



**MINISTRY OF SOCIAL  
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

09 JUL 2021

Tēnā koe

On 21 June 2021, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *Amendment to the Refugee, Protected Persons and Afghan Interpreters Grants, 23/11/2020, REP/20/11/1095.*
- *Changes to the Refugee, Protected Persons and Afghan Interpreters Re-establishment Grants, 1/10/2020, REP/20/9/1008.*

The Ministry administers a range of Special Needs Grants to assist people with re-settlement costs and includes a re-establishment grant for refugees or protected persons (the Refugee, Protected Persons and Afghan Interpreters Re-Establishment Grant).

The Ministry amended the Refugee, Protected Person and Afghan Interpreters Grants, effective from 9 November 2020. This amendment increased the amount available through the grant from \$2,000 to \$5,000 (including a cap of \$3,500 for accommodation expenses) and made the grant entirely non-recoverable.

Please find enclosed copies of the following documents:

- REP/20/9/1008 - Report - *Changes to the Refugee, Protected Persons and Afghan Interpreters Re-establishment Grants*, dated 1 October 2020.
- REP/20/11/1095 - Report - *Amendment to the Refugee, Protected Person and Afghan Interpreters Grants*, dated 23 November 2020.

The report *Changes to the Refugee, Protected Persons and Afghan Interpreters Re-establishment Grants*, sets out amendments to a welfare programme needed to give effect to the following changed Cabinet agreed to:

- increasing the amount available for refugee re-establishment grants,
- making the entire grant non-recoverable,
- extending eligibility to Afghan interpreters, and
- changing the name of the grant.

The report, *Amendment to the Refugee, Protected Person and Afghan Interpreters Grants*, details how a provision the original welfare programme was removed in error when changes were made in October 2020. This provision was re-inserted in November 2020 and no clients were impacted by this omission.

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You will note that some information has been deemed to be 'out of scope' of your request, as this information relates to Ministry staff names and contact details who are below tier 4 and/or who are not decision-makers.

You will also note that some information is withheld under section 9(2)(f)(iv) of the Act as it is under active consideration. The release of this information is likely to prejudice the ability of government to consider advice and the wider public interest of effective government would not be served.

Information on the *Special Needs Grants (Refugees, Protected Persons and Afghan Interpreters Re-Establishment Grants) Amendment (No 2) - Notice of change 2020* can be found online at the following link: [www.msd.govt.nz/about-msd-and-our-work/about-msd/legislation/notice-of-change/2020/refugees-protected-persons-and-afghan-interpreters-re-establishment-grants-no-2.html](http://www.msd.govt.nz/about-msd-and-our-work/about-msd/legislation/notice-of-change/2020/refugees-protected-persons-and-afghan-interpreters-re-establishment-grants-no-2.html).

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and attached document available to the wider public. The Ministry will do this by publishing this letter and attachments on the Ministry of Social Development's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with this response regarding reports relating to the Refugee, Protected Persons and Afghan Interpreters Re-establishment Grants, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Ngā mihi nui



Polly Vowles  
**Policy Manager**  
**Income Support Policy**



# Report

**Date:** 1 October 2020

**Security Level:** IN CONFIDENCE

**To:** Hon Carmel Sepuloni, Minister for Social Development

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## Changes to the Refugee, Protected Persons and Afghan Interpreters Re-establishment Grants

### Purpose of the report

- 1 This report seeks your approval of the attached *Special Needs Grants (Refugee, Protected Persons and Afghan Interpreters Re-Establishment Grants) Amendment 2020* (the Amendment) by 11 October 2020. Your approval of the Amendment is required to enact the increases to refugee re-establishment grants for applications made on or after 9 November 2020.
- 2 The amendment will:
  - 2.1 increase the amount available for refugee re-establishment grants from \$2,000 to \$5,000 (including a cap of \$3,500 for accommodation expenses)
  - 2.2 make the accommodation portion of the grant non-recoverable, therefore making the entire grant non-recoverable
  - 2.3 apply to all refugees and protected persons as defined in the Immigration Act 2009, as well as Afghan interpreters, who apply for a refugee re-establishment on or after 9 November 2020
  - 2.4 change the name of this Special Needs Grant to the Refugee, Protected Persons and Afghan Interpreters Re-Establishment Grant.

