to identify and support New Zealanders and eligible Afghans for safe travel to New Zealand;

Note the numbers eligible or who may come forward remain unknown;

Agree that people in Afghanistan with a valid New Zealand visa can be included in exit flights if space permits, and granted a border exception to enter New Zealand.



19 August 2021

Minister of Foreign Affairs

For approval by

20 August 2021

Afghanistan Crisis: proposed New Zealand humanitarian assistance

BRIEFING Decision Submission

PURPOSE We recommend a contribution of NZ\$3 million to support the humanitarian response in Afghanistan and neighbouring countries.

Tukunga tūtohua – Recommended referrals

Prime Minister	For information by	20 August 2021
Associate Minister of Foreign Affairs	For information by	20 August 2021

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
Deb Collins	Divisional Manager	Partnerships, Humanitarian and Multilateral	s9(2)(a)

Mā te Tari Minita e whakakī – Minister's Office to complete

<input type="checkbox"/> Approved	<input type="checkbox"/> Noted	<input type="checkbox"/> Referred
<input type="checkbox"/> Needs amendment	<input type="checkbox"/> Declined	<input type="checkbox"/> Withdrawn
<input type="checkbox"/> Overtaken by events	<input type="checkbox"/> See Minister's notes	

Comments

Humanitarian support for the crisis in Afghanistan

Pito matua – Key points

- Humanitarian needs in Afghanistan were already severe prior to the recent Taliban offensive. Earlier this year over 18 million Afghans were in need of humanitarian assistance, 2.9 million Afghans were internally displaced, and neighbouring countries were hosting 2.2 million Afghan refugees.
- Since the latest escalation in conflict began in May, 250,000 more people have been displaced within Afghanistan, of whom 80% are reported to be women and girls. Protection risks have increased significantly, especially for women, girls, and persons with disabilities.
- Officials have assessed options for humanitarian support with a view to supporting both those in need inside Afghanistan and Afghan refugees and asylum seekers in neighbouring countries. A key consideration has been which humanitarian organisations are well placed to deliver protection and assistance in a complex operating environment.
- The International Committee of the Red Cross's (ICRC) unique mandate as a neutral humanitarian actor allows it to operate in complex conflict environments. The ICRC has been present in Afghanistan for 40 years, including during the previous period of Taliban control. It is continuing operations and not intending to withdraw or reduce personnel. We recommend a NZ\$1.5 million contribution to the ICRC's work in Afghanistan, which includes efforts to ensure the protection of civilians and the provision of essential services including healthcare, water, and sanitation.
- The UN Refugee Agency (UNHCR) has maintained a significant presence in Afghanistan and remains operational in three quarters of Afghanistan's districts. Its programming includes protection monitoring and community-based protection, provision of emergency shelter and core relief items for displaced families, and cash assistance.
- UNHCR has also been providing humanitarian protection and assistance to Afghan refugees in neighbouring countries, particularly Iran and Pakistan, and will scale up its response to assist new refugees. We recommend a NZ\$1.5 million contribution to support UNHCR's work in Afghanistan and neighbouring countries.
- The key risk related to these contributions is that one or both organisations are impeded or prevented from operating effectively. Both organisations' long-standing presence, and capabilities for operating in complex contexts, mitigate this risk.
- A \$3 million contribution to the Afghan crisis is credible at this stage. s9(2)(g)(i)



Jonathan Kings
for Secretary of Foreign Affairs and Trade

Humanitarian support for the crisis in Afghanistan

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|--|-----------------|
| 1 | Approve a NZ\$1.5 million contribution to the ICRC appeal for its humanitarian operations in Afghanistan. | Yes / No |
| 2 | Approve a NZ\$1.5 million contribution to the UNHCR supplementary appeal for operations within Afghanistan and in neighbouring countries. | Yes / No |
| 3 | Refer a copy of this submission to the Prime Minister and the Associate Minister of Foreign Affairs. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs / Minita Take Aorere

Date: / /

Released under the
Official Information Act

Humanitarian support for the crisis in Afghanistan

Pūrongo – Report

Significant unmet need for conflict affected Afghans

1. Afghanistan was already one of the largest humanitarian crises globally prior to the recent Taliban offensive. The 2021 United Nations Humanitarian Response Plan for Afghanistan identified 18.4 million people in need of humanitarian assistance. Prolonged conflict, recurrent natural disasters including drought, and the COVID-19 pandemic have driven this level of need.
2. Food insecurity in Afghanistan has spiked significantly in recent years. In 2020, 75% of the Afghan population suffered from food insecurity, an increase from 37% in 2015. A drought was declared for 80% of the country in June of this year, creating further risk.
3. Reports from early in 2021 indicated there were over 2.9 million internally displaced people (IDPs) in Afghanistan. There were also around 2.2 million Afghan refugees and asylum seekers in neighbouring countries, including 1.4 million in Pakistan and 800,000 in Iran.
4. There have been over 550,000 new IDPs in Afghanistan in 2021, 250,000 of which have been displaced since May. With reports of thousands fleeing Kabul and other cities in Afghanistan, the number of IDPs being reported is likely to increase further. Protection risks, especially for women and girls, have increased dramatically.
5. It is unclear to what extent new displacements may translate into a growth in Afghan refugees in neighbouring countries. In the weeks prior to the Taliban taking control, Iran was reporting up to 5,000 people per day crossing the border (three times the normal volume). The UN Refugee Agency (UNHCR) is projecting a further 500,000 internally displaced people over the next six months, and up to 515,000 more Afghan refugees in neighbouring countries.

Rationale for New Zealand to provide support

6. The current situation in Afghanistan supports a New Zealand humanitarian contribution under New Zealand's Humanitarian Action Policy:
 - The UN and ICRC have funding appeals for Afghanistan (and have confirmed additional funding is still required after the recent changes to the operating environment);
 - There has been a severe spike in need (in a country that already had considerable humanitarian need);
 - Afghans are now facing a range of significant protection threats;
 - New Zealand has previously had extensive engagement in Afghanistan through the Aid Programme and the New Zealand Defence Force;
 - There is significant and sustained New Zealand public interest.
7. The UN Office for the Coordination of Humanitarian Affairs (UNOCHA) is urging donors to fast-track funding to allow humanitarian agencies to respond to the recent spike in need in Afghanistan, noting that humanitarian actors are committed to staying and delivering in Afghanistan.

Humanitarian support for the crisis in Afghanistan

We recommend contributions to the International Committee of the Red Cross and the United Nations Refugee Agency

8. The International Committee of the Red Cross (ICRC) has operated in Afghanistan for 40 years, a period spanning Soviet occupation, civil wars, and previous Taliban rule. ICRC has maintained contacts with the Taliban. We have confirmed with ICRC that it will continue operations and is not intending to withdraw or reduce personnel.
9. ICRC has a unique mandate as a neutral humanitarian actor that allows it to operate in complex conflict situations. We have a high degree of confidence that this mandate and their length of their engagement in Afghanistan means they are positioned well to continue to deliver humanitarian protection and assistance.
10. The ICRC is currently focused on the emergency health response and protection (first aid, transporting the wounded, connecting separated families and engaging with parties to conflict on their obligations under international humanitarian law). It also provides water and sanitation and economic assistance to communities in need. ICRC's 2021 appeal for Afghanistan is currently underfunded by approximately NZ\$50 million.
11. The UN Refugee Agency (UNHCR) has shared a supplementary appeal with New Zealand for the next six months in which it seeks NZ\$89.4 million from donors. UNHCR have significant protection and assistance operations inside Afghanistan (where they have 200 staff) and also provide a range of essential support to Afghan refugees in neighbouring countries (including Iran, Pakistan, Tajikistan, Turkmenistan, and Uzbekistan).
12. UNHCR is currently still operational in three quarters of Afghanistan's districts, though their access to IDPs has been constrained in recent weeks. While UNHCR's access to affected populations in Afghanistan may continue to face some constraints, it is well placed to provide essential support for Afghan refugees in neighbouring countries.

Humanitarian allocation pressures

13. We assess a NZ\$3 million package as a credible contribution at this time. If approved, these contributions will come from the 2021-22 humanitarian allocation.
14. s9(2)(g)(i)

The last two pages of this document, Annex One and Annex Two, are withheld in full under section 9(2)(g)(i) of the OIA



22 August 2021

Minister of Foreign Affairs

For action by

22 August 2021

Afghan Assisted Departures from the UAE: Recommended Approach

BRIEFING Overview Submission

PURPOSE To note the course of action for the repatriation of Aotearoa New Zealand citizens, permanent residents and approved visa holders from Afghanistan to Aotearoa New Zealand.

Tukunga tūtohua – Recommended referrals

Prime Minister	For information by	23 August 2021
Minister for COVID-19 Response	For information by	23 August 2021
Minister of Health	For information by	23 August 2021
Minister of Immigration	For information by	23 August 2021
Minister of Defence	For information by	23 August 2021
Minister of Customs	For information by	23 August 2021

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
Ben King	Deputy Chief Executive	Office of Chief Executive	s9(2)(a)
James Munro	Incident Controller	Emergency Coordination Centre	

Mā te Tari Minita e whakakī – Minister's Office to complete

<input type="checkbox"/> Approved	<input type="checkbox"/> Noted	<input type="checkbox"/> Referred
<input type="checkbox"/> Needs amendment	<input type="checkbox"/> Declined	<input type="checkbox"/> Withdrawn
<input type="checkbox"/> Overtaken by events	<input type="checkbox"/> See Minister's notes	

Comments

Afghan Assisted Departures: Recommended Approach

Pito matua – Key points

- On Monday 16 August, the Prime Minister announced the Government's intention to evacuate Aotearoa New Zealand citizens, permanent residents and visa holders who are stranded in Afghanistan.
- The complexity of the situation in Afghanistan has seen the establishment of a significant interagency response including from MFAT, the New Zealand Defence Force, the Ministry of Defence, MBIE (Immigration and MIQ), the Ministry of Health, Police, DPMC, s6(a)
In terms of our planning horizon, we expect the Afghanistan Response will require ongoing offshore and domestic resourcing requirements for many weeks to come.
- Together with the New Zealand Defence Force (NZDF), we are working closely with the Australian Defence Force (ADF) and the United Arab Emirates (UAE) government to transport those evacuees from Hamid Kazai International Airport (HKIA) to Al Minhad Air Base (AMAB). To date:
 - We have successfully transported up to 43 individuals (Aotearoa New Zealanders/permanent residents/visa holders) from Kabul, and they are now en route s6(a)
 - As of 22 August, a further 51 individuals are now with the NZDF inside HKIA awaiting departure for AMAB;
 - s9(2)(a)
 - Approximately 30 more eligible individuals are outside the wire in HKIA trying to gain access.
- We are aware of a total of 281 Aotearoa New Zealand citizens, permanent residents and their immediate families and Aotearoa New Zealand visa holders who are still in Afghanistan (not including the 43 already evacuated, or the significant number of applications we are receiving for visas from those who consider themselves eligible under the Cabinet's 16 August criteria).
- The risk for civilians attempting to reach HKIA has been increasing. Many of those making it through the gates having suffered a range of injuries, and/or have witnessed horrific acts. s9(2)(a) there is a chance that some may be infected with COVID-19. We have been told that inbound individuals are being tested s6(a) Informal updates received by agencies so far indicate there have been no positive tests to date, however we are following up to confirm this.
- The situation in Afghanistan is complex, complicated and confusing, and presents a range of present and still emerging risks including health, security, operational, reputational, legal and financial. The most pressing of these risks are:
 - s9(2)(g)(i)

Afghan Assisted Departures: Recommended Approach

- s9(2)(g)(i)
- We propose to prepare further advice clarifying or refining the criteria for resettlement for those who have worked with/for/in association with Aotearoa New Zealand. For example, the current criteria are not time-bound, and officials are concerned that the numbers of applications which are likely to be approved may not be consistent with Cabinet's intent, or our broader refugee policy settings.
- s6(a)
- MFAT is arranging flights from Australia to New Zealand with Air New Zealand, s9(2)(g)(i) These costs will be met within existing baseline funding. We are liaising with Australian officials s6(a)
- Other options being considered were commercial and charter flights s6(a)
- In terms of arrival into Aotearoa New Zealand, MBIE has identified initial MIQ facilities for use by evacuees in Auckland. Additional wrap-around support will be required for the evacuees both during and after their stay in MIQ, as well as accommodation at the Mangere Refugee Resettlement Centre for those evacuees with refugee status.



Ben King
for Secretary of Foreign Affairs and Trade

Afghan Assisted Departures: Recommended Approach

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|---|-----------------|
| 1 | Note that New Zealand government officials and the New Zealand Defence Force are working closely with partner nations to facilitate the evacuation of eligible evacuees from Kabul to New Zealand via Al Minhad Air Base in the United Arab Emirates s6(a) | Yes / No |
| 2 | Note that officials are engaging with Australian officials to manage the transfer of New Zealand evacuees to flights and associated contingency planning. | Yes / No |
| 3 | Note that, as of 22 August, 38 New Zealand evacuees have been evacuated from Kabul s9(2)(a)
and that a further 51 individuals are awaiting a flight from Kabul to the UAE. | Yes / No |
| 4 | Note that a further 30 eligible evacuees are waiting to gain access into Hamid Kazai International Airport. | Yes / No |
| 5 | Note that the situation in Afghanistan is complex, complicated and confusing, and presents a range of present and still emerging risks including health, security, operational, reputational, legal and financial. | Yes / No |
| 6 | s9(2)(g)(i) | Yes / No |
| 7 | Note officials' intention to provide further advice on clarifying or refining the the criteria for resettlement for those who worked with/for/in association with New Zealand is consistent with the Cabinet's intent. | Yes / No |
| 8 | Note that flights from the UAE to Australia are now under way s6(a) | Yes / No |

- | | | |
|----|---|-----------------|
| 9 | Note that adequate MIQ spaces in Auckland facilities have been made available by MBIE for evacuees and New Zealand officials travelling with them. | Yes / No |
| 10 | s9(2)(g)(i) | Yes / No |
| 11 | | Yes / No |

Choose an item.

Minister of Foreign Affairs / Minita Take Aorere

Date: / /

Mā te Tari Minita e whakakāi – Minister’s Office to complete

Approved

Noted

Referred

Needs amendment

Declined

Withdrawn

Overtaken by events

See Minister’s notes

Comments

Afghan Assisted Departures: Recommended Approach

Pūrongo – Report

General

1. On 19 August, the New Zealand Defence Force deployed a C-130 and personnel to the United Arab Emirates (UAE) and Kabul to facilitate the transport of evacuees eligible for New Zealand support. Evacuations are taking place out of Hamid Kazai International Airport (HKIA) in Afghanistan which, as of 22 August, remains secured by the US Military. A number of countries are undertaking operations to evacuate their citizens and other eligible individuals in addition to Australia and New Zealand.
2. The US has been planning to have all forces withdrawn by 31 August, although we expect that this drawdown date could change depending on a number of factors. On the basis that that drawdown date is maintained, the last opportunity to evacuate New Zealand citizens, permanent residents and approved foreign nationals would be 26 August. Although President Biden has publicly said that the US won't leave until every American is evacuated, and the US has an agreement with the Taliban to provide safe passage until 31 August, s6(a)

the details of which are unlikely to be known before 24 August. Even with an extension, the situation on the ground around HKIA is likely to deteriorate with the risks to civilians in the area increasing significantly.

