



- 1 JUN 2021

Dear

On 5 May 2021, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- 1. Are overstayers who are on bail for criminal offending eligible to receive a benefit from Work and Income?*
- 2. If an overstayer is on bail for criminal offending, would their eligibility for a benefit be affected by whether or not they had been served with a Deportation Liability Notice?*

Generally, clients who are unlawfully in New Zealand or are in New Zealand by virtue of a temporary entry visa or temporary permit are not eligible for benefit assistance, including supplementary assistance such as Accommodation Supplement, Temporary Additional Support, or Disability Allowance.

However, there are two exceptions:

- clients who are refugee or protection claimants
or
- clients who are applying for permanent residence and compelled to remain in New Zealand because of unforeseen circumstances

More information about the benefit entitlements of clients who are in New Zealand illegally, or by virtue of a temporary entry visa or temporary permit, can be found here: www.workandincome.govt.nz/map/income-support/main-benefits/emergency-benefit/unlawful-residents-and-clients-in-new-zealand-temp-01.html.

To answer your questions, its unlikely people illegally in New Zealand can get assistance from the Ministry of Social Development as they:

- do not have a valid visa
- are not a refugee or protection claimants
- are not applying for permanent residence and compelled to remain in New Zealand through unforeseen circumstances

Section 19 of the Social Security Act 2018 also stipulates that benefit applicants must be lawfully in New Zealand to receive a benefit. The relevant provision can be viewed here: www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783143.html.

The principles and purposes of the Act 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
- 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 any attached documents available to the wider public. The Ministry will do this by publishing this letter 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.

If you are not satisfied with this response regarding the entitlement of overstayers to assistance from the Ministry, 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 or 0800 802 602.

Yours sincerely



Bridget Saunders
**Manager, Issue Resolution
Service Delivery**