### Recommended actions

It is recommended that you:

- 1 **note** that Cabinet agreed to increase the Refugee Quota from 1,000 to 1,500 from July 2020 and established a tagged contingency fund to support this change [SWC-18-MIN-0131 refers]
- 2 **note** that you and the Ministers of Finance, Housing, and Immigration agreed jointly to:
  - 2.1 increase the maximum amount of the refugee re-establishment grant from \$2,000 to \$5,000 (including up to \$3,500 for accommodation expenses) and make the whole grant non-recoverable, and
  - 2.2 draw down part of the tagged contingency funding for supporting the Refugee Quota increase to implement this change [REP/19/8/805 refers].

- 3 **approve and sign** the attached *Special Needs Grant (Refugee, Protected Persons and Afghan Interpreters Re-Establishment Grants) Amendment 2020* to amend refugee re-establishment grants

Agree / Disagree

- 4 **note** that these changes will apply to all refugees and protected persons as defined in the Immigration Act 2009, as well as Afghan interpreters, who apply for a refugee re-establishment grant on or after 9 November 2020 as agreed by joint Ministers [REP/20/7/834]

5 9(2)(f)(iv) OIA

- 6 **note** that the Amendment also makes two minor technical amendments to clarify:

- 6.1 how emergency housing contributions should be calculated, and  
6.2 the determination of re-establishment costs

- 7 **note** that your Office will arrange for a copy of the Amendment to be tabled in the House of Representatives as soon as is practicable

- 8 **note** that officials will arrange for publication of a copy of the Amendment in the next issue of the New Zealand Gazette.



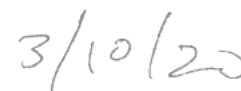
Polly Vowles  
Policy Manager  
Income Support



Date



Hon Carmel Sepuloni  
Minister for Social Development



Date

## **Special Needs Grants can be made to support re-settlement for people in specific circumstances**

- 3 The Ministry of Social Development (MSD) administers a range of Special Needs Grants to assist people with re-settlement costs and includes a re-establishment grant for refugees or protected persons (the refugee re-establishment grant).
- 4 MSD can currently make refugee re-establishment grants of up to \$2,000. The grant is made up of two payments, one a recoverable payment of up to \$800 for housing expenses and the other a non-recoverable payment of up to \$1,200 for 'other' re-settlement expenses. The grants were established in 1990, and the maximum amount payable has remained unchanged.

## **Changes to the refugee re-establishment grant will support the Refugee Quota increase**

- 5 In September 2018, Cabinet agreed to increase the number of people resettled in New Zealand's annual Refugee Quota Programme from 1000 to 1500 from 1 July 2020 [SWC-18-MIN-0131 refers]. Cabinet established a tagged funding contingency to support the quota increase.
- 6 Officials provided you and the Ministers of Finance, Housing and Immigration with further advice in September 2019, where you agreed to draw down this funding to increase the value of the refugee re-establishment grant and make the whole grant non-recoverable [REP/19/8/805 refers].
- 7 The amendment to this re-settlement grant will increase the total amount payable from \$2,000 to \$5,000. In addition, the two separate payments will be merged into a single grant with a cap of \$3,500 for accommodation expenses that will be made non-recoverable.
- 8 Due to the impact of COVID-19 on MSD's operational capacity, as well as quota refugee resettlement being paused, joint Ministers agreed in April 2020 to defer implementation until quota refugee resettlement resumed [REP/20/3/229 refers].
- 9 The United Nations Human Rights Commissioner and the International Organisation for Migration announced on 18 June 2020 that they would begin working with countries to resume refugee resettlement. Immigration New Zealand has set up a cross-agency working group to determine what operational measures would need to be in place to safely manage a possible intake.
- 10 To ensure eligible cohorts have access to adequate and timely financial support, you and the Ministers of Finance, Housing and Immigration agreed to implement the changes proposed on 9 November 2020.
- 11 You (and these Ministers) also agreed that the changes will apply to all refugees and protected persons as defined in the Immigration Act 2009, as well as Afghan interpreters, who apply for a refugee re-establishment grant on or after 9 November 2020. This will allow all eligible applicants to apply for the grant within the first year of their arrival in New Zealand (and within two years for English-language classes), rather than only the Refugee Quote Programme refugees resettled in intakes after 9 November 2020 [REP/20/7/834].

## **Some regulatory changes are required to give effect to these decisions**

- 12 The attached instrument (the Amendment) amends the Special Needs Grants Programme made under section 124(1)(d) of the Social Security Act 1964, and saved

by clause 21 of Schedule 1 of the Social Security Act 2018, as if it were made under section 101 of that Act.