Process for Bringing Returnees from AMAB to New Zealand

3. NZDF personnel and New Zealand government officials are based at AMAB and providing support and accommodation to evacuees arriving from Kabul. New Zealand and Australia have been allocated accommodation s6(a)
4. The NZDF C-130 will operate between Kabul and AMAB, along with aircraft from a number of partners including Australia. Australia has offered space on their larger charter aircraft which are undertaking onward flights from AMAB to cities in Australia. s6(a)
5. s6(a)

there isn't a standard commercial flight option from UAE to New Zealand. Another option would be a charter from AMAB to New Zealand, s6(a)
6. s6(a)

, s9(2)(g)(i)
to take the evacuees and relevant New Zealand government officials (such as medical and security personnel).

Afghan Assisted Departures: Recommended Approach

7. MBIE has identified an MIQ facility for New Zealand evacuees on arrival into Auckland. Capacity has also been identified to accommodate further arrivals, should it be needed. s9(2)(g)(i)

The system is designed with this in mind and it is safe and manageable.

8. Officials are working through the support that will be required for the evacuees both in MIQ and after they leave the facility. s9(2)(a) there is a chance that some may be infected with COVID-19 (however, all inbound individuals have been tested negative s6(a) Ongoing health and counselling support will therefore be required. New arrivals on visas are going to be processed through the Mangere Refugee Resettlement Centre. Accommodation for those individuals with refugee status will be available at the Mangere Refugee Resettlement Centre.

Risks

9. There have been approximately 3,000 enquiries from Afghanistan for evacuation. We are aware of at least 34 visa applications (which cover 69 individual cases) and we are seeking confirmation from Immigration officials of updated numbers. As of 22 August, there are at least 50 further applications under active consideration for eligibility, and the likelihood of many more applications in coming days and weeks. Those visa holders will still need to make their way to HKIA and get through the perimeter in order to be evacuated. Given the significant difficulties in travelling to Kabul from other provinces, including Bamyán, only a limited number of visa holders will be able to be evacuated from HKIA in the time available. Therefore, it is highly likely that there is capacity in the system, from AMAB through to MIQ, for New Zealand to be able to accommodate those numbers.
10. A number of risks have been identified as part of the evacuation process from AMAB. Possible scenarios might include the following:
 - a. s6(a)

However, the situation is fast moving and such an

Afghan Assisted Departures: Recommended Approach

instance could still occur. s9(2)(g)(i)

- e. Likewise, given the fluid situation on the ground, s9(2)(g)(i)

While New Zealand agencies will be doing all they can to avoid such a situation, given the rapid decision-making required, such a situation could still be possible.

11. In addition to the risks related to the movement of evacuees from AMAB to MIQ in New Zealand, it is worth noting that there could be ongoing issues following the end of this operation which may present humanitarian and reputational risk. For example:
- a. It is likely that there will be many approved visa holders who, due to the rapidly deteriorating security situation in Afghanistan, will be unable to be evacuated in time.
 - b. There will also be a number of s9(2)(g)(i) who are not evacuated by New Zealand as they do not meet the Government's criteria for evacuation support.
12. Given the risks identified above, officials are working closely with Australian and UAE partners to try to ensure these risks are managed as effectively as possible. s9(2)(g)(i)

Criteria Discussion for Visas

13. There has been concern expressed that the criteria for the allocation of visas to Afghans may not be fully meeting Cabinet's intent. This will be the subject of separate advice.

Media

14. We provide below the following media lines to draw on:
- a. A group of New Zealand citizens and their families were able to board a Royal Australian Air Force Flight from Hamid Karzai International Airport in Afghanistan, and arrived in the United Arab Emirates on the evening of 22 August NZT.
 - b. Arrangements have been made for their health and welfare.
 - c. We are organising onward travel and details will be released in due course.
 - d. We look forward to welcoming them back to New Zealand in the coming days.

Aide Memoire – Afghanistan: Managing applications for resettlement to Aotearoa New Zealand

25 August 2021

On 16 August 2021, Cabinet agreed in principle [CAB-21-MIN-0323] that Afghan nationals may be considered for resettlement in New Zealand, if they met certain criteria (**resettlement criteria set out in Annex 1**). Cabinet also authorised Ministers comprising the Prime Minister, Minister of Finance, Minister of Foreign Affairs, Minister of Immigration and the Minister of Defence to have Power to Act to take further decisions on Aotearoa New Zealand's response to the situation in Afghanistan, deployment of NZDF assets and the criteria for resettlement.

The number of individuals expected to meet these criteria, including their immediate nuclear family, is likely to be significantly higher than anticipated. We are currently receiving approximately 500 new applications for resettlement a day. s9(2)(g)(i)

305 visas have already been granted under the criteria, with approximately 230 more applications that appear to meet the criteria currently being verified. The primary reason for the increased volume of applications is due to the large number of persons who worked for third-parties alongside New Zealand agencies such as the Aotearoa New Zealand Aid Programme. Other examples include tradespeople who provided intermittent maintenance type services directly to New Zealand agencies.

The 16 August resettlement criteria were intended to operate as Aotearoa New Zealand's **immediate, first phase emergency response to Afghanistan**. The criteria were to provide for the evacuation and resettlement of those who had a close and proximate relation to Aotearoa New Zealand's activities in Afghanistan, and who now faced danger to their lives as a result of that connection to Aotearoa New Zealand. The criteria have allowed evacuation during a small window when partners' operations around Hamid Karzai International Airport (HKIA) provided a path for individuals to safely leave Afghanistan. The criteria were, however, not intended to be open-ended, or alter New Zealand's existing immigration settings, including in respect of its refugee intake. 81 evacuees have arrived or are arriving into Aotearoa New Zealand

The evacuation window is closing imminently. Officials assess it is likely that evacuation flights will no longer be possible from 26 August. Accordingly, **officials recommend closing the current application process, with effect from 2359 hrs on Wednesday, 25 August.** s9(2)(g)(i)

The teams processing current applications are now focusing their efforts on those who fit the criteria, who are most clearly in danger, and who are most likely to be in a position to be evacuated from Kabul by 26 August.

After the closing of evacuations from HKIA, **the Government will need to consider the nature of its second phase response to Afghanistan**, including any humanitarian, funding, and aid decisions and refugee quota.

- **Further humanitarian support:** On 20 August you announced a contribution of \$3 million in humanitarian assistance for those impacted by events in Afghanistan:

- \$1.5m to the UN High Commissioner for Refugees (UNHCR) to provide protection and assistance to refugees and asylum seekers in neighbouring countries and people in need inside Afghanistan; and
- \$1.5m to the International Committee of the Red Cross and Red Crescent (ICRC) for its work in Afghanistan, which includes efforts to ensure the protection of civilians and the provision of essential services including healthcare, water, and sanitation.
- Latest reporting indicates that humanitarian needs in Afghanistan are likely to remain elevated for an extended period of time. Both UNHCR and ICRC have strongly communicated their intention to continue their operations and their current response plans remain significantly underfunded. Additional humanitarian contributions under the Aotearoa New Zealand Aid Programme would help further demonstrate Aotearoa New Zealand's commitment to supporting Afghan communities in need.

In this regard, officials recommend **doubling the contribution to the UNHCR and the ICRC from \$3m to \$6m**. The additional funding for these contributions would come from reprioritising funding earmarked for longer term development activities in Afghanistan under the Global Development allocation and this does not require approval from Cabinet. This could be announced at the same time the emergency resettlement process closes. s9(2)(g)(i)

As part of a medium term response, the Government could also consider how Afghan nationals are included as we move to a normalised refugee and immigration approach. A more normalised process will also ensure New Zealand s9(2)(g)(i)

Under this approach, Afghan nationals – including those considered to be 'at risk' – could apply for a visa through existing immigration categories, such as through family reunion or skilled worker categories. Afghan nationals who have fled Afghanistan may also be referred by the UNHCR to New Zealand's Refugee Quota Programme. And the Minister of Immigration also has the discretion to grant a visa, by special direction, to any person who is offshore under section 61A of the Immigration Act.

s9(2)(g)(i)

s9(2)(g)(i)

s9(2)(g)(i)

Officials are applying the existing criteria strictly to ensure we are only considering those who meet Cabinet's criteria of 16 August.

- Despite best efforts and intentions, there are several risks associated with this work:
 - Many Afghan nationals may have already left their homes or embarked on journeys to HKIA hoping they might be eligible for resettlement in Aotearoa New Zealand under the 16 August criteria. There may also be others who have not been able to lodge or complete applications, either due to practical reasons (e.g. no internet access, no access to relevant documents), or due to the danger of remaining in their homes.
 - s9(2)(g)(i)

However, in the case of Aotearoa New Zealand, this is offset in part by the fact that the 16 August criteria have enabled a high number of successful applications for resettlement, including across classes of worker s9(2)(g)(i)

- More broadly, we continue to receive a large number of requests to grant resettlement approvals for at risk Afghan nationals s9(2)(a) among others. These requests are being declined on the basis that they do not meet the criteria approved by Cabinet on 16 August.
- **Communications:** Officials recommend that the agreed close-off date for applications be reflected as soon as possible on relevant New Zealand Government websites, and in operational instructions to NZDF, MFAT, and MBIE officials.

It is recommended that you:

- 1 **Note** on 16 August 2021, Cabinet agreed in principle [CAB-21-MIN-0323] **Yes / No**
that Afghan nationals may be considered for resettlement in New Zealand, if they met certain criteria (resettlement criteria);

- 2 **Note** that Cabinet also authorised Ministers comprising the Prime Minister, Minister of Finance, Minister of Foreign Affairs, Minister of Immigration and the Minister of Defence to have Power to Act to take **Yes / No**

further decisions on New Zealand's response to the situation in Afghanistan, deployment of NZDF assets and the criteria for resettlement;

- | | | |
|---|---|-----------------|
| 3 | <p>Note that number of individuals expected to meet the criteria established by Cabinet, including their immediate nuclear family, is likely to be significantly higher than anticipated;</p> | Yes / No |
| 4 | <p>Note that it is likely that evacuation flights from Hamid Karzai International Airport (HKIA) will no longer be possible from 26 August;</p> | Yes / No |
| 5 | <p>Agree to recommend to Ministers with Power to Act that New Zealand should stop accepting applications under the 16 August resettlement criteria as at 2359 hrs on Wednesday, 25 August 2021;</p> | Yes / No |
| 6 | <p>Agree to a doubling of Aotearoa New Zealand's humanitarian assistance to people impacted by events in Afghanistan from \$3 million to \$6 million, comprising:</p> <ul style="list-style-type: none"> • An additional NZ\$1.5 million contribution to the International Committee of the Red Cross (ICRC) for its humanitarian operations inside Afghanistan; • An additional NZ\$1.5 million contribution to the UNHCR supplementary appeal for operations within Afghanistan and in neighbouring countries; | Yes / No |
| 7 | <p>s9(2)(g)(i)</p> | Yes / No |
| 8 | <p>Note Aotearoa New Zealand continues to receive a large number of requests to grant resettlement approvals for at risk Afghan nationals s9(2)(a) among others, and that these requests are being declined on the basis that they do not meet the criteria approved by Cabinet on 16 August.</p> | Yes / No |
| 9 | <p>Indicate whether officials should provide further advice to Ministers on options to manage ongoing requests for Aotearoa New Zealand's assistance from individuals in Afghanistan.</p> | Yes / No |

Annex 1 – August 16 resettlement criteria

On 16 August 2021, Cabinet agreed in principle [CAB-21-MIN-0323] that Afghan nationals may be considered for resettlement in New Zealand, if they:

- worked directly with the NZDF, NZ Police, Ministry of Foreign Affairs and Trade (MFAT) or other New Zealand agencies during the Provincial Reconstruction Team period (2003-2013) or since, or were employed by third parties who worked alongside these agencies; and are able to be verified by those agencies;
- provided material assistance to the Inquiry into Operation Burnham and can be verified by relevant parties; and
- there are reasonable grounds to believe that the safety or well-being of the individual or their immediate family has been put at risk from their association with New Zealand in Afghanistan, and that no other partner government (e.g. US, Canada) would bear greater responsibility for their welfare;
- this would apply to individuals or/and their immediate nuclear family only.



27 August 2021

Minister of Foreign Affairs

For approval by

30 August 2021

Recognition of the Taliban as the Government of Afghanistan

BRIEFING Decision Submission

PURPOSE The purpose of the submission is to seek your agreement that New Zealand does not recognise the Taliban as the Government of Afghanistan at the present time.

Tukunga tūtohua – Recommended referrals

Prime Minister	For information by	31 August 2021
Minister of Defence	For information by	31 August 2021
Associate Minister of Foreign Affairs	For information by	31 August 2021

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
Tara Morton	Unit manager	Middle East and Africa Division	s9(2)(a)
Andrew Williams	Unit manager	Legal Division	s9(2)(a)

Mā te Tari Minita e whakakī – Minister's Office to complete

<input type="checkbox"/> Approved	<input type="checkbox"/> Noted	<input type="checkbox"/> Referred
<input type="checkbox"/> Needs amendment	<input type="checkbox"/> Declined	<input type="checkbox"/> Withdrawn
<input type="checkbox"/> Overtaken by events	<input type="checkbox"/> See Minister's notes	

Comments

Recognition of the Taliban as the Government of Afghanistan

Pito matua – Key points

- Last week the Taliban took control of Afghanistan by force and claims to be in control of Afghanistan. The Government of the Islamic Republic of Afghanistan has effectively collapsed and its leaders, including President Ghani, have fled the country. The situation in Afghanistan remains uncertain, fragile, and fluid.
- While a range of countries are engaging with the Taliban s6(a) no state has yet recognised the Taliban as the official government of Afghanistan and there is no indication that there will be widespread international recognition at this stage.
- The G7 Leaders Statement on Afghanistan of 24 August 2021 states: “the legitimacy of any future government depends on the approach it now takes to uphold its international obligations and commitments to ensure a stable Afghanistan.” s6(a)

The US s6(a) publicly has stated that “that the international community’s relationship with the Taliban will depend on their actions.”

- s6(a)
- Aotearoa New Zealand has a long-standing policy of not making formal statements of recognition or non-recognition of governments. This is because formal acts of recognition of governments are unnecessary as a matter of international law and, except in the most unusual cases, undesirable, as they cut off options and can easily be misconstrued. s6(a)
- Our position is that recognition of a government is to be inferred from the nature and level of our dealings with that government. We recommend that New Zealand maintains its position of not making any formal statements that indicate the recognition in this case.
- s9(2)(g)(i)
- s9(2)(g)(i) the Taliban and a range of associated individuals and organisations are still subject to UN Sanctions, incorporated into New Zealand law. This includes an arms embargo, travel ban and criminal offences relating to providing support to the designated individuals and entities. The Taliban and associated individuals and organisations are currently designated as terrorist entities in Aotearoa New Zealand.
- In addition, not recognising the Taliban as the either the legitimate or effective Government of Afghanistan is in line with Aotearoa New Zealand’s values-based approach to foreign policy. The Taliban have taken Afghanistan by force. Aotearoa New Zealand is strongly committed to the protection of civil and political rights and the human rights of women and girls, including the right to education and work. We are deeply concerned about the situation in Afghanistan under Taliban control and its impacts on human rights.

