

Process for verification and review of requests for resettlement as part of the 2021/22 Afghanistan emergency response

In the context of evacuation deployments directed by Cabinet on 16 August 2021, Cabinet agreed in principle that Afghan nationals may be considered for resettlement in New Zealand if they:

- Worked directly with the New Zealand Defence Force (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 were 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 were reasonable grounds to believe that the safety or well-being of the individual or their immediate family had been put at risk from their association with New Zealand in Afghanistan, and that no other partner government would bear greater responsibility for their welfare.

The Cabinet criteria were intended to guide the evacuation phase of Aotearoa New Zealand's immediate, first-phase emergency response to the crisis in Afghanistan. However, the criteria were not intended to be open-ended, or to alter New Zealand's existing immigration settings, including in respect of its refugee intake. This was a high-pressure operation taking place in a very compacted timeframe against a backdrop of a need to organise urgent evacuations. The ability to assist people to leave Afghanistan following the emergency evacuation period was unknown at the time.

On 25 August 2021, recognising that requests for resettlement were significantly higher than anticipated, Cabinet directed officials to "*rigorously apply and retest the applications of the previously approved resettlement criteria, and to investigate the options available in relation to any visas that are currently being processed for those individuals who may not meet the previously approved resettlement criteria*" ([CBC-21-MIN-0080](#)). As a result, on 26 August 2021, inter-agency officials developed the Principles through which to consider requests for resettlement (attached as [Appendix A](#)).

During the emergency phase (defined as the period up to 3 September 2021), 18,000 emails were received by the Afghanistan Response inbox (with a further approximately 7,000 received since). A team was stood up to triage and assess these requests, which involved coordination between numerous government agencies, such as NZDF, Immigration New Zealand (MBIE), Crown Law, and NZ Police. A process was created to ensure that the requests received thorough consideration. A diagram of this process is attached as [Appendix B](#).

Following the emergency phase, the Government's priority shifted to focus on assisting in-scope individuals remaining in Afghanistan who were unable to be evacuated as part of the military-led evacuation phase. This led to the establishment of Operation Whakahokinga Mai in mid-September 2021.

Verification

Following an initial assessment by the MFAT triaging team on a *prima facie* assessment against the Cabinet Criteria and Principles, a request for resettlement was referred for verification to the relevant agency. The two main agencies undertaking such verifications were MFAT (Pacific & Development Group (as NZAID)) and NZDF. A verification check involved closely examining whether the request meets the Cabinet Criteria and Principles through a thorough assessment of supporting evidence, documentation, agency records, staff member confirmation, and any other means necessary to assess the requester's eligibility.

During the early emergency phase, some recommendations were provided directly to MBIE from relevant agencies due to time constraints. However, since September 2021, the relevant agency/ies (in this case, NZDF and NZAID) send their findings to MFAT's Afghanistan Departures Taskforce, acting as the administrative agency, which then packages up the request and sends it to Immigration New Zealand. If one agency is able to verify the request and the other agency is not, the request would be processed on the verified finding.

MFAT's Afghanistan Departures Taskforce does not have the scope to override a verification recommendation, and has not done so. If any concerns were to be raised by MFAT's Afghanistan Departures Taskforce (for example, concerns of fraud), these would be raised with the verifying agency for their own assessment.

Review

Up until 11.59pm on 4 February 2022, those declined for resettlement could request a review of their outcome. From 5 February 2022, only those that had not previously received an initial decision could request a review (which must be received within two weeks of receiving the initial decision).

The review process involves a reviewer from the relevant agency, independent of the initial process, assessing the application, the reasoning behind the recommendation, and any additional information provided against the Cabinet Criteria and Principles. Recommendations are then made to MFAT's Senior Responsible Officer (a Tier 2 position) to either uphold or amend the earlier recommendation. These were either accepted or declined by the Senior Responsible Officer before being actioned by MFAT officials. An outline of the review process is attached as [Appendix C](#).

Opportunity to respond to Review outcome

Due to the high risk of fraud, the requester is not given a chance to respond to specific matters identified in a review. Instead, the recommendation is made based on information provided to the reviewer up until the point of a recommendation being made. Where a recommendation is unable to be made based on lack of evidence provided (i.e. unable to verify at this time, further evidence is required for a definitive assessment), MFAT's Afghanistan's Response Team, has (on behalf of the reviewer), asked in general terms for the requester to provide further evidence or explanation of the type of work they conducted.