- 13 The Amendment increases the amount of, and makes fully non-recoverable, re-establishment grants for eligible refugees, protected persons and Afghan interpreters.
- 14 The Amendment also makes provision for addressing applications made prior to 9 November 2020. MSD will deduct the amount of grant made to the applicant prior to 9 November from the new maximum grant limit. The Amendment does not affect the recoverability of grants made prior to 9 November 2020.
- 15 The Amendment clarifies that 'Afghan interpreters' are eligible for the grant. This category is defined as those who have worked with the New Zealand Defence Force, the New Zealand Police or the New Zealand Special Air Service in Afghanistan and have been granted a residence class visa by the Minister of Immigration as an exception to residence instructions under section 72(3) of the Immigration Act 2009.
- 16 Afghan interpreters are eligible for the grant because they are eligible for the same initial resettlement services as those provided to refugees coming to New Zealand under the annual refugee quota [CAB-12-MIN-3711 refers]. This change was not made to the welfare programme at the time of the Cabinet decision, so we are including it in this Amendment. Due to the very small numbers of people in this category, this provision has no fiscal implications.
- 17 Clause 15 of the Special Needs Grants Programme has been amended to clarify that Re-establishment Grants must be made for or towards costs which MSD determines to be re-establishment costs.
- 18 There is also a minor technical amendment to the wording of clause 14C.5 that is subject to clause 14B.3, to clarify how emergency housing contributions should be calculated. That is, the emergency housing contribution should be calculated based on the number of nights for which the emergency housing grant is made and to which a contribution applies.

9(2)(f)(iv) OIA



### **Next steps**

- 21 We seek your approval of and signature to the attached Amendment to amend the refugee re-establishment grant by 11 October 2020 to ensure it is in place and gazetted 28 days before the commencement date.
- 22 Once you have signed the Amendment, your Office will arrange for a copy to be tabled in the House of Representatives (as soon as is practicable when the House sits after the election) and officials will arrange for the it to be published in the New Zealand Gazette.

File ref: REP/20/9/1008

Author: **Out of scope** Graduate Policy Analyst, Income Support Policy

Responsible manager: Polly Vowles, Manager, Income Support Policy

RELEASED UNDER THE OFFICIAL INFORMATION ACT

# Special Needs Grants (Refugees, Protected Persons and Afghan Interpreters Re-Establishment Grants) Amendment 2020

This instrument is made under section 101 of the Social Security Act 2018 by the Minister for Social Development.

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## Instrument

- Title**

This instrument is the Special Needs Grants (Refugees, Protected Persons and Afghan Interpreters Re-Establishment Grants) Amendment 2020.
- Commencement**

This instrument comes into force on 9 November 2020.
- Principal programme**

This instrument amends the Special Needs Grants Programme<sup>1</sup> (as established and approved on 18 December 1998) (the **principal programme**).
- Clause 14C amended (Calculating emergency housing contribution)**

In clause 14C.5(c), delete “for which the emergency housing grant is made” and replace with “to which the emergency housing contribution applies under clause 14B.3”.
- Clause 15 amended (Re-establishment Costs)**

Under the heading, insert:

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<sup>1</sup> New Zealand Gazette, 28 January 1999, page 202.



Grants made under any of clauses 15.1 to 15E must be made for or towards costs which MSD determines to be re-establishment costs.

**6 Clause 15.1 amended (Refugees and Protected Persons)**

- (1) In the heading, delete “**Refugees and Protected Persons**” and replace with “**Refugees, Protected Persons and Afghan Interpreters**”.
- (2) Delete clause 15.1.1 and replace with:

15.1.1 If a refugee, protected person or Afghan interpreter has ceased to be entitled to other forms of government assistance accorded to refugees, protected persons or Afghan interpreters, MSD may make non-recoverable Grants not exceeding \$5,000 in total for one or more of the following purposes:

- (a) accommodation, bond or rent in advance, up to a maximum of \$3,500 in total;
  - (b) beds, bedding and essential appliances;
  - (c) the cost of connecting telephone, electricity and gas;
  - (d) clothing requirements;
  - (e) the cost of, including transport costs of, attending English language classes; or
  - (f) translation costs for work related documents.
- (3) In clause 15.1.2, replace “refugee’s or protected person’s” with “refugee, protected person or Afghan interpreter’s” wherever it appears.
  - (4) In clause 15.1.2, delete “clause 15.1.1(b)(iv)” and replace it with “clause 15.1.1(e)”.
  - (5) In clause 15.1.4, after the definition of **protected person**, insert:

**Afghan interpreter** means a person who has worked with the New Zealand Defence Force, the New Zealand Police or the New Zealand Special Air Service in Afghanistan and has been granted a residence class visa by the Minister of Immigration as an exception to residence instructions under section 72(3) of the Immigration Act 2009.