Recognition of the Taliban as the Government of Afghanistan

- s9(2)(g)(i)
- It is not inconsistent with New Zealand's recognition policy to make strong statements indicating New Zealand's view on political developments in another country. s9(2)(g)(i)

Talking points are set out below.

- Consistent with our policy, it will be important that we do not take any steps that might imply recognition of the Taliban as the Government of Afghanistan.
- New Zealand has had no engagement with the Taliban to date. The evacuation effort at Hamid Karzai International Airport was facilitated through third parties. Our financial contribution towards humanitarian assistance is being channelled through the International Committee for the Red Cross and the UN Refugee Agency in Afghanistan.
- There may be a requirement to engage with the Taliban at a future point to effect the safe passage of New Zealanders and other visa holders out of Afghanistan following the lifting of the Kabul air-bridge.
- There is no exhaustive list of conduct by a State that implies recognition of a Government. However, examples include accepting diplomatic credentials, entering into new international treaties, and engaging with representatives in a formal capacity in multilateral forums. However, it will still be possible for New Zealand to undertake necessary engagement with the Taliban at an operational level if required, including in relation to consular cases, without these acts implying formal recognition.

Talking points

- Aotearoa New Zealand has a long-standing policy of not making formal statements of recognition of governments.
- Aotearoa New Zealand expressed its deep concerns about the deteriorating security and human rights situation in Afghanistan and calls on all parties to respect international humanitarian law, protect aid workers and civilians from harm, and support the right to freedom of movement.
- The Taliban is currently designated as a terrorist entity under New Zealand law and is subject to United Nations Sanctions which place significant restrictions on how all United Nations Member States can engage with them.

s9(2)(g)(i)

Rob Taylor
for Secretary of Foreign Affairs and Trade

Recognition of the Taliban as the Government of Afghanistan

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|---|-----------------|
| 1 | Agree that, consistent with long-standing policy, Aotearoa New Zealand should not make any formal statements of recognition of the Taliban as the Government of Afghanistan; | Yes / No |
| 2 | s9(2)(g)(i) | Yes / No |
| 3 | Note that the above position will not preclude necessary operational engagement with the Taliban, including in relation to consular cases; | Yes / No |
| 4 | Approve the talking points included in this submission; | Yes / No |
| 5 | Refer a copy of this submission to the Prime Minister, Minister of Defence and the Associate Minister of Foreign Affairs. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs / Minita Take Aorere

Date: / /

Briefing: Government's response to recent events in Afghanistan

Foreign Affairs, Defence and Trade Committee Tuesday, 31 August 2021, 11.30am

Opening statement

- An opening statement has been provided in separate materials.

Q and A

This section and the next six pages are withheld in full under section 9(2)(g)(i) of the OIA

Released under the
Official Information Act

Ngā Take – Issues

Evacuation operation

- On 16 August 2021, Cabinet agreed in principle [CAB-21-MIN-0323] to the deployment of New Zealand Defence Force (NZDF) assets and personnel to assist with the extraction of New Zealand nationals and approved Afghan citizens.
- Cabinet also agreed in principle that Afghan nationals may be considered for resettlement in New Zealand, if they met certain criteria (full resettlement criteria set out in Annex 1). Eligibility extended to Afghan nationals who had worked with the New Zealand Defence Force, Police, MFAT, or provided material assistance to the Op Burnham inquiry, and their immediate family (partner and dependent children only).
- As part of the evacuation operation, 19 NZDF personnel were deployed to Hamid Karzai International Airport in Kabul to assist with evacuations, until Kabul evacuation operations ceased on 26 August. In addition 59 were based at the operating base in the United Arab Emirates.
- Four Immigration New Zealand (INZ) officials, five MFAT officials, and one New Zealand Police officer deployed to the operating base in the United Arab Emirates from 21 August, to assist with processing and onward transit of New Zealanders, their families, and other visa holders to New Zealand.
- New Zealand officials and defence personnel worked closely with counterparts from Australia on evacuations from Kabul to the United Arab Emirates, and to coordinate onward transit for evacuees to Aotearoa New Zealand. Evacuation of New Zealanders, their families, and other visa holders from Kabul took place on ten Australian Defence Force flights in addition to three flights by the NZDF C-130 aircraft.
- The evacuation operation from Kabul was our immediate first phase emergency response to Afghanistan. The operation provided for the evacuation and resettlement of individuals who met Cabinet's criteria, during a small window when partners' operations around the airport in Kabul provided a path for individuals to safely leave Afghanistan. This window was always expected to be a limited one.
- While the terrorism threats near the airport shortened the window in which evacuations could safely be carried out, in practice these events only shortened Aotearoa New Zealand's planned operations from Kabul by a maximum of a day.
- NZDF personnel deployed for this operation, and the NZDF C-130, currently remain in the United Arab Emirates facilitating onward travel of evacuees at present, and will return to New Zealand by 6 September.

Consular response

- At least 408 New Zealanders, Permanent residents, their families, and other visa holders, have left Afghanistan as part of evacuation operations by Aotearoa New Zealand, other partners as well as other routes (commercial and overland). Of that number, 389 were evacuated on ADF/NZDF flights. This includes NZDF special resettlement visa holders.

- In relation to New Zealanders specifically, in total MFAT is aware of 366 New Zealand citizens, permanent residents, and their families who have departed Afghanistan since evacuation operation commenced. MFAT is also aware of 215 New Zealand citizens, permanent residents, and their families who remain in Afghanistan.
- At present, 161 (30 August figure) New Zealanders, their families, and other visa holders remain in the United Arab Emirates, awaiting onward transit to New Zealand. 228 (27 August figure) have returned to New Zealand. Assistance is being provided to ensure the facilitation of evacuees from the United Arab Emirates to New Zealand.
- Some New Zealand citizens were also assisted by other international partners to depart Kabul for third country destinations outside of Afghanistan, including Germany and Qatar. Consular assistance will continue to be provided to individuals who need help to be repatriated to Aotearoa New Zealand.
- We are staying in contact with those who have registered with us on the ground in Afghanistan, particularly New Zealand citizens, permanent residents and their immediate family members. We are planning, and discussing with partners, potential next steps for assisting these individuals now the air bridge out of Kabul has closed.

Emergency Resettlement under Cabinet-Agreed Criteria

- As of 28 August, 389 individuals had been issued visas under the 16 August Cabinet-approved resettlement criteria. In total, over 11,000 applications and enquiries under this criteria were received.
- Cabinet agreed on 25 August that Aotearoa New Zealand should stop accepting applications under the 16 August resettlement criteria from 2359 on 25 August.
- New Zealand's existing immigration settings, including in respect of its refugee intake. The Government is now considering how to best assist and support Afghan nationals in other ways, including through other refugee and immigration pathways.

Next steps for Afghanistan assistance, following the evacuation operation

- Following the closing of the evacuation window, we have turned to our second phase response to Afghanistan, of which increased funding for humanitarian assistance is a part.
- MFAT, NZDF, INZ and other relevant agencies continue to coordinate with international partners on potential next steps for assisting New Zealanders and their families who remain in Afghanistan, now that the evacuation operation is over.
- The Government is also considering how to best assist and support Afghan nationals in other ways, including through other refugee and immigration pathways. (Note: refer to Minister for Immigration).

Aotearoa New Zealand's humanitarian and multilateral engagement

- On 20 August New Zealand announced a contribution of \$3 million in humanitarian assistance for those impacted by events in Afghanistan:

- \$1.5 million to the UN High Commissioner for Refugees (UNHCR) to provide protection and assistance to refugees and asylum seekers in neighbouring countries and people in need inside Afghanistan; and
- \$1.5 million to the International Committee of the Red Cross and Red Crescent (ICRC) for its work in Afghanistan, which includes efforts to ensure the protection of civilians and the provision of essential services including healthcare, water, and sanitation.
- Aotearoa New Zealand also cosponsored a joint-statement on the rights of women and girls in Afghanistan. This strongly condemned all forms of violence against women and girls, and called on those in power and authority to guarantee women's and girls' rights.
- On the 24 August at the Human Rights Council Special Session on the human rights situation in Afghanistan, Aotearoa New Zealand presented a national statement outlining our deep concerns about the deteriorating security and human rights situation in Afghanistan. We urged international parties to respect international humanitarian law, protect aid workers and civilians from harm, and support the right to freedom of movement.
- On 28 August, Aotearoa New Zealand co-sponsored a joint statement alongside international partners, noting our collective expectation that Taliban will abide by its assurances that it will allow all foreign nationals and any Afghan citizen with travel authorisation to proceed to points of departure and travel outside Afghanistan.
- MFAT officials are actively exploring options for additional support to Afghanistan under the New Zealand Aid Programme.

Official recognition of the Taliban

- While a range of countries are engaging with the Taliban s6(a) no state has yet recognised the Taliban as the official government of Afghanistan and there is no indication that there will be widespread international recognition at this time.
- Aotearoa New Zealand has a long-standing policy of not making formal statements of recognition or non-recognition of governments. New Zealand policy is that recognition is to be inferred from our conduct.
- We have expressed Aotearoa New Zealand's deep concerns about the deteriorating security and human rights situation in Afghanistan and called on all parties to respect international humanitarian law, protect aid workers and civilians from harm, and support the right to freedom of movement.
- Aotearoa New Zealand's long held values-based approach to foreign policy means that we are strongly committed to the human rights of women and girls, and their right to education and work. We are also committed to the protection of civil and political rights, such as freedom of movement, freedom of expression and the right to peaceful demonstration.
- The Taliban is currently designated as a terrorist entity under New Zealand law and is subject to United Nations Sanctions which place significant restrictions on how all United Nations Member States can engage with them. This includes an arms embargo and travel ban.

- (If asked) Aotearoa New Zealand has had no engagement with the Taliban to date. The evacuation effort at Hamid Karzai International Airport was facilitated through third parties. Our financial contribution towards humanitarian assistance is being channelled through the International Committee for the Red Cross and the UN Refugee Agency in Afghanistan.

Ministry of Foreign Affairs and Trade
August 2021

Released under the
Official Information Act

Annex 1 – 16 August 2021 resettlement criteria

On 16 August 2021, Cabinet agreed in principle [CAB-21-MIN-0323] that Afghan nationals may be considered for resettlement in New Zealand, if they:

- worked directly with the NZDF, NZ Police, Ministry of Foreign Affairs and Trade (MFAT) or other New Zealand agencies during the Provincial Reconstruction Team period (2003-2013) or since, or were employed by third parties who worked alongside these agencies; and are able to be verified by those agencies;
- provided material assistance to the Inquiry into Operation Burnham and can be verified by relevant parties; and
- there are reasonable grounds to believe that the safety or well-being of the individual or their immediate family has been put at risk from their association with New Zealand in Afghanistan, and that no other partner government (e.g. US, Canada) would bear greater responsibility for their welfare;
- this would apply to individuals or/and their immediate nuclear family only.

FACTSHEET: Government's response to recent events in Afghanistan in numbers

Evacuee dashboard

Current as at Monday 30 August 0800 NZT

Evacuees via AAF/NZDF flights:	
Total NZ evacuee arrivals from HKIA into UAE:	389
Total NZ evacuee departures from UAE to NZ:	228
Current number of NZ evacuees still in UAE:	161
Other NZ-linked evacuees now located elsewhere:	
NZ citizens and accompanying family s9(2)(a)	
Afghan nationals with NZ visas s9(2)(a)	
Afghan nationals, visa status unknown s9(2)(a)	

Consular Response

As of noon 30 August (NZT), MFAT is aware of 215 New Zealand citizens, permanent residents, and their families who remain in Afghanistan.

For context, on 12 August (i.e. before the fall of Kabul), there were just 11 people registered on SafeTravel as being in Afghanistan. At its peak, on 29 August, there were 767 people who had registered.

The table below provides the breakdown of total known people with New Zealand "responsibility" connected to Afghanistan at the time of sending. We are aware of at least 389 total that have been evacuated from Afghanistan. We cannot provide a further breakdown at this time.

Current as at Monday 30 August 0800 NZT

Eligibility to enter New Zealand	Total known to have been in Afghanistan	Confirmed departed from Afghanistan	Potentially still in Afghanistan
NZ Citizen	111	63	48
NZ Permanent Resident	85	28	57
Afghan/other with NZ Visa linked to the above two groups	261	97	164
Afghan nationals with no visa yet, with NZ Citizen or PR family	186	67	119
Total potential consular responsibility*	643	255**	388

* This number does not include those granted special NZDF assistance visas under section 61.

** This number reflects known consular cases that are confirmed to have departed Afghanistan. It includes those still in UAE, those returning to New Zealand, and those that have travelled to other global destinations. This number will not match the number of those who have departed the UAE for New Zealand.

Visas granted to Afghan nationals

Current as at 28 August

Visas granted under Cabinet's 16 August direction	
Section 61A Requests: NZAID	224
Section 61A Requests: NZDF	94
Section 61A Requests: Operation Burnham	59
Section 61A Requests: NZ Police	12
Total of visas granted under Cabinet's 16 August direction	389
Other critical purpose visa (Note: These are mostly visas granted to family members of NZ citizens and PRs)	353 (which, together with the sub-total above, means a total of 742 individuals).
Total visas	742
Requests received by MFAT relating to Cabinet's 16 Aug resettlement criteria	
Emails received between 16 and 28 August	11,293
Emails read and triaged	11,293
Processed and eligible	389
Processed and ineligible	2,000+
Applications still being verified and processed (not all will be eligible)	160

This does not include pre-existing Afghan visa holders (i.e. those who had approved visas prior to the recent Cabinet criteria). These numbers are also not easily reconcilable with our consular response information.

