

20 March 2025

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OIA 29982

Thank you for your email of 21 February 2025 in which you request the following under the Official Information Act 1982 (OIA):

1. *"Has the United States Agency for International Development (USAID) helped (in any capacity) to facilitate any migrants (to New Zealand) under the Global Migration Compact?; Either by helping them to obtain employment or organizing and funding their accommodation in New Zealand?"*
2. *"Are migrants (under the Global Migration Compact) assured jobs in New Zealand before arriving, and how is it determined that these migrants are assured jobs that could be filled by New Zealand citizens? If not through the means queried in question 1 or undertaken by the migrants themselves; How is accommodation in New Zealand for migrants organized and funded?"*
3. *"What other organizations New Zealand or foreign (such as UNHCR - United Nations International Organization for Migration) help facilitate the implementation of the United Nations Global Migration Compact in New Zealand?"*
4. *"In an interview with Winston Peters (13 July, 2023) on Reality Check Radio with Cameron Slater, Mr Peters said, of the final signed Global Migration Compact: agreement:*

"Here's the change here... The Global Migration Pact (UN), admitted, by our changes and our reference to them, that none of it had anything to do with, or any control over domestic New Zealand policy on migration.... I forced them to admit that before we signed up.... That was the key rider that made all the difference. I am happy to produce to you, from Foreign Affairs, the documentation." - Winston Peters

To confirm whether or not Mr Peters statement is true (that the Global Migration Compact does have any control over New Zealand's domestic policy on migration); Please provide me with a copy of the original Global Migration Compact draft, and the final signed document Mr Peters referenced with the additional rider, so I can compare and verify Mr Peters' comments and therefore verify that there are in fact two different versions and the Compact does not undermine New Zealand's domestic migration policy based on this "key rider" Mr Peters states in this interview."

On 28 February 2025 the following parts of your request were transferred under section 14(b) of the OIA to the Ministry of Business, Innovation and Employment (MBIE) for response:

1. *"Has the United States Agency for International Development (USAID) helped (in any capacity) to facilitate any migrants (to New Zealand) under the Global Migration Compact?; Either by helping them to obtain employment or organizing and funding their accommodation in New Zealand?"*
2. *Are migrants (under the Global Migration Compact) assured jobs in New Zealand before arriving, and how is it determined that these migrants are assured jobs that could be filled by New Zealand citizens? If not through the means queried in question 1 or undertaken by the migrants themselves; How is accommodation in New Zealand for migrants organized and funded?"*
3. *What other organizations New Zealand or foreign (such as UNHCR - United Nations International Organization for Migrants) help facilitate the implementation of the United Nations Global Migration Compact in New Zealand?"*

Below is the response to part four of your request.

Legal advice provided by Crown Law and the Ministry of Foreign Affairs and Trade (MFAT) confirmed that the Global Compact for Safe, Orderly and Regular Migration (the Compact):

- Is not legally binding and does not create legal obligations for States;
- Does not establish customary international law;
- Reaffirms the sovereign right of States to determine national immigration policy and laws and that States have the sole authority to distinguish between regular and irregular migratory status;
- Will not limit the actions of future governments over immigration or migration policies; and
- Does not establish any new human rights law, nor create any new categories of migrants, nor establish a right to migrate.

The advice provided by Crown Law and MFAT to the Minister of Foreign Affairs, Rt Hon Winston Peters, is publicly available on the Beehive website:

<https://www.beehive.govt.nz/release/government-legal-advice-says-un-migration-compact-doesn%E2%80%99t-compromise-sovereignty>

The United Nations website has also published draft versions of the Compact which you can view online as follows:

- Draft Rev 1, 26 March 2018:
https://refugeesmigrants.un.org/sites/default/files/180326_draft_rev1_final.pdf
- Final Draft – 11 July 2018:
https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf.

A list of all the draft documents can be found on the UN Refugee and Migrants website here: <https://refugeesmigrants.un.org/intergovernmental-negotiations>

Accordingly, part 4 of your request is refused under section 18(d) of the OIA, as the information is publicly available.

You may wish to refer to the following MFAT OIA response for additional explanation on negotiations and advice relating to the Compact here:

<https://www.mfat.govt.nz/assets/OIA/R-OIA-response-26492-website.PDF>


Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information removed) may be published on the Ministry website:

www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/

If you have any questions about this decision, you can contact us by email at:

DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'SC', written in a cursive style.

Sarah Corbett
for Secretary of Foreign Affairs and Trade