Afghanistan Departures Taskforce
Ministry of Foreign Affairs and Trade

April 2022

Appendix A: Agency agreed principles

Period of work

The time period that the applicant:

- (a) worked directly with NZDF, NZ Police, MFAT or other New Zealand agencies; or
- (b) 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.

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:

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

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

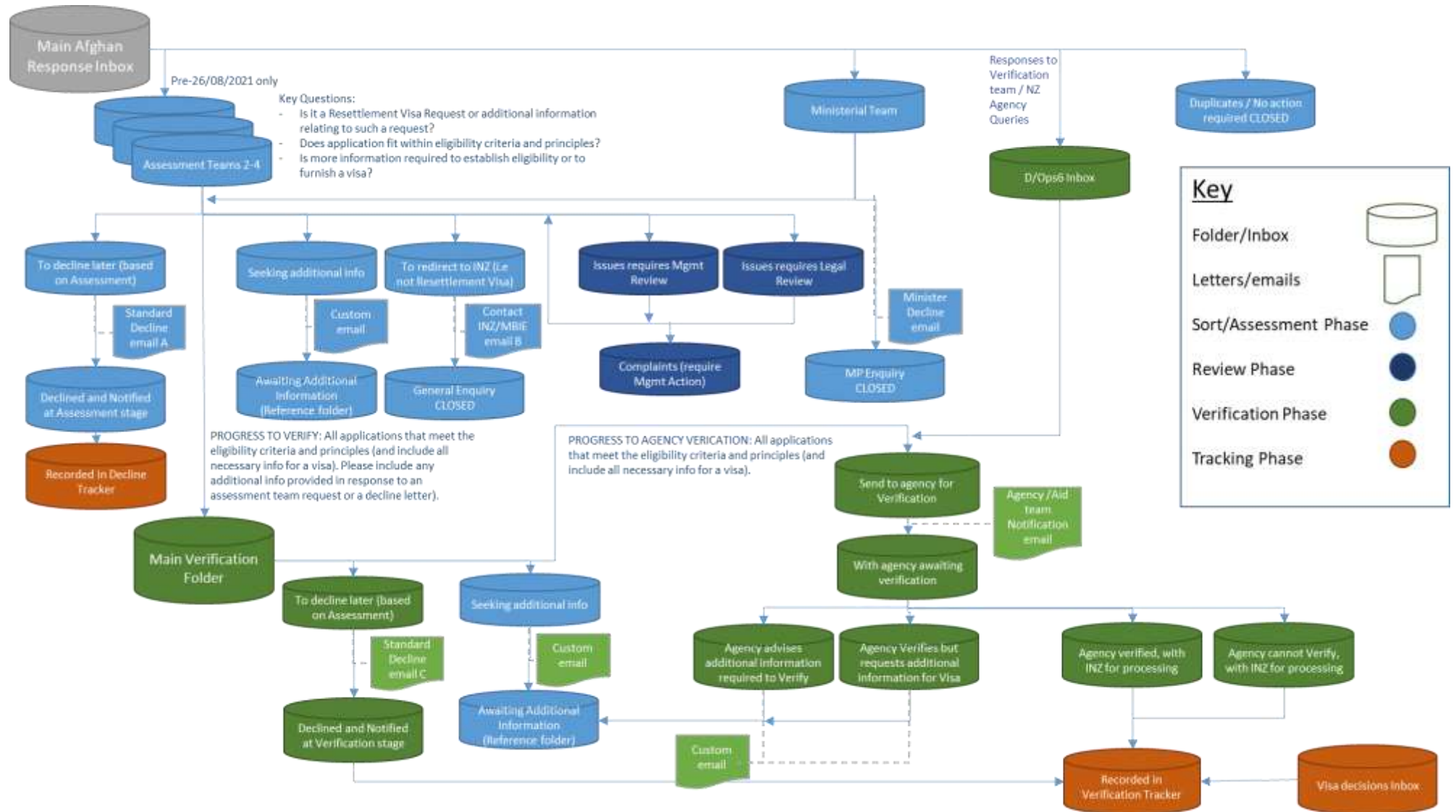
Irregular visits to Afghanistan by the New Zealand agency's people or the New Zealand agency merely funding the work indicates that:

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

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.

Appendix B: Process for assessment and management of Afghanistan Response mailbox*



***Disclaimer:** The diagram is indicative only. This was a process which evolved over time and not all applications would have followed this exact process.

Appendix C: MFAT Review process