Consular messages to New Zealanders in Afghanistan

SafeTravel messages sent to those registered as being in Afghanistan		
NZ time	Number registered	Summary of email sent
7 July 13:49		As International forces depart, security situation likely to deteriorate. New Zealanders currently in Afghanistan are advised to depart as soon as possible.
12 August	11	<i>No SafeTravel message sent this day.</i>
18 August 14:03		Situation is deteriorating.
19 August 17:24	192	Go to airport, North Gate, make yourself known as New Zealander/visa holder to Australian officials to await flights.
21 August 17:00	230	Go to South/Abbey Gate (North Gate closed). Make yourself known as New Zealander/visa holder to await flight.
22 August 11:02	323	Security concerns. Do not go to the airport.
24 August 14:38	484	Go to Abbey Gate to wait for planned flights.
26 August 02:27	514	Security risk. Do not go to airport.
27 August 03:47	531	Explosions and gunfire. Do not go to airport.
27 August 11:11	531	Evacuation Operation has ended. Do not go to airport. Ongoing security risk.
27 August 12:57	531	Please confirm if you are still in Afghanistan.
29 August	767	<i>No SafeTravel message sent this day.</i>

Cabinet-approved Resettlement Criteria

On 16 August 2021, Cabinet agreed in principle [CAB-21-MIN-0323] that Afghan nationals may be considered for resettlement in New Zealand, if they:

- worked directly with the NZDF, NZ Police, Ministry of Foreign Affairs and Trade (MFAT) or other New Zealand agencies during the Provincial Reconstruction Team period (2003-2013) or since, or were employed by third parties who worked alongside these agencies; and are able to be verified by those agencies;
 - provided material assistance to the Inquiry into Operation Burnham and can be verified by relevant parties; and
 - there are reasonable grounds to believe that the safety or well-being of the individual or their immediate family has been put at risk from their association with New Zealand in Afghanistan, and that no other partner government (e.g. US, Canada) would bear greater responsibility for their welfare;
 - this would apply to individuals or/and their immediate nuclear family only.
- As of 28 August, 389 individuals had been issued visas under this 16 August Cabinet-approved resettlement criteria. In total, over 11,000 visa applications and enquiries under this criteria were received. Breakdown is available below.
 - Cabinet agreed on 25 August that Aotearoa New Zealand should stop accepting applications under the 16 August resettlement criteria from 2359 on 25 August.

Ministry of Foreign Affairs and Trade
August 2021

Opening remarks by Hon Nanaia Mahuta, Minister of Foreign Affairs

Foreign Affairs, Defence and Trade Committee Tuesday,
31 August 2021, 11.30am

The purpose of this opening statement is to provide introductory comments to the Committee prior to the Q & A. An introductory statement will also be made by the Minister of Defence.

- Thank you for the opportunity to discuss the New Zealand Government response to recent events in Afghanistan. I welcome the Committee's interest in this issue, given its complexity and international significance; and in the government's response, which has been significant. Given the virtual format, I will be keeping my remarks unclassified.
- I will focus on the situation in Afghanistan and the overall New Zealand Government response, including diplomatic, humanitarian, multilateral, and consular issues. The Minister of Defence will speak to the NZDF deployment.
- Aotearoa New Zealand has a long-standing connection with Afghanistan, and with the Afghan people, following one of our longest military deployments and the implementation of a substantial suite of development programme activities over a twenty year period. Aotearoa New Zealand is also home to a vibrant Afghan community who contribute significantly to New Zealand society.
- International forces were initially deployed to Afghanistan in 2001, under UN Security Council Mandate. The reasons for this UN-mandated action was clear: the need to end the Taliban's hosting of Al Qaeda. The terrorist organisation had been responsible for attacks on innocent civilian populations around the world, which culminated in the 9/11 attacks on New York. The Taliban had repeatedly refused international demands to stop Al Qaeda's activities.
- There was also a strong human rights rationale for taking action in Afghanistan. Girls had been banned from attending school, women

prohibited from the paid workforce, and weekly executions were taking place the Kabul football stadium.

- In 2001, parliament voted overwhelmingly in support of a New Zealand contribution to the war against terrorism in Afghanistan. We accepted our responsibility and committed troops and resources to end Afghanistan's hosting of Al Qaeda and to help create stability and prosperity in a country that after twenty years of civil war had become a failed state.
- Longer term, Aotearoa New Zealand's contribution to peace and stability-focused efforts in Afghanistan were based on three core drivers. Firstly, the threat directly to the safety and security of Aotearoa New Zealand and New Zealanders from terror groups operating out of Afghanistan. Secondly, the threat posed by these groups to the international rules based system; and thirdly, the direct security threat posed to key partners and the importance of supporting friends.
- Throughout the course of our engagement in Afghanistan, we have also been strongly motivated by the importance of protecting the human rights of the people of Afghanistan from the cruelty of the Taliban.
- Earlier this year, Aotearoa New Zealand completed our twenty year deployment in Afghanistan, and withdrew the last six NZDF personnel to serve there. Over the course of that deployment, Aotearoa New Zealand has approached key decisions with a spirit of bipartisanship, and to that end I welcomed the comments to media in July by Gerry Brownlee, who agreed that it was appropriate for New Zealand to withdraw our troops this year.
- Over the course of the last two weeks, the situation in Afghanistan has become increasingly fragile and dangerous. Since the confirmation of US withdrawal timeframes on July 8 2021, we have seen a rapid deterioration of the political and security situation in Afghanistan as the Taliban took control.
- On Sunday 15 August, the Taliban entered Kabul.
- On 16 August, Cabinet agreed to the deployment of an NZDF C-130 aircraft and personnel, to assist in the evacuation from Afghanistan

of New Zealand nationals, permanent residents, and approved Afghan citizens.

- MFAT officials were already working at pace to contact New Zealand nationals in Afghanistan – and to support them to leave. This consular effort has been significant and is ongoing.
- Cabinet also agreed on 16 August that Afghan nationals eligible for evacuation and resettlement assistance would be those who had worked with the New Zealand Defence Force, Police, MFAT, or provided material assistance to the Operation Burnham inquiry. Assistance was also extended to the immediate family of those individuals. In this way, assistance was extended to those whose connection with Aotearoa New Zealand put them at risk due to the rapidly changed situation in Afghanistan.
- The process of urgently giving effect to Cabinet's decision to enable resettlement of eligible Afghan nationals, through the short window of the evacuation operation, has been a significant and complex multi-agency undertaking. MFAT, for example, stood up its Emergency Coordination Centre in Wellington with staff rostered on shifts to coordinate the whole of government response. Consular staff were also rostered on from our posts in Europe, ensuring 24/7 contact for those on the ground in Afghanistan, and their families. At its peak, MFAT had 171 staff assigned to the government's response.
- On 17 August a system for processing requests from Afghan nationals for resettlement in Aotearoa New Zealand was stood up. This included advice on government websites for prospective applicants, a single government email address for submitting requests, and a coordinated inter-agency assessment and verification process for those requests according to the criteria agreed by Cabinet. MFAT provided the gateway for all inquiries, triaging the thousands of inward messages and allocating applications to Defence, Police, and Crown Law. Agencies assessed applications against the Cabinet criteria and made recommendations to Immigration New Zealand, which is responsible for visa matters.
- By 22 August, over 3000 enquiries from Afghan nationals seeking resettlement had been received. By the end of 25 August, the number of enquiries received stood at over 8000. The 16 August resettlement

eligibility criteria decided by Cabinet was intended to operate as our immediate first phase emergency response to Afghanistan, to provide for the evacuation and resettlement of individuals who met the criteria, during a small window when partners' operations around the airport in Kabul provided a path for individuals to safely leave Afghanistan. At that point, having provided the opportunity for those who we know may be exposed to risk given their association with Aotearoa New Zealand, we closed off accepting new applications for resettlement here.

- Following Cabinet's guidance, the New Zealand Defence Force led an impressive and successful effort to evacuate New Zealanders and eligible Afghans from Afghanistan under extraordinarily challenging conditions. The Minister for Defence will provide more detail on this operation.
- Inter-agency operations in the region were conducted from the United Arab Emirates, where a number of NZDF personnel, and a small team of personnel from Immigration New Zealand, MFAT, and New Zealand Police were based. NZDF personnel were also based at Hamid Karzai International Airport through until 26 August, when security conditions in Kabul including the threat of terrorist attacks, necessitated the cessation of evacuation operations.
- In addition to the New Zealand Defence Force's evacuation operations out of Kabul, New Zealand evacuees were also transported out of harm's way by partners, most especially the Australian Defence Force.
- To that end, we are profoundly grateful for the support of both Australia and the United Arab Emirates for their invaluable cooperation in the assisting the evacuation of New Zealanders, and to the United States for their significant efforts to secure Hamid Karzai International Airport and to try and secure safe access for those eligible for evacuation.
- Once in the United Arab Emirates, evacuees have been processed by NZDF, Immigration NZ and MFAT staff, and arrangements made for onward transit by these evacuees to New Zealand. This process is ongoing.

- In total, the operation succeeded in evacuating 389 New Zealanders, their families, and other visa holders from Afghanistan.
- As you know, when we became aware of a credible terrorist threat at Hamid Karzai International Airport, we advised New Zealanders not to go to the airport – and for those who were there, to shelter elsewhere. While this was a difficult decision in light of the rapidly narrowing window for safe evacuation, we took the step deliberately in light of the serious security threat and very real risk of immediate harm to evacuees.
- I am immensely proud of the efforts of the NZDF, MBIE and MFAT in supporting this operation and assisting New Zealanders, their families, and eligible Afghan nationals to reach safety.
- However our work is not yet finished. We are aware of 215 New Zealand citizens, permanent residents, and their families who remain in Afghanistan, in addition to those who have been granted visas under Cabinet's criteria of August 16 but have not yet been able to depart Afghanistan. We are staying in contact with those who have registered with us on the ground in Afghanistan, as we consider potential next steps for assistance in coordination with our international partners. But there will be no easy answers.
- The evacuation assistance operation was our immediate, first phase emergency response to Afghanistan, to provide for the safe return of New Zealanders and the evacuation and resettlement of individuals who met Cabinet's criteria. We are now turning to the next phase of Aotearoa New Zealand's assistance to the people of Afghanistan.
- This next phase will include assistance through humanitarian pathways.
- We have already announced that Aotearoa New Zealand has provided a contribution of \$3 million to enable support for Afghan communities in need of humanitarian assistance. This contribution comprised \$1.5m to the UN High Commissioner for Refugees (UNHCR) to provide protection and assistance to refugees and asylum seekers in neighbouring countries and people in need inside Afghanistan; and \$1.5m to the International Committee of the Red Cross and Red Crescent (ICRC) for its work in Afghanistan, which

includes efforts to ensure the protection of civilians and the provision of essential services including healthcare, water, and sanitation.

- And we have been speaking out too, consistent with Aotearoa's values and interests. On 19 August, we cosponsored a joint statement with a wide group of international partners, emphasising the rights of women and girls in Afghanistan. This statement strongly condemned all forms of violence against women and girls, and called on those in power and authority to guarantee the rights of women and girls.
- At the UN Human Rights Council Special Session on the human rights situation in Afghanistan on 24 August, we spoke of our deep concerns about the deteriorating security and human rights situation in Afghanistan. We urged international parties to respect international humanitarian law, protect aid workers and civilians from harm, and support the right to freedom of movement.
- And on 28 August, we again co-sponsored a joint statement alongside international partners, noting our collective expectation that Taliban will abide by its assurances that it will allow all foreign nationals and any Afghan citizen with travel authorisation to proceed to points of departure and travel outside Afghanistan.
- The situation in Afghanistan remains uncertain, as evidenced by the explosions outside Kabul airport last week. My thoughts and condolences are with all those in Afghanistan who have lost lives or suffered injuries, including the families and friends wanting to leave, the US forces, our other partners on the ground, and of all who have been impacted by these atrocious attacks.
- We will continue to monitor events in Afghanistan with grave concern, and to work alongside our international partners to support the people of Afghanistan and the safe return of New Zealanders from the region.



1 September 2021

Minister of Foreign Affairs

For approval by

2 September 2021

Afghanistan Crisis: proposed New Zealand assistance for women and girls

BRIEFING Decision Submission

PURPOSE We recommend a contribution of NZ\$3 million to enable humanitarian support for Afghan women and girls.

Tukunga tūtohua – Recommended referrals

Prime Minister	For information by	3 September 2021
Associate Minister of Foreign Affairs	For information by	3 September 2021

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
Deb Collins	Divisional Manager	Partnerships, Humanitarian and Multilateral	s9(2)(a)
Jacquie Dean	Acting Divisional Manager	Global Development and Scholarships	

Mā te Tari Minita e whakakī – Minister's Office to complete

<input type="checkbox"/> Approved	<input type="checkbox"/> Noted	<input type="checkbox"/> Referred
<input type="checkbox"/> Needs amendment	<input type="checkbox"/> Declined	<input type="checkbox"/> Withdrawn
<input type="checkbox"/> Overtaken by events	<input type="checkbox"/> See Minister's notes	

Comments

Afghanistan Crisis: proposed New Zealand assistance for women and girls

Pito matua – Key points

- Latest reporting indicates that humanitarian needs in Afghanistan are likely to remain elevated for an extended period and the humanitarian response is significantly underfunded. Additional humanitarian contributions under the New Zealand Aid Programme would further demonstrate Aotearoa New Zealand's commitment to supporting Afghan communities in need.
- Humanitarian needs of women and girls in Afghanistan are particularly acute, with females disproportionately impacted by the crisis. The UN reports that approximately 80% of the 546,000 people displaced in Afghanistan in 2021 have been women and children and approximately 60% of the 3.7 million Afghan children not in school are girls. Violence against women and girls is endemic in Afghanistan and the protection risks facing women and girls have heightened significantly in areas where the Taliban has assumed control.
- We have assessed options for further humanitarian assistance, with a focus on supporting actors that are well positioned to support Afghan women and girls in particular.
- We recommend a contribution of \$3 million comprising:
 - NZ\$1.5 million to the United Nations Population Fund (UNFPA), which has pivoted its Afghanistan programme to address immediate humanitarian needs. UNFPA is providing maternal health services through mobile health teams and family health houses, and gender based violence services through family protection centres, women friendly health spaces, and provision of psychosocial support.
 - NZ\$1.5 million contribution towards UNICEF's work in Afghanistan. UNICEF is delivering a number of initiatives to support children and youth, including education and child protection. UNICEF's wider programming, which includes the provision of health, nutrition, water and sanitation assistance, will also benefit women and girls.
- \$3 million in funding previously earmarked for development activities in Afghanistan this triennium was transferred from the Other Asia allocation to the Humanitarian allocation to facilitate these immediate humanitarian contributions.
- The key risks related to these contributions are potential security incidents and the potential for the organisations to be impeded or prevented from operating effectively. To date the Taliban has indicated it is open to international actors continuing to provide assistance, however programming with a strong gender focus is likely to receive greater unwelcome attention from the de facto authorities relative to other types of humanitarian support and we will monitor progress closely.
- This risk is mitigated by the fact that both agencies have had a long term presence in Afghanistan and have had programming in Taliban-controlled areas prior to its recent advances across the country. We have to accept a degree of risk that one or both agencies may face periods of not being able to operate at full capacity due to the challenges and complexities of the current operating context in Afghanistan.
- The recommended support doubles and complements New Zealand's recent contributions towards the response efforts of the International Committee of the Red Cross (Afghanistan) and UNHCR (Afghanistan and neighbouring countries) totalling \$3m.

Afghanistan Crisis: proposed New Zealand assistance for women and girls

- Other donors are scaling up humanitarian support for Afghanistan. s6(b)(i)
- We continue to explore further options for development support to Afghan communities under the Aid Programme. Prior to recent events we had prioritised funding for women and girls' safety and their full participation in social, economic, and political life. Work is under way to determine whether and how this could best be delivered in the current circumstances. The Taliban takeover has heightened the importance of this support, and we are giving priority to delivering it, using funds available in the Other Asia allocation.