**7 Schedule 1AA amended (Transitional and savings provisions)**

After Part 1, insert new Part 2:

**Part 2**

**Provisions relating to Special Needs Grants (Refugees, Protected Persons and Afghan Interpreters Re-Establishment Grants) Amendment 2020**

- 1 This clause applies to any grant under clause 15.1.1 as amended by the Special Needs Grants (Refugees, Protected Persons and Afghan Interpreters Re-Establishment Grants) Amendment 2020.

- 2 On or after 9 November 2020, MSD must—
- (a) determine an application for a grant made prior to that date as if the Special Needs Grants (Refugees, Protected Persons and Afghan Interpreters Re-Establishment Grants) Amendment 2020 had not been made;
  - (b) deduct the amount of any accommodation grant made to the applicant prior to that date under the former clause 15.1.1(a) from the maximum grant limit of \$3,500 in the new clause 15.1.1(a);
  - (c) deduct the amount of any grant made to the applicant prior to that date under the former clause 15.1.1(b) from the overall maximum grant limit of \$5,000 in the new clause 15.1.1.
- 3 For the avoidance of doubt, the Special Needs Grants (Refugees, Protected Persons and Afghan Interpreters Re-Establishment Grants) Amendment 2020 does not affect the recoverability of any grant made under former clause 15.1.1(a) prior to 9 November 2020.



Minister for Social Development

Auckland  
Dated at 3rd this 3rd day of October 2020  
 CJS

#### **Explanatory note**

*This note is not part of the instrument, but is intended to indicate its general effect.*

This instrument, which comes into force on 9 November 2020, amends the Special Needs Grants Programme made under section 124(1)(d) of the Social Security Act 1964, and saved by clause 21 of Schedule 1 of the Social Security Act 2018, as if it were made under section 101 of that Act.

This instrument increases the amount of, and makes fully non-recoverable, re-establishment grants for eligible refugees and protected persons. Eligibility has also been extended to Afghan interpreters granted a residence class visa by the Minister of Immigration as an exception to instructions under section 72(3) of the Immigration Act 2009.

This instrument also makes a minor technical amendment to the wording of clause 14C.5.



# Report

**Date:** 23 November 2020

**Security Level:** IN CONFIDENCE

**To:** Hon Carmel Sepuloni, Minister for Social Development and Employment

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## Amendment to the Refugee, Protected Persons and Afghan Interpreters Grants

### Purpose of the report

- 1 This report seeks your approval of the attached *Special Needs Grants (Refugees, Protected Persons and Afghan Interpreters Re-Establishment Grants) Amendment (No 2) 2020* (the Amendment) by 26 November 2020. Your approval of the Amendment is required for it to come into force on 27 November 2020.
- 2 The Amendment will allow the total amount of the grant to be increased by \$100 for every dependent child of the applicant after the second such child, as this provision was mistakenly excluded by the recent amendment.

### Recommended actions

It is recommended that you:

- 1 **note** that in the October 2020 Amendment<sup>1</sup> to the Refugee, Protected Persons and Afghan Interpreters Grants, the wording of the original clause 15.1.1(b) which says "the total amount to be increased by \$100 for every dependent child of the Applicant after the second such child" was accidentally removed. At this stage, no one has been impacted by the omission.
- 2 **agree** to a waiver of the 28-day rule on the grounds that the *Special Needs Grants (Refugees, Protected Persons and Afghan Interpreters Re-Establishment Grants) Amendment (No 2) 2020* confers only benefits to the public.

**Agree** /  **Disagree**

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<sup>1</sup> The *Special Needs Grants (Refugees, Protected Persons and Afghan Interpreters Re-Establishment Grants) Amendment 2020*

- 3 **approve and sign** the attached *Special Needs Grants (Refugee, Protected Persons and Afghan Interpreters Re-Establishment Grants) Amendment (No 2) 2020*, which reinstates this provision in the Refugee, Protected Persons and Afghan Interpreters Grants.

