

Afghanistan Response: 26 August 2021: Final Principles for the interpretation and application of the emergency resettlement eligibility criteria

Explanatory Note (26 November 2021): the below principles were developed following feedback from Ministers clarifying intentions regarding the interpretation and application of the emergency resettlement eligibility criteria

Considering:

- the length of time that has passed since the New Zealand Defence Force (NZDF) withdrew its deployment from Bamyan;
- the limited diplomatic relationship between Aotearoa New Zealand and Afghanistan; and
- the number of other donors and governments which operated in Bamyan since the establishment of the Provincial Reconstruction Team;

MFAT, NZDF, NZ Police, MBIE and Crown Law agree that the following principles are appropriate for the interpretation and application of the emergency resettlement eligibility criteria established by Cabinet on 16 August 2021:

1. Period of work

The time period that the applicant:

- worked directly with NZDF, NZ Police, MFAT or other New Zealand agencies; or
- was employed by third parties who worked alongside these agencies,

should be six months, or longer.

The time elapsed since the applicant was working or employed in this capacity is important. For work or employment that occurred earlier in time, longer periods of work or employment are necessary.

2. Extent to which the work of the applicant was directly with or alongside New Zealand agencies

The applicant worked alongside people from the New Zealand agencies and not just with:

- multi-national groups that might involve New Zealanders; or
- third parties contracted to New Zealand agencies.

3. Presence and degree of involvement of the relevant New Zealand agency and its people in Afghanistan at the time of the applicant's work

Irregular visits to Afghanistan by the New Zealand agency's people or the New Zealand agency merely funding the work indicates that:

- an applicant's work was not directly with the New Zealand agency; and
- the work of an applicant's employer was not alongside the New Zealand agency.

4. Other country involvement

The extent of involvement of any other country, or countries, or agencies (including any multi-lateral or multi-national organisation) in the work of the applicant was minimal. The applicant should demonstrate that their involvement with other countries, agencies or organisations at the relevant time was minimal.