Jonathan Kings
for Secretary of Foreign Affairs and Trade

Released under the
Official Information Act

Afghanistan Crisis: proposed New Zealand assistance for women and girls

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|--|-----------------|
| 1 | Approve a NZ\$1.5 million contribution to UNFPA's humanitarian appeal for Afghanistan. | Yes / No |
| 2 | Approve a NZ\$1.5 million contribution to UNICEF's Afghanistan appeal. | Yes / No |
| 3 | s9(2)(g)(i) | Yes / No |
| 4 | Note officials continue to explore options for the remaining Afghanistan funding, focusing on supporting women and girls' safety and participation. | Yes / No |
| 5 | Note that officials will be providing further advice regarding the next phase of work for New Zealand's broader All-of-Government response to the situation in Afghanistan. | Yes / No |
| 6 | Refer a copy of this submission to the Prime Minister and the Associate Minister of Foreign Affairs. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs / Minita Take Aorere

Date: / /

Afghanistan Crisis: proposed New Zealand assistance for women and girls

Pūrongo – Report

Significant assistance needs and protection risks for Afghan women and girls

1. Afghan women and girls were already facing a range of significant risks and challenges before the recent escalation in hostilities. Violence against women is widespread, and UN Women report that rates have spiked further since the beginning of the COVID-19 pandemic.
2. UNICEF has reported that of the 3.7 million Afghan children out of school, 2.2 million (approximately 60%) are girls. UNICEF also reports over 3,000 grave violations against 2,863 children (2,020 boys, 840 girls, 3 sex unknown).

Considerable operational risks for programming that supports women and girls

3. Whilst the Taliban has communicated an intention to allow humanitarian assistance activities to continue, it remains to be seen whether statements at a leadership level will result in implementation at a local level and endure over time. We expect gender-focused programming to receive unwelcome attention from the de facto authorities.
4. Latest reporting available from the UN Office for the Coordination of Humanitarian Affairs (UN OCHA) on the capacity of humanitarian actors covers the period from 6 to 12 August. At that time approximately one third of humanitarian actors (both national and international) reported reduced programme delivery due to recent changes in the security environment. This included interruptions to gender based violence and sexual and reproductive health services, amongst other forms of humanitarian assistance.
5. Some agencies' female staff are currently working remotely. Any longer term restrictions on female staff being able to work would impede humanitarian actors' ability to access women IDPs.
6. Women and girls' rights were extremely curtailed under the previous era of Taliban control in Afghanistan. Since recently assuming power in Kabul the Taliban has stated that girls will be able to return to school and women will be able to return to work. However, credible reports indicate some females have already had their movements restricted or been blocked from attending work and school.

We recommend contributions to UNFPA and UNICEF

7. Despite the operational challenges present in Afghanistan, UNFPA and UNICEF are currently well placed to provide humanitarian assistance to women and girls and we see a case for providing support for this critical work given recent developments.
8. The large majority of UNFPA's Afghanistan programme remains operational, with 171 out of 172 of its family health houses currently open. UNFPA has reproductive, maternal, newborn, child, and adolescent health services through mobile health teams in three provinces. UNFPA is launching three additional integrated mobile teams in Kabul to respond to the sexual and reproductive health and gender based violence needs of displaced populations. UNFPA's midwifery health line and youth health line continue to operate.
9. UNFPA has just launched an appeal for US\$29.2 million to fund its planned Afghanistan response efforts in the coming period.

Afghanistan Crisis: proposed New Zealand assistance for women and girls

10. UNICEF is appealing for US\$192 million for its work in Afghanistan. Through its child protection efforts UNICEF is providing immediate and lifesaving services to children including humanitarian cash assistance, transportation and referrals to medical and other services. UNICEF intends to open new community based education centres to provide schooling for recently displaced Afghan children. UNICEF is also providing essential health services through 21 mobile health teams in four provinces of the south and is supporting COVID-19 and polio vaccinations across the country. UNICEF intends to open women/girl-safe spaces in partnership with civil society organisations.
11. The humanitarian community in Afghanistan remains committed to operating in line with humanitarian principles; humanity neutrality, impartiality, and operational independence. Their joint operating principles for Afghanistan were updated last month and reaffirm that humanitarian actors will not deliver assistance to armed actors or parties to the conflict, or submit to programming demands from any party to conflict based on violence, abduction or intimidation.

Complementarity with other initiatives

12. Contributions to UNFPA and UNICEF would complement New Zealand's recent humanitarian contributions to the ICRC and UNHCR. Whilst most of ICRC's programming in Afghanistan does not target women and girls specifically, it has confirmed that it is reaching women and girls through its protection and assistance programmes. ICRC's female staff continue to work under Taliban control, which supports its ability to provide support to female populations. One of ICRC/Afghan Red Crescent hospitals has provided approximately 45,000 gynecological-obstetrical consultations in 2021, with consultations continuing to the present day.
13. Whilst most of UNHCR's efforts in Afghanistan are targeted at community level interventions it has an activity focused on psychosocial support for gender based violence survivors and it leads the protection cluster, which plays an active role in coordination protection services for women and girls. UNHCR has also confirmed its community level programming is reaching women and girls, which reflects the fact that women and girls comprise a large proportion of the displaced populations.
14. If approved, these contributions will also complement other actions taken by New Zealand to support Afghan women and girls, including the joint statement on women and girls New Zealand co-sponsored last month.

Other donor responses

15. Other donors are still working through options for humanitarian support in light of recent developments. Prior to latest developments in Afghanistan Australia had existing humanitarian partnerships with UN OCHA, UNFPA and the World Food Programme (WFP). s6(b)(i)
16. Canada has announced an allocation of CA\$50 million for the initial humanitarian response inside Afghanistan and in neighbouring countries. Canada will work through trusted humanitarian partners such as UNHCR, ICRC, WFP, and UN OCHA.

Afghanistan Crisis: proposed New Zealand assistance for women and girls

Possible future areas of support under the Aid Programme

17. Officials continue to explore other possible areas of support under the Aid Programme, with a primary focus on efforts to protect women and girls, and enhance their participation in social, economic and political life. s6(a)

18. s9(2)(g)(i)

Released under the
Official Information Act



3 September 2021

Minister of Foreign Affairs

For action by

6 September 2021

Aotearoa New Zealand's Afghanistan Response: Overview of Next Phase

BRIEFING	Overview Submission
PURPOSE	To outline the next phase of work in relation to the New Zealand inter-agency response to the situation in Afghanistan.

Tukunga tūtohua – Recommended referrals

Prime Minister	For information by	7 September 2021
Minister for COVID-19 Response	For information by	7 September 2021
Minister of Health	For information by	7 September 2021
Minister of Immigration	For information by	7 September 2021
Minister of Defence	For information by	7 September 2021
Minister of Customs	For information by	7 September 2021
Associate Minister of Immigration	For information by	7 September 2021

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
Chris Langley	Lead – Afghanistan National Policy	Emergency Coordination Centre	s9(2)(a)

Mā te Tari Minita e whakakī – Minister's Office to complete

<input type="checkbox"/> Approved	<input type="checkbox"/> Noted	<input type="checkbox"/> Referred
<input type="checkbox"/> Needs amendment	<input type="checkbox"/> Declined	<input type="checkbox"/> Withdrawn
<input type="checkbox"/> Overtaken by events	<input type="checkbox"/> See Minister's notes	

Comments

Aotearoa New Zealand's Afghanistan Response: Overview of Next Phase

Pito matua – Key points

- On 30 August the last remaining US troops left Kabul, marking the end of the US-led twenty-year deployment by US, NATO and like-minded countries (including Aotearoa New Zealand) to Afghanistan. The US departure signifies a new waypoint for the people of Afghanistan and international partners. It also closed, for now, the short window available for departures out of Hamid Karzai International Airport (HKIA) in Kabul.
- The security situation in Afghanistan is complex, complicated and confusing, and presents a range of still emerging risks including health, security, operational, reputational, legal, and financial. The situation is unlikely to improve in the short term. Accordingly, prospects for at-risk individuals who were unable to depart prior to 30 August remain grave.
- Despite the operational and security challenges, there have been some positives from which the Aotearoa New Zealand Government can take heart including the evacuation of 393 New Zealanders and eligible Afghan nationals to New Zealand; the announcement of financial contributions to international humanitarian organisations; and the delivery of joint statements alongside our international partners.
- The short window available for departures out of HKIA meant that Aotearoa New Zealand, along with other international partners, was not able to evacuate all those eligible individuals who wanted to leave. Supporting those who remain is a high priority, however options to assist are limited.
- Officials are developing advice for Ministers regarding this next phase of work. This involves consultation with a wide range of New Zealand agencies and international partners, and will focus on the following issues:
 - **Ongoing consular assistance to New Zealand citizens, permanent residents and their immediate family members** who were not able to leave Afghanistan and still wish to depart, or those who have crossed borders and now need assistance. There are approximately 300 people in this category, of whom 96 are themselves New Zealand citizens or permanent residents. Of the remainder, some have their New Zealand citizen or permanent resident family member with them in Afghanistan, others are seeking to join them in New Zealand.
 - A pressing issue will be the development of **options for supporting the Afghan nationals who were granted special visas** (as per Cabinet's 16 August criteria) but were unable to be evacuated to New Zealand.
 - A related issue will be the development of options for **supporting Afghan nationals who have been granted special visas with no obvious link to New Zealand**, including those approved by absolute Ministerial discretion.
 - Any **options for additional humanitarian pathways/assistance** for at-risk Afghan nationals.
 - Possible **further financial support for affected Afghan communities** under the Aid Programme.
- Addressing these issues will not be easy or quick. The security situation on the ground is extremely volatile following the departure of international forces, and much will depend on the constitution, character and conduct of Afghanistan's new governing arrangements

Aotearoa New Zealand's Afghanistan Response: Overview of Next Phase

(particularly the prominence and role of the Taliban). Options for departing Afghanistan are currently limited to tricky land border crossings, and it is unclear to what extent the Taliban will uphold their commitment to "safe passage" out of Afghanistan. It is also not clear when HKIA may be operational again.

- The humanitarian crisis is significant, with flow on effects for security in the broader region. Prospects for at risk individuals who remain in Afghanistan – notably women, girls, human rights defenders, and those who assisted international forces – are of deep concern.
- Aotearoa New Zealand's ability to engage directly with the new Taliban regime is also limited due to the policy issues around engaging with a designated terrorist entity.
- Some other key issues that will need to be navigated in order to support people to leave Afghanistan and travel to New Zealand will include:
 - How to work effectively with and in countries neighbouring where those fleeing may arrive from Afghanistan, given New Zealand's limited footprint in the region;
 - How to facilitate their travel out of Afghanistan in a way that does not expose them to additional security threats; and
 - The level of financial support which can be provided across the different groups.
- Officials are urgently scoping this next phase of work in consultation with international partners. Options to assist are limited and hinge on several factors, including the proposed approaches of our partners, many of whom s6(a) are also currently developing their own plans.
- If you agree, officials will prepare advice for Cabinet in the coming weeks setting out the options for New Zealand's ongoing response. This subsequent advice will flesh out the implications of the Emergency Response and the next phase of Aotearoa New Zealand's response. This will include, for example, advice around the need for tight disciplines on the application criteria; the forecasted scale of the response; and the associated resourcing required s9(2)(g)(i)
- We are aware of reports that some people in these groups may already be trying to head out of Afghanistan via a border crossing. We cannot rule out that, in the interim, cases present where New Zealand needs to take quick decisions about how to manage the exit and return of presenting cases.
- In the meantime, officials are continuing to deliver consular advice, and support where possible, to New Zealand Citizens and Permanent Residents. A separate dedicated team has also been established to provide a point of contact for Afghan nationals who currently hold a special visa. We anticipate the extent to which Aotearoa New Zealand supports these visa holders (e.g. travel documents and financial assistance to travel to New Zealand) will become a pressing issue in the near future. We thus intend to progress advice with options ahead of the broader Cabinet paper.



Ben King
for Secretary of Foreign Affairs and Trade

Aotearoa New Zealand's Afghanistan Response: Overview of Next Phase

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|--|-----------------|
| 1 | Note that the last remaining US forces departed Afghanistan on 30 August, thereby concluding the international evacuation effort out of Hamid Karzai International Airport in Kabul. | Yes / No |
| 2 | Note that, despite significant operational and security challenges, New Zealand's inter-agency deployment successfully facilitated the evacuation of 393 Aotearoa New Zealand evacuees and eligible Afghan nationals. | Yes / No |
| 3 | <p>Note that the next phase of work will focus on:</p> <p>3.1 Ongoing consular support to Aotearoa New Zealand citizens, permanent residents, and immediate families;</p> <p>3.2 The extent to which Aotearoa New Zealand should provide assistance to Afghan nationals who hold i) special visas under Cabinet's 16 August criteria; s9(2)(g)(i)</p> <p>3.3 s9(2)(g)(i)</p> <p>3.4 Options for further support for affected Afghan communities, including refugees, under the Aid Programme.</p> | Yes / No |
| 4 | Note that the political and security environment in Afghanistan remains complex, complicated and confusing, and presents a range of still emerging risks including health, security, operational, reputational, legal, and financial. Options available to assist individuals in Afghanistan and neighbouring countries are limited. | Yes / No |
| 5 | Note that officials have established a unit as a point of contact for Afghan nationals who are requiring urgent assistance and to whom we owe a duty of care: i) those granted special visas under Cabinet's 16 August criteria; and s9(2)(g)(i) | Yes / No |
| 6 | Agree that officials prepare advice for Cabinet setting out the options for New Zealand's ongoing response. | Yes / No |
| 7 | Note that upcoming advice will outline the implications of Aotearoa New Zealand's response to date and the next phase of planned work. This will likely include advice around the application of visa criteria, the forecasted scale of the response, and associated resourcing required; | Yes / No |
| 8 | Agree that officials should accelerate advice for Ministers providing options around whether, and if so the extent to which Aotearoa New Zealand should provide assistance to Afghan nationals who hold special visas; | Yes / No |
| 9 | Note the updated media lines attached as an annex to this submission. | Yes / No |

Aotearoa New Zealand's Afghanistan Response: Overview of Next Phase

- | | | |
|----|--|-----------------|
| 10 | Refer a copy of this submission to the Prime Minister, Minister for COVID-19 Response, Minister of Health, Minister of Immigration, Minister of Defence, Minister of Customs and the Associate Minister of Immigration. | Yes / No |
|----|--|-----------------|

Hon Nanaia Mahuta
Minister of Foreign Affairs / Minita Take Aorere

Date: / /

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Aotearoa New Zealand's Afghanistan Response: Overview of Next Phase

Pūrongo – Report

1. The last remaining US troops have now left Kabul, marking the end of the twenty-year deployment by US, NATO and like-minded countries (including Aotearoa New Zealand) to Afghanistan. The United States' departure signifies a new waypoint for the people of Afghanistan and international partners. It also concludes, at least for the meantime, the short window available for departures out of HKIA in Kabul.

How has Aotearoa responded so far?