Agree / Disagree



\_\_\_\_\_  
Fiona Carter-Giddings  
General Manager  
Welfare System and Income Support Policy

23/11/2020

Date



\_\_\_\_\_  
Rupert Adlett-Hampson  
Chief Legal Advisor

23 Nov  
2020

Date



\_\_\_\_\_  
Hon Carmel Sepuloni  
Minister for Social Development and  
Employment

24/11/20

Date

## **Changes were made to the refugee re-establishment grant to support the Refugee Quota increase**

- 3 In October 2020, you agreed to amend the Refugee, Protected Persons and Afghan Interpreters Grants (the Grant) as follows:
  - 3.1 increase the amount available for refugee re-establishment grants from \$2,000 to \$5,000 (including a cap of \$3,500 for accommodation expenses).
  - 3.2 make the accommodation portion of the Grant non-recoverable, making the entire Grant non-recoverable.
  - 3.3 apply to all refugees and protected persons as defined in the Immigration Act 2009, as well as Afghan interpreters, who apply for the Grant on or after 9 November 2020.
  - 3.4 change the name of this Special Needs Grant to the Refugee, Protected Persons and Afghan Interpreters Re-establishment Grant.
- 4 These changes were given effect by the *Special Needs Grants (Refugees, Protected Persons and Afghan Interpreters Re-Establishment Grants) Amendment 2020* and were enacted on 9 November 2020.

## **The amendment unintentionally removed a provision to increase the total amount of the grant for those with more than two children**

- 5 The policy intent for the Grant is to allow families that have three or more children a small increase to the 'other' portion of their re-establishment grant (it does not increase the accommodation maximum). That is, the \$5000 total is increased by \$100 for every dependent child of the applicant after the second such child. This is to recognise the increased cost of establishing a household with several children, for example when purchasing beds and clothing.
- 6 The *Special Needs Grants (Refugee, Protected Persons and Afghan Interpreters Re-Establishment Grants) Amendment 2020* accidentally removed this provision. This was a drafting error, and not the policy intent.
- 7 We are currently working on improving our quality assurance processes to avoid similar errors in the future. This includes developing a detailed guide to reviewing legislation.

## **We recommend that the welfare programme is amended as soon as possible**

*It is desirable to amend the programme now, before the first refugee intake post COVID-19 border closures*

- 8 The attached Amendment reinstates an increase to the total amount of the Grant by \$100 for every dependent child of the applicant after the second such child.
- 9 Until this change, MSD cannot legally pay eligible families with three or more children, who apply for the maximum, the additional amount in line with the policy intent.
- 10 However, at this stage, no one has been impacted by the omission and we expect that in the remaining interim period there is low risk of impact on applicants. The next intake of quota refugees post the COVID-19 border closure will not arrive in time to apply for the Grant before the Amendment is made.

- 11 There is still a small risk that families who arrived with three or more children before March 2020 may apply for the Grant during this time<sup>2</sup>. These families will only be affected if they apply for the maximum amount of the grant.
- 12 Case managers will assist any families that fall into this category. The Amendment ensures that families who apply for the Grant between 9 November and 26 November 2020 may apply again after the amendment and be eligible for the \$100 increase for every dependent child after their second such child. MSD will deduct the amount of Grant made to the applicant prior to the amendment from the new maximum Grant total.
- 13 Case managers will assist any such families to apply again and receive this amount after the Amendment. Case managers will also explore other assistance for which applicants may be eligible in the interim.
- 14 Enacting the Amendment on 27 November 2020 will reduce the chance that families with three or more children will not receive their intended entitlement.

### Next steps

- 15 We seek your approval of and signature to the attached Amendment to amend the Grant by 26 November 2020.
- 16 In order to implement the Amendment on 27 November 2020, we are also seeking your approval to waive the 28-day rule on the grounds that the Amendment confers only benefits to the public.
- 17 Once you have signed the Amendment, your Office will arrange for a copy to be tabled in the House of Representatives as required by section 41 of the *Legislation Act 2012* and officials will arrange for it to be published in the New Zealand Gazette.

File ref: REP/20/11/1095

Author: Out of scope Graduate Policy Analyst, Income Support Policy

Responsible manager: Bede Hogan, Manager, Income Support Policy

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<sup>2</sup> MSD may pay more than one grant within a year of a party's arrival in New Zealand, if the total amount of the grants does not exceed the maximum.