2. Despite significant operational and security challenges, there have been considerable successes of which the New Zealand Government can take heart. This has included: the evacuation of 393 New Zealanders and eligible Afghan nationals to New Zealand in incredibly challenging circumstances; the announcement of financial contributions to international humanitarian organisations; and the delivery of joint statements alongside our international partners.

What might the next phase look like?

3. The next phase of our response is expected to be more complex and lengthy, with the Government's ability to practically assist vulnerable individuals now much more limited. For example:
 - 3.1. The already precarious security situation on the ground will likely become more difficult to navigate in coming weeks following the departure of international forces and as the Taliban asserts control over the country.
 - 3.2. Latest reporting indicates that humanitarian needs in Afghanistan are likely to remain elevated for an extended period and the humanitarian response is significantly underfunded. This crisis will have flow on consequences for security within and outside Afghanistan's borders, as well as the broader region.
 - 3.3. The short window available for departures out of HKIA has meant that Aotearoa New Zealand, along with many other international partners, has not been able to evacuate all those who were eligible for evacuation and wanted to leave.
 - 3.4. Prospects for vulnerable Afghan nationals who remain in Afghanistan – most notably women and girls, human rights defenders, as well as those who assisted international forces – remain of deep concern; however there are no easy solutions to help these individuals. Options for departing Afghanistan are currently reduced to land border crossings, and it remains unclear at this stage to what extent the Taliban will facilitate, or restrict, the departure of foreign nationals and their own citizens in the future. It is also unclear when Kabul airport may become operational again.
 - 3.5. Questions also remain as to how the international community will engage the Taliban from now on, and the extent of the international community's influence over the regime.
4. Officials are developing further advice for Ministers regarding this next phase of work. This process will involve consultation with a range of New Zealand agencies and international partners. At this stage, we expect that advice will centre on the following issues: consular assistance to New Zealand citizens, permanent residents, and their immediate families; options for any further support for eligible Afghan nationals under Cabinet's 16 August

Aotearoa New Zealand's Afghanistan Response: Overview of Next Phase

criteria [CAB-21-MIN-0323] and those granted a critical purpose visa by the Associate Minister of Immigration; potential humanitarian and immigration pathways for other vulnerable Afghan nationals; further options for contributions under the New Zealand Aid Programme; and options for Aotearoa New Zealand's broader international response.

Who might we receive further requests for assistance from?

5. Given the short window available for departures out of HKIA, we, along with many other international partners, were not able to evacuate all those who wanted to leave. Many of these individuals are now reaching out to the New Zealand Government to seek assistance.
6. These individuals fall into the following categories:

Class of individuals eligible to enter New Zealand	Approximate number
1. New Zealand citizens, permanent residents, and their immediate families. Note: ordinarily only New Zealand citizens are provided consular assistance from the New Zealand Government, though this has been extended to Permanent Residents and immediate family members for assisted departures in emergency situations. New Zealand only has rights of consular access to New Zealand nationals under the Vienna Convention on Consular Relations.	Approximately 300 individuals, including 96 New Zealand Citizens and Permanent Residents
2. Afghan nationals with New Zealand visas granted under section 61 Immigration Act 2009 (due to their association with the NZDF or other New Zealand Government agencies in Afghanistan – per Cabinet's 16 August criteria).	Approximately 617 people (based on at least 145 applications) Of that number, 25 individuals have arrived in New Zealand
3. Afghan nationals with New Zealand visas issued by Associate Minister of Immigration under s61 Immigration Act 2009 between 17 and 28 August	105 people (based on 23 approvals) Of that number it appears 11 individuals have departed Afghanistan
4. Afghan nationals with New Zealand visas, other than those visas granted in the above categories (e.g. skilled workers, cultural marriage).	There are currently 476 people offshore who hold a current visa to return to New Zealand, not including the visa holders above in section 2

Note: The numbers in these categories may change as: additional New Zealanders register on safe travel; further visa applications (which were received before the deadline) are processed; and any additional visas are issued beyond those captured in the table above.

Consular assistance to New Zealand citizens, permanent residents, and immediate families

7. MFAT officials will continue to provide consular assistance to those New Zealand citizens, permanent residents and their immediate families who were not able to leave Afghanistan during the evacuation operation and still wish to depart, or have travelled to third countries under their own steam and are seeking help to travel to New Zealand. In some cases, the family member who is a New Zealand citizen or permanent resident is in New Zealand, and their immediate family members who are visa holders remain in Afghanistan (or third countries). Under this next phase, these people will be included as consular cases, though in practice our ability to advocate for their interests may be more limited (given they are foreign passport holders). There could also be number of eligible groups/individuals who

Aotearoa New Zealand's Afghanistan Response: Overview of Next Phase

were able to depart Afghanistan who seek evacuation to New Zealand from third countries. Work is underway to determine a way forward for such individuals.

8. Consular officials will continue to respond to requests for assistance from those individuals, including where they find their way to or across land borders, or out of Afghanistan by air (commercial or private flights). s6(a)
9. This new phase of work is complex, and made more difficult by the deteriorating political and security situation on the ground. A Taliban spokesperson has indicated that foreign nationals will be permitted to leave the country after 31 August. Even if these statements are honoured, there are multiple scenarios around what this could look like. Major variables include availability of civilian/commercial flights, practicalities of land routes, lack of travel documentation, treatment of dual nationals, permanent residents, and family members of foreign nationals, as well as security conditions across the country.
10. Much of this consular planning will generate significant policy questions, s9(2)(g)(i)

and engagement with the Taliban. (The Taliban is designated as a terrorist entity under New Zealand law and subject to UN Sanctions, which places restrictions on engagement). Officials are exploring a range of options, s9(2)(g)(i)

Ongoing support for eligible Afghan nationals under Cabinet's 16 August criteria and those granted a critical support visa by the Associate Minister of Immigration

11. On 16 August, Cabinet agreed on criteria for those Afghan nationals who could be eligible for resettlement in Aotearoa New Zealand due to their association with New Zealand's deployment to Afghanistan over the previous twenty years, and risks to their well-being as a result. The 16 August resettlement eligibility criteria decided by Cabinet was intended to operate as the immediate first phase emergency response to Afghanistan, to provide for the evacuation and resettlement of individuals who met the criteria, during a small window when partners' operations around the airport in Kabul provided a path for individuals to safely leave Afghanistan. This group captured those to whom New Zealand may have a direct duty of care.
12. On 25 August, the Cabinet Business Committee [CBC-21-MIN-0080] noted that the number of individuals approved for settlement in New Zealand, including families, was significantly higher than anticipated, and directed officials to rigorously apply and retest the application of the previously approved resettlement criteria against applications that had yet to be processed. CBC also agreed to stop accepting applications under the resettlement criteria from 2359 hours on 25 August; and directed officials to provide further advice on options to manage the current and any future requests for New Zealand assistance from individuals in Afghanistan. This submission gives effect to that latter direction.
13. That same evening, the Minister of Foreign Affairs, Minister of Immigration and the Minister of Defence met (via zoom) with the Secretary of Foreign Affairs and Trade, the Chief Executive of MBIE, the Secretary of Defence, the Chief of the Defence Force, plus other officials and advisors. Ministers and senior officials discussed the process for assessing

Aotearoa New Zealand's Afghanistan Response: Overview of Next Phase

resettlement applications against the 16 August criteria, and officials subsequently agreed a set of principles to ensure consistent/coherent application of the criteria, in line with Cabinet's intent.

14. Separately, 23 Afghan nationals have been issued New Zealand visas by the Associate Minister of Immigration under the same section 61 of the Immigration Act (23 successful applications, encompassing a total of 105 people. Of that number it appears 11 people (three groups) have departed Afghanistan). While Aotearoa New Zealand was able to evacuate a number of these visa holders, it was not possible to evacuate everyone who was eligible and wanted to leave in the time available.
15. In terms of current work and immediate next steps:
 - 15.1. Officials are still processing and verifying requests that arrived before the 25 August cut-off date for special visas under the 16 August Cabinet criteria. We expect this work will continue for several weeks. We have developed principles to help assess these requests and expect to continue to make recommendations for decision by Immigration New Zealand for those cases which appear, prima facie, to meet the Cabinet criteria for resettlement. We will keep you informed of numbers of applications approved and declined as this work progresses. Additional reviews are being undertaken to ensure quality assurance on previous recommendations made.
 - 15.1. Officials are discussing with international partners what (if any) options might be available for assisting these two groups of visa holders now that the air bridge out of Kabul has closed (i.e. the special visa holders under the 16 August Cabinet criteria, and those individuals issued with a critical purpose visa by the Associate Minister of Immigration). These discussions will be ongoing as we try to resolve extremely complicated and challenging situations for groups and individuals.
s6(a)
 - 15.2. In the meantime, MFAT officials are continuing as the point of contact for Afghan nationals issued visas under section 61 of the Immigration Act.
 - A dedicated email address has now been established and a small MFAT/MBIE team is managing these enquires, including setting up a case management system for urgent individual cases. There are already a number of presenting cases, many of which urgently require support. The MFAT/MBIE team has been set up to consider what support can be provided to these cases, given their connection to New Zealand, the duty of care owed to these groups/individuals, and the reputational risks of not doing so.
 - Advice and assistance available for this set of visa holders is however currently very limited. Officials will share any information they have about options to leave Afghanistan when the security situation allows.
 - In the meantime and continuing our approach during the evacuation phase, officials will provide support to these two categories of Afghan nationals similar to the level of consular assistance we are providing to New Zealand citizens and permanent residents.
16. For those who *are* able to depart Afghanistan, there is a question as to what, if any, further assistance the Government might offer these visa holders who have the right to enter Aotearoa New Zealand, but not the means. s9(2)(g)(i)

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s9(2)(g)(i)

Striking an appropriate balance will be difficult. The level of consular support provided for New Zealand citizens is well-established and consistent across time and a wide variety of situations. However, the Afghan individuals granted special visas under section 61 were granted their visas due to their connections to the New Zealand Government, and because they were judged to be at risk due to this association. In addressing this question, officials are considering the need to assist those particular Afghan individuals to whom we may owe a duty of care, while also considering what, if any, precedents such an approach might set for New Zealand visa holders in other parts of the world.

17. Officials are now scoping out what any special assistance for this group might look like (beyond the interim case management assistance currently being provided) and the financial and resourcing implications of such. We anticipate the need to have an agreed approach to these issues could quickly become pressing, and thus intend to accelerate advice with options ahead of the broader Cabinet paper.

Pathways out of Afghanistan for New Zealanders and visa holders

18. Beyond this, officials are exploring whether there are pathways for people to leave Afghanistan through neighbouring countries and the provision of any further support available – though there are significant logistical and resourcing issues to be addressed with regards to both. s6(a)

.s6(a)

should they manage to cross land borders, or exit via commercial flights (once they are resumed). We will need to maintain flexibility given the range of scenarios that could emerge.

- 18.1. s9(2)(g)(i)

For

New Zealand visa holders the situation appears more challenging, with additional logistical, administrative, and financial support potentially required.

- 18.2. At present it does not appear to be possible for New Zealand citizens, residents or visa holders to depart Afghanistan by land s6(a) To the extent that any of these options are feasible (or become so in future) it is likely that New Zealand passport holders would have easier access than Afghan citizens holding New Zealand residency or visas.

- 18.3. s6(a)

19. New Zealand's planning will also need to take into account our limited footprint in the region, which will make supporting groups to enter neighbouring countries from Afghanistan challenging. New Zealand has a three-person Embassy in Tehran. We have no missions in other neighbouring countries. There is a long-standing and effective Honorary Consul in Pakistan. Our close consular partners with whom we have consular support arrangements are likely to be heavily focused on servicing their own nationals and visa holders. If people

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flows into any of these neighbouring countries become significant, a presence on the ground may be required to service these cases effectively.

Humanitarian and immigration pathways for other vulnerable Afghan nationals

20. s9(2)(f)(iv)

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s9(2)(f)(iv)

24. s9(2)(g)(i)

Australia has for example announced the allocation of 3,000 places for Afghan nationals within Australia's 13,750 humanitarian annual programme, with this initial allocation likely to increase further over the course of this year. Canada announced that it will resettle more than 20,000 vulnerable Afghans threatened by the Taliban and forced to flee Afghanistan. This number will include people covered by the special immigration program for Afghans who contributed to Canada's efforts in Afghanistan, as well as a new programme to welcome refugees from vulnerable groups including women leaders, human rights defenders, journalists, persecuted religious minorities, LGBTI+ individuals, and family members of previously resettled interpreters. On 31 August, Canada committed to accept around 5,000 Afghan refugees evacuated by the United States as part of this overall number.

Further humanitarian and/or Aid Programme contributions

25. On 20 August, Aotearoa New Zealand committed \$3 million to support humanitarian response efforts for crisis affected Afghan communities – \$1.5 million each to the International Committee of the Red Cross (ICRC), and the UNHCR. This funding is enabling both agencies to provide protection and assistance for the Afghan people, including Afghan refugees in neighbouring countries. On 2 September you approved a further \$3 million to enable humanitarian support for women and girls in Afghanistan (comprising \$1.5 million to the United Nations Population Fund (UNFPA), and \$1.5 million to UNICEF).

26. We will continue to monitor the level of humanitarian need in Afghanistan and are exploring further options for development support to Afghan communities under the New Zealand Aid Programme. s9(2)(g)(i)

Implications

27. The subsequent advice will flesh out the implications of the Emergency Response and the next phase of Aotearoa New Zealand's response to the situation in Afghanistan. But at this phase we can already see the outlines of these implications, which will likely include:

- s9(2)(g)(i)
- The scale of this response – and the numbers of visa holders which are confirmed for resettlement from Afghanistan – will have a significant impact on the allocation of resources from New Zealand's refugee/resettlement processes. s9(2)(g)(i)

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Next steps

28. Should you agree, then New Zealand officials will provide more comprehensive advice on these issues for Cabinet's consideration in the coming weeks. The exact timing of any paper may depend on developments on the ground in Afghanistan.

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Aotearoa New Zealand's Afghanistan Response: Overview of Next Phase

Annex A: Media Points

People:

What assistance are we providing to New Zealanders, permanent residents, visa holders and their families, who are still in Afghanistan?

- Providing support for New Zealand citizens, permanent residents and visa holders who remain in Afghanistan is complex, and made more difficult by the challenging, complex and confusing political and security situation on the ground.
- We are exploring a range of options to understand what might be possible under the circumstances.
- The Ministry of Foreign Affairs and Trade will continue to be the point of contact for Afghan nationals who hold a visa issued under the special criteria announced on 16 August. MFAT will share any information about travelling to New Zealand, and respond to inquiries about any humanitarian support that may be required. Further details are available on the MFAT website.
- We are also discussing with partners potential next steps and how the New Zealand Government can best assist those people connected to New Zealand who remain in Afghanistan.
- As there is no New Zealand diplomatic presence in Afghanistan, even before recent events the ability of the New Zealand Government to provide assistance to New Zealand citizens in Afghanistan was severely limited.

Has New Zealand essentially abandoned those it could not evacuate in time?

- No. We always knew it would be a fleeting opportunity to evacuate as many New Zealanders, visa holders and their families as possible, along with Afghan nationals who have supported New Zealand.
- While it will take us some time to determine final numbers as evacuees are processed, as at 3 September we know we have been able to facilitate the evacuation of 393 New Zealanders, permanent residents, visa holders and their families. That number will rise as more evacuees are processed.
- Extraordinary efforts have been made to try and bring home as many people as we could, either New Zealanders or those who have supported New Zealand.
- We could not evacuate everyone who wanted to leave and who were eligible to leave.

What advice is being given to those remaining in Afghanistan?

- We are discussing with partners potential next steps and how the New Zealand Government can best assist New Zealand citizens, permanent residents and their immediate families who remain in Afghanistan. We are also discussing with partners how the New Zealand Government can best assist and support Afghan nationals in other ways.
- We advise New Zealand citizens and Permanent Residents to register on SafeTravel if they have not already done so, and to update their details if they have already departed by sending an email to consular.MiddleEastandAfrica@mfat.govt.nz
- Any New Zealand citizens, permanent residents or visa holders who manage to leave Afghanistan over land borders, should make themselves known to the closest New Zealand High Commission, Embassy, or Consulate General.

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- The situation in Afghanistan remains highly volatile and dangerous. We are advising New Zealand citizens, permanent residents and their immediate families in Afghanistan that there is an ongoing and very high threat of terrorist attack. New Zealanders in Afghanistan should take all extra precautions for their safety, remain vigilant, and be aware of their surroundings.
- New Zealanders in Afghanistan should not travel to Kabul Hamid Karzai International Airport. If they are close to the airport, they should move away to a safe location until the security situation changes and only return to the airport if specifically advised to do so.
- New Zealand citizens, permanent residents and their immediate families should register on SafeTravel at Register your travel | SafeTravel
- Travel throughout Afghanistan is extremely dangerous. Some borders are closed or may close without notice. Border crossing is risky and dangerous. New Zealanders remaining in Afghanistan should carefully consider the risks of attempting to leave by any route. You are responsible for your own safety and that of your family.

How are we helping those people who have granted a New Zealand visa and are still seeking to reach New Zealand?

- The Ministry of Foreign Affairs and Trade is exploring options to best assist New Zealand visa holders who remain in Afghanistan.
- But with no New Zealand diplomatic presence in Afghanistan, the ability to provide assistance in the current environment is severely limited.
- MFAT will remain the point of contact for Afghan nationals who hold a New Zealand visa issued under the special criteria approved by Cabinet on 16 August.
- Afghan nationals who have been granted a New Zealand visa under this special criteria and are still seeking to reach New Zealand, even if they have already departed Afghanistan, should email MFAT at VisaHoldersAfghanistan@mfat.govt.nz

Why is the Government no longer accepting applications from those Afghan nationals who met the earlier resettlement criteria set out by Cabinet?

- This is a practical step given the closure of the US-led evacuation window through Hamid Karzai International Airport.
- The 16 August resettlement criteria were intended to provide for the immediate evacuation and resettlement of relevant individuals during a small window when partners' operations around the airport provided a path for individuals to safely leave Afghanistan.
- New Zealand, along with the international community, is calling on the Taliban regime to allow the safe passage of those seeking to leave the country.

Will there be a new visa process?

- We are discussing with partners potential next steps and how the New Zealand Government can best assist and support the people of Afghanistan in other ways.

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Deployments and further work to evacuate:

Will we work to facilitate any other routes out of Afghanistan – particularly for those outside of Kabul?

- We are urgently planning, and discussing with our partners, potential next steps for assisting New Zealanders who remain in Afghanistan. But we have to remain realistic that there may be little we can do to help these people in the near term.

Will that require further NZDF deployments?

- Given the dynamic situation on the ground, it not possible to speculate on future missions for the NZDF.

What is the extent of New Zealand's engagement with border countries to Afghanistan?

- New Zealand has an Embassy in Tehran, which is also cross accredited to Pakistan and Afghanistan. New Zealand's Embassy in Moscow is accredited to Tajikistan, Turkmenistan, and Uzbekistan. We also have an embassy in Beijing.

Developments in Afghanistan

What is New Zealand's position on the human rights situation in Afghanistan?

- At the recent Human Rights Council Special Session on the human rights situation in Afghanistan, New Zealand presented a national statement outlining our deep concerns about the deteriorating security and human rights situation in Afghanistan. We urged international parties to respect international humanitarian law, protect aid workers and civilians from harm, and support the right to freedom of movement.
- New Zealand also cosponsored a joint-statement on the rights of women and girls in Afghanistan. This strongly condemned all forms of violence against women and girls, and called on those in power and authority to guarantee women's and girls' rights.

Will New Zealand be providing humanitarian support?

- Aotearoa New Zealand has committed \$3 million in humanitarian funding - \$1.5 million each to the International Committee of the Red Cross (ICRC), and the UNHCR – to help meet the urgent humanitarian needs of Afghan communities.
- This funding is enabling both agencies to provide protection and assistance for the Afghan people, including Afghan refugees in neighbouring countries. Our contribution to UNHCR – the UN Refugee Agency - will also support Afghan refugees and asylum seekers in neighbouring countries.
- The need for humanitarian assistance in Afghanistan is clear. The Government is further considering ways to support affected communities in Afghanistan.
- Background: On 2 September you approved a further \$3 million to enable humanitarian support for women and girls in Afghanistan (comprising \$1.5 million to the United Nations Population Fund (UNFPA), and \$1.5 million to UNICEF). This has not been announced yet.

Aotearoa New Zealand's Afghanistan Response: Overview of Next Phase

Does New Zealand recognise the Taliban as the Government of Afghanistan?

- New Zealand has a long standing policy of not making statements formally recognising governments. New Zealand policy is that recognition is to be inferred from our conduct.
- New Zealand has always strong and consistent values. What we want to see is human rights upheld and see women and girls able to access work and education. These are the things that traditionally have not been available to them where there has been governance by the Taliban.

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Informal Note — MP Engagement in Afghanistan Emergency Operations

- The Afghanistan Emergency Coordination Centre (ECC) received engagement by email from a significant number of MPs interested in and/or advocating for a range of individuals, groups, and the wider policy response.
- MPs from the Labour Party, Green Party, National Party, and ACT all had contact with the ECC during this time.

Types of Engagement

- MPs engaged for a range of reasons. Their engagement may very broadly be categorised as falling into the following categories:
 - **Advocacy for policy change, including wider criteria for the granting of visas** (Golriz Ghahraman MP)
 - **Support for the granting of visas to Afghan nationals** (Ibrahim Omer MP; Dr Deborah Russell MP, Shanan Halbert MP, Simon Court MP, Sarah Pallett MP, Jamie Strange MP, David Bennett MP, Arena Williams MP, Tracey McLellan MP, David Seymour MP, Simon O’Conner MP, Chris Penk MP)
 - **Passing on of information in relation to individuals applying for a visa under Cabinet’s criteria of 16 August** (Hon Kris Faafoi, Golriz Ghahraman MP, Hon Dr Ayesha Verrall, Hon Peeni Henare, Rt Hon Jacinda Ardern, Hon Phil Twyford, Ricardo Menendez March MP, Hon Carmel Sepuloni, Hon Megan Woods, Vanushi Walters MP)
 - **Advocacy for evacuation support for New Zealand citizens or Permanent Residents from Afghanistan, during and following the evacuation operations** (Rachel Boyack MP, Ibrahim Omer MP, Simon Court MP, Simon O’Connor MP)
 - **Advocacy for evacuation support for Afghan nationals holding visas from Afghanistan, during and following the evacuation operations** (Ibrahim Omer MP, Brooke van Velden MP, Vanushi Walters MP, Hon Megan Woods, Dr Duncan Webb MP, Hon Kieran McAnulty, Erica Stanford MP)
 - **Advocacy/requests for information regarding evacuation support for recipients of visas granted by the Associate Minister for Immigration, during and following the evacuation operations** (Hon Phil Twyford, Shanan Halbert MP)

Potentially High-Profile and Complex Cases

- Some of the most involved and complex cases that MPs have engaged with are briefly described below, while a wider table documenting engagement by MPs across the suite of work undertaken by the ECC is set out in the Annex.
- Note that due to the volume of enquiries received it is possible that this information is not completely comprehensive. In addition, these engagements relate to complex cases, and further information can be provided to provide a more robust picture if needed.
- s9(2)(a)

POLI-335-305
s9(2)(a)

- s9(2)(a)

Emergency Coordination Centre
Ministry of Foreign Affairs and Trade
September 2021

ANNEX: Table of MP Engagement with the ECC

Engagement on Consular Support and Evacuation Assistance to Visa Recipients and New Zealanders

MP/Minister	Individual/Group	Status	Outcome
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The details of this table in the remainder of the document are withheld in full under section 9(2)(a) of the OIA

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8 September 2021

Minister of Foreign Affairs

For approval by

9 September 2021

Afghanistan Response: New Zealand support for New Zealand citizens, permanent residents and Afghan Visa Holders

BRIEFING Decision Submission

PURPOSE To approve Aotearoa New Zealand's approach regarding support for New Zealand citizens, permanent residents and Afghan nationals granted special visas under section 61 of the Immigration Act 2009.

Tukunga tūtohua – Recommended referrals

Prime Minister	For approval by	10 September 2021
Minister of Finance	For approval by	10 September 2021
Minister for COVID-19 Response	For information by	10 September 2021
Minister of Health	For information by	10 September 2021
Minister of Immigration	For approval by	10 September 2021
Minister of Defence	For approval by	10 September 2021
Minister of Customs	For information by	10 September 2021
Associate Minister of Immigration	For information by	10 September 2021

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
Chris Langley	Lead – Afghanistan National Policy Team	Middle East and Africa Division	s9(2)(a)

Mā te Tari Minita e whakakī – Minister's Office to complete

- | | | |
|--|---|------------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Noted | <input type="checkbox"/> Referred |
| <input type="checkbox"/> Needs amendment | <input type="checkbox"/> Declined | <input type="checkbox"/> Withdrawn |
| <input type="checkbox"/> Overtaken by events | <input type="checkbox"/> See Minister's notes | |

Comments

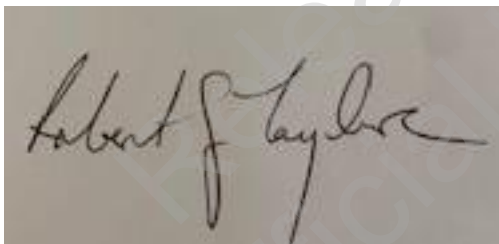
Afghanistan Response: New Zealand support for New Zealand citizens, permanent residents and Afghan Visa Holders

Pito matua – Key points

- On 30 August, the first phase of the international evacuation effort from Hamid Karzai International Airport concluded, thereby closing the initial window for air evacuations out of Kabul. A number of New Zealanders and other eligible Afghan nationals hoping to depart were unable to be evacuated in the short window available.
- The Government is continuing to provide assistance to New Zealand citizens, permanent residents, and their immediate families as part of Aotearoa New Zealand's ongoing response.
- There are also a number of Afghan nationals who hold a New Zealand visa who remain in Afghanistan – many of whom continue to seek urgent assistance from the New Zealand Government and would not, ordinarily, be eligible for such support. (Visa holders are not in general given financial or other assistance by the New Zealand Government, nor other forms of travel support.) In light of the unique security situation in Afghanistan, certain Afghan visa holders and their families were, however, evacuated out of Kabul alongside New Zealanders during the initial international evacuation operation.
- The Aotearoa New Zealand Government must now consider what further / continuing support might be provided to a number of those individuals who still wish to depart Afghanistan and are eligible to resettle in New Zealand. As cases which engage these issues may present at borders with Afghanistan's neighbouring countries at any time, this submission seeks confirmation for the Government's approach. s9(2)(g)(i)
- Given the urgent and unique circumstances facing those New Zealanders and certain visa holders still in Afghanistan, officials recommend establishing a **general principle of equal treatment** for those eligible people seeking assistance to depart Afghanistan for Aotearoa New Zealand, irrespective of whether they are New Zealand citizens, permanent residents or certain classes of visa holders. Such a principle would inform the Aotearoa New Zealand Government's support during the Afghanistan emergency response and would apply to New Zealand citizens, permanent residents, and their immediate nuclear family members, as well as two categories of Afghan special visa holders and their immediate nuclear family members. As a starting point, this policy would apply to eligible individuals for the duration of their respective visas. This policy would then be reviewed in six months' time to ensure that it remains fit for purpose and aligned with the Government's response objectives. Further advice around this can be refined and provided to ministers in due course.
- In particular, officials consider that an equal level of support for certain visa holders, New Zealand citizens, permanent residents, and their immediate family members would be justified in the current circumstances. By comparison, where the Government provides consular support offshore this is usually only available to New Zealand citizens (and, in some rare cases, to permanent residents if accompanying a citizen). The Afghan nationals granted special visas under Cabinet's 16 August criteria were granted such visas due to their connections to the New Zealand Government, and because they were judged to be at risk due to this association. They – together with the Afghan nationals issued visas by the Associate Minister of Immigration – have a strong expectation that Aotearoa New Zealand will assist them to depart Afghanistan, if and where we can.

Afghanistan Response: New Zealand support for New Zealand citizens, permanent residents and Afghan Visa Holders

- Given the rapidly evolving security and political situation in Afghanistan, it is difficult to define precisely how the Government will be able to support these individuals; however, we envisage that ongoing support would include support for eligible individuals to depart the country to the extent possible, as well as assistance to return to Aotearoa New Zealand (as the security circumstances allow). Financial support could include, say, travel costs and accommodation on-route to New Zealand. **Any support provided would be on an “as needed” basis** – i.e. those travelling out of Afghanistan would all be expected in the first instance to meet their own costs, but with support available if that was not possible.
- Officials recommend that any financial assistance should be provided to these groups in the form of a grant rather than a loan. This is in contrast to the approach taken to financial help provided as part of consular services for citizens overseas, which is almost always in the form of a loan. The different approach in this case would reflect a range of factors: the unique nature of the situation which Afghanistan has presented and response required (which has gone beyond the parameters of a consular response); the principle of equal treatment across the different types of traveller noted above (non-citizens are not eligible for loans); and the low likelihood that many of those who needed assistance would be in a position to pay back a loan, especially some of the Afghan national visa holders
- Officials are working to decide the most appropriate budget appropriation from which to draw this funding, and are hoping to meet this from within existing baselines. Further details on the exact funding arrangements will be confirmed in a subsequent Cabinet paper. If any urgent costs are incurred ahead of that paper, the Ministry of Foreign Affairs and Trade will cover those costs from within baselines. Advice to Cabinet is also expected to cover any “on-shore” issues and costs, once eligible individuals arrive into Aotearoa New Zealand (including for example MIQ and resettlement support).

A rectangular box containing a handwritten signature in black ink. The signature is cursive and appears to read 'Robert Taylor'.

Rob Taylor
for Secretary of Foreign Affairs and Trade

Afghanistan Response: New Zealand support for New Zealand citizens, permanent residents and Afghan Visa Holders

Tūtohu – Recommendations

It is recommended that you:

- 1 **Note** that a significant number of New Zealand citizens, permanent residents, and Afghan nationals with New Zealand visas remain in Afghanistan and that many of these individuals are now urgently seeking the assistance of the Aotearoa New Zealand Government in order to depart and resettle in New Zealand. **Yes / No**

- 2 **Agree** that, in light of the unique, urgent, and unprecedented security situation, the Aotearoa New Zealand Government provide equal treatment and support for those eligible individuals seeking assistance to depart Afghanistan and resettle in Aotearoa New Zealand. Such support would be provided, in equal measure, to the following eligible individuals: **Yes / No**
 - New Zealand citizens, permanent residents, and their immediate family members;
 - Afghan nationals with New Zealand visas granted under section 61 Immigration Act 2009 (due to their association with the New Zealand Defence Force or other New Zealand Government agencies in Afghanistan, as per Cabinet's 16 August criteria); and
 - Afghan nationals with New Zealand visas issued by the Associate Minister of Immigration under section 61 Immigration Act 2009 between 17 and 28 August.

- 3 **Note** that this general principle of equal treatment for eligible individuals will inform the Government's ongoing support during the Afghanistan emergency response, and would likely include provision of advice on travel options, administrative support to enable travel, possible financial support for travel and other immediate needs. **Yes / No**

- 4 **Note** that officials are working to decide the most appropriate budget appropriation from which to draw this funding, and are hoping to meet this from within existing baselines. Further details on the exact funding arrangements will be confirmed in a subsequent Cabinet paper, with any urgent costs incurred ahead of that paper to be covered by the Ministry of Foreign Affairs and Trade from within baselines. **Yes / No**

- 5 **Refer** a copy of this submission to the Prime Minister, Minister of Finance, Minister of Immigration, and Minister of Defence for approval; and to the Minister for COVID-19 Response, Minister of Health, Minister of Customs, and Associate Minister of Immigration for information. **Yes / No**

Hon Nanaia Mahuta
Minister of Foreign Affairs / Minita Take Aorere

Date: / /

Afghanistan Response: New Zealand support for New Zealand citizens, permanent residents and Afghan Visa Holders

Pūrongo – Report

1. On 30 August, the first phase of the international evacuation effort from Hamid Karzai International Airport concluded, thereby closing the initial window for air evacuations out of Kabul. A number of New Zealanders and other eligible Afghan nationals hoping to depart were unable to be evacuated in the short window available – this includes a number of Afghan nationals with New Zealand visas.
2. The security situation in Afghanistan is uniquely challenging. The Government is continuing to provide assistance to New Zealand citizens, permanent residents, and their immediate nuclear family members as part of Aotearoa New Zealand's ongoing response. In many respects, though, the emergency situation in Afghanistan is unprecedented, with the situation on the ground necessitating a unique and urgent response that has already gone above and beyond the level of support we might normally provide to New Zealanders in such circumstances. There are also a number of Afghan nationals who, due to the urgency of the situation and the duty of care owed to them by Aotearoa New Zealand, were also evacuated alongside New Zealanders.
3. This submission outlines an approach for Ministers regarding recommended ongoing support for New Zealand citizens, permanent residents and their immediate nuclear family members, as well as certain eligible Afghan visa holders, and their immediate nuclear family members, who are seeking Aotearoa New Zealand Government assistance to relocate to Aotearoa New Zealand.

Afghan nationals with New Zealand visas seeking New Zealand assistance

4. The following table provides the breakdown (as at 8 September) for those Afghan nationals with visas to enter New Zealand:

Table 1: Afghan nationals with New Zealand visas

Class of Afghan Visa Holders eligible to enter New Zealand	Approximate number
1. Afghan nationals with New Zealand visas granted under section 61 Immigration Act 2009 (due to their association with the NZDF or other New Zealand Government agencies in Afghanistan – per Cabinet's 16 August criteria).	Approximately 616 people (based on at least 155 applications) Of that number, 25 individuals have arrived in New Zealand
2. Afghan nationals with New Zealand visas issued by Associate Minister of Immigration under s61 Immigration Act 2009 between 17 and 28 August	105 people (based on 23 approvals) Of that number, 11 individuals have arrived in New Zealand
3. Afghan nationals with New Zealand visas, other than those visas granted in the above categories (e.g. skilled workers, critical purpose visas, cultural marriage).	There are at least 432 people offshore who hold a current visa to return to New Zealand, not including the visa holders in category 1 and 2 above.

Note: the numbers in these categories may change as further visa applications (which were received before the deadline) are processed; and any additional visas are issued beyond those captured in the table above. Also note there are also approximately 300 New Zealand citizens, permanent residents, and their immediate families in Afghanistan/the broader region seeking to depart and return or resettle in New Zealand.

Afghanistan Response: New Zealand support for New Zealand citizens, permanent residents and Afghan Visa Holders

What support are we currently providing?

5. All Afghan nationals with New Zealand visas who were able to be evacuated in the short window at the end of August have arrived into Aotearoa New Zealand.
6. MFAT officials are continuing as the point of contact for Afghan nationals issued visas under section 61 of the Immigration Act (i.e. those visa holders in categories 1 and 2 in the table above). A dedicated email address has now been established and a small MFAT/MBIE team is managing these enquires, including setting up a case management system for urgent individual cases. There have already been a number of presenting cases, many of which have required urgent support.
7. The Government is providing assistance to those New Zealand citizens, permanent residents, and their immediate family members who wish to depart Afghanistan. In practical terms, such assistance has so far included case management of individuals by responding to requests for assistance and proactive outreach to understand current situations and any exit plans; provision of advice on acquiring necessary travel documents; and providing advice and support to individuals regarding travel options to depart Afghanistan or third countries, including where they find their way to or across land borders.
8. The provision of Government support to New Zealand visa holders, including permanent residents and visa holding immediate family members who are not travelling with a New Zealand citizen, in an emergency response is unusual. Visa holders are not in general given any financial or other case management assistance from the New Zealand Government, nor other forms of travel support. This reflects a range of factors, including that foreign governments can take the position that the Government has no right of consular access to anyone except New Zealand citizens under the Vienna Convention on Consular Relations. s6(a)

What assistance might the Government provide?

9. The emergency situation in Afghanistan has been unprecedented – with the Government having already provided a level of support that we might not normally provide to New Zealand citizens in such circumstances. That approach has been fully warranted, however, given the uniquely urgent and dangerous situation that many New Zealanders and Afghan nationals (to whom we owe some duty of care) were facing.
10. The Aotearoa New Zealand Government must now consider what further / continuing support might be provided to a number of those individuals who still wish to depart Afghanistan and are eligible to do so.
11. Given the urgent and unique circumstances facing those New Zealanders and certain visa holders still in Afghanistan, officials recommend establishing a **general principle of equal support** for all those seeking assistance to depart Afghanistan and resettle in Aotearoa New Zealand, and to whom we owe some duty of care. This would apply to New Zealand citizens, permanent residents, and their immediate family members, as well as two categories of Afghan special visa holders and their immediate family members. Such a principle would inform the Aotearoa New Zealand Government's support. As a starting

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point, this policy would apply to eligible individuals for the duration of their respective visas. This policy would then be reviewed in six months' time to ensure that it remains fit for purpose and aligned with the Government's Afghanistan response objectives. Further advice around this can be refined and provided to ministers in due course.

12. Providing equal treatment to certain Afghan visa holders is considered justified for the following reasons:
 - The advice and assistance that New Zealand officials are currently able to provide to Afghan visa holders on "business as usual" policy settings is very limited.
 - The Afghan nationals granted special visas under Cabinet's 16 August criteria were granted such visas due to their connections to the New Zealand Government, and because they were judged to be at particular risk due to their association with New Zealand.
 - In granting these visas, the Government has already acknowledged a moral duty of care to these individuals. An enhanced level of financial and other support would be in keeping with the rationale for that earlier decision. They - together with the Afghan nationals issued visas by the Associate Minister of Immigration - now also have a strong expectation that Aotearoa New Zealand will assist them to depart Afghanistan, if and where we can.
 - Without some degree of support, it remains unlikely that these visa holders will be able to depart Afghanistan and relocate to New Zealand. These particular individuals and their immediate family members face considerable obstacles in departing the region safely. Many are being actively targeted by the Taliban as a result of their connections to New Zealand, their cultural background, or their gender. Others lack the financial means, correct travel documentation or practical options for safe passage out of the country.
 - Prospects for the safe departure of these visa holders is, unfortunately, limited. Providing eligible visa holders with access to support (equivalent to that afforded to New Zealand citizens and permanent residents) would help deliver on the high level of commitment as outlined in the 16 August Cabinet direction, and increase their chances of safe passage to New Zealand if/when it is appropriate.
13. Such a principle would inform the Aotearoa New Zealand Government's support during the Afghanistan emergency response. This would apply to New Zealand citizens, permanent residents, and their immediate family members, as well as two categories of Afghan special visa holders and their immediate family members. Such an approach would be needs-based.

Which visa holders would be eligible to receive this support?

14. For the sake of clarity, this policy would apply exclusively to the following eligible individuals:
 - New Zealand citizens, permanent residents, and their immediate family members;
 - Afghan nationals with New Zealand visas granted under section 61 Immigration Act 2009 (due to their association with the New Zealand Defence Force or other

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- New Zealand Government agencies in Afghanistan, as per Cabinet's 16 August criteria); and
- Afghan nationals with New Zealand visas issued by the Associate Minister of Immigration under section 61 Immigration Act 2009 between 17 and 28 August.
15. The above approach takes account of the unique and urgent situation facing this set of New Zealanders and visa holders in Afghanistan. However, in addressing this question, officials have been mindful of the need to balance provision of support to this particular group of visa holders against the precedent this might set for New Zealand visa holders in other parts of the world. Any precedent can be limited by providing support only to those Afghan national granted visas under section 61 Immigration Act 2009 (due to their association with the New Zealand Defence Force or other New Zealand Government agencies in Afghanistan, as per Cabinet's 16 August criteria) or New Zealand visas issued by the Associate Minister of Immigration under section 61 Immigration Act 2009 in the urgent Afghan response period between 17 and 28 August (as listed above). The policy would not apply to any other visa holders (i.e. those listed in Table 1, category 3). There are also possible reputational risks were Aotearoa New Zealand not to do more – and indeed be seen to do more – to assist individuals and their family members who have helped us in Afghanistan (domestically and internationally). s6(b)(i)
16. Tight disciplines will be required around the application criteria, in order to ensure that such support remains manageable. This support would be provided only to those individuals in categories 1 and 2 (Table 1), which includes the applicant's immediate nuclear family.
17. Visa holders who would not be eligible for additional support, but may still be approved to travel, would include approved critical workers, or non-resident family of New Zealanders in New Zealand. Any future visas granted as border restrictions are lifted.
18. Officials have also considered the precedent effect of extending Government support to permanent residents and visa holding immediate family members who are not travelling with a New Zealand citizen, as this goes beyond those eligible for consular support. On balance, this situation can be distinguished as an exceptional and unique response, which goes beyond consular support and therefore does not set a benchmark for consular services. s6(a)

What could we provide?

Options for ongoing advice and support for New Zealanders and eligible visa holders

19. The decision to provide equal support and treatment to New Zealand citizens, permanent residents, and their immediate family members, as well as to Afghan section 61A visa holders (including their eligible immediate family members) is in principle only, allowing MFAT to manage individual circumstances as they arise.

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20. The provision of equal support does not imply any particular course of action at this stage, and would need to be considered in light of the particular circumstances on the ground. We can, however, expect that such support might include, for example, detailed and tailored advice regarding personal safety and security on a case by case basis; assistance with the arrangement of travel documentation; support from a New Zealand Embassy; and operational support and facilitation of safe passage to a third country or to New Zealand (if/when it is deemed appropriate).
21. To date, the advice afforded to eligible Afghan section 61 visa holders has been limited to that provided by a small MFAT team managing the Afghanistan Response and Visa Holders Afghanistan inboxes, and Immigration New Zealand, neither of which are currently able to provide comprehensive support under current policy settings.
22. Providing full “consular-style” support to all eligible individuals (including eligible visa holders) will ensure that New Zealand has the necessary tools and channels to manage visa holders more effectively, including swiftly moving them out of third countries borders s6(a)

Options for financial support for New Zealanders and eligible visa holders

23. Should eligible New Zealanders and eligible Afghan visa holders be in a position to depart Afghanistan, it is very likely that further financial assistance may be required in some cases in order to enable the safe travel of these Afghan nationals to New Zealand. We expect that a significant number of eligible Afghan nationals will lack the financial means to support such travel independently.
24. As above, the decision to provide equal support and treatment to New Zealand citizens, permanent residents, and their immediate family members, as well as to Afghan section 61A visa holders (including their eligible immediate family members) is in principle only, allowing MFAT to manage individual circumstances as they arise. s9(2)(g)(i)

26. The provision of financial assistance could take the form of a needs-based grant, available to eligible New Zealand citizens, permanent residents, and their immediate family, as well

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as those other categories of eligible Afghan nationals (including their eligible immediate family).

- Provision of a grant to support travel for New Zealanders and eligible visa-holders would be consistent with the support provided to eligible Afghan nationals who departed Afghanistan between 20 and 25 August as part of New Zealand-assisted evacuation operations. Costs for those eligible Afghan nationals who were evacuated in this period were covered by the New Zealand Government, and comprised a mix of military evacuation flights and commercial flights to New Zealand.
 - A grant would be different to how financial support is provided in the course of normal consular services for New Zealand citizens, which is available through a loan. However, officials consider that this level of support is the best way to achieve the objectives of rapid assistance at an equal level across all categories of people currently seeking to leave Afghanistan. Agencies do not currently have the power to make loans to non-citizens. It would also not be precedent setting for consular services generally, because the Afghanistan situation can appropriately be seen as outside and beyond the parameters of a usual consular response (see above).
 - It would also be the preferred mechanism for financial support, given the significant administrative burdens/requirements in providing loans to a group of this (potential) scale; the reality that several individuals will not realistically be in a position to repay any such loan.
27. The provision of any financial assistance to these visa holders would not differ, in amount or form, from that provided to New Zealand citizens or permanent residents and their immediate family members.
28. Officials are working to decide the most appropriate budget appropriation from which to draw this funding, and are hoping to meet this from within existing baselines. Further details on the exact funding arrangements will be confirmed in a subsequent Cabinet paper. If any urgent costs are incurred ahead of that paper, the Ministry of Foreign Affairs and Trade will cover those costs from within baselines.

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Annex: Examples of Presenting Cases

MFAT has received a large volume of visa applications from Afghan nationals and their families that have a connection to New Zealand. These applications are being received both from individual Afghans and from groups of Afghans. Many involve complex circumstances, and some are being supported by New Zealand-based advocates. Below are some examples of these cases that highlight this complexity.

s9(2)(a)

Other cases

There are further cases of Afghan nationals (and their families) seeking visas that have New Zealand-based advocates to support their cases. These cases include:

- s9(2)(a)