



27/05/20

Mahrukh Sarwar
Email: fyi-request-11217-afbede6a@requests.fyi.org.nz

Ref: OIA 19-20 1338

Dear Mahrukh Sarwar

Thank you for your email of 27 February 2020 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (OIA), follow up and further information to the Ministry's response, dated 12 November 2019, to your earlier OIA request of 13 September 2019.

Please find below responses to your questions.

Follow up questions 27 Feb 2020

As a general question, we ask how Immigration New Zealand (INZ) distinguishes information they would rather not disclose for public relation reasons (both domestically and through foreign relations) from the reasons you provided. We have noted that in several instances, information has been refused or partially answered without any compilation, disclosure or analysis of the information and without providing details for why information is theoretically prejudicial. Under s 19(a)(ii) of the Official Information Act, we are entitled to ask for the grounds in support of the reason for refusal. The High Court has stated that the test in section 6(a) requires evidence (Kelsey v Minister of Trade [2016] 2 NZLR).

Where Immigration New Zealand (INZ) has withheld information it has been accordance with the grounds in the Official Information Act 1982.

Question 1 - Relevant operative mentions

- 1. Copies of Immigration documents, correspondences and addresses (including but not limited to emails, letters, presentations), for periods A, B, C and D, referring to any of the following terms:**
 - a. Arab / Muslim / Islam / Islamist / Islamicist / Jihadist /**
 - b. Terrorists / Extremists / Radical / Far-right / White supremacy**

You have stated we have prematurely refused this request as, under ss 18A and 18B of the OIA, MBIE was required to consider whether the reason for the refusal can be removed by either consulting you, fixing a charge or extending the time period for a response.

As advised in our original request, an initial search for documents within scope of Question One of your request, for the first three time periods noted, resulted in the identification of over 200,000 documents. These documents would have to be individually reviewed. After the first hour, we would charge \$38 per half hour to review them (in accordance with the guidelines on the Ministry of Justice website, <https://www.justice.govt.nz/assets/Documents/Publications/1982-Official-Information-Act-charging-guidelines.pdf>). If you would like to refine your request please contact uia@mbie.govt.nz.

You also seek clarification on the search for the phrase “physical attack” and its relevance to your request.

The search for the phrase “physical attack” was undertaken for a different OIA request. In order to provide a more comprehensive response to you, we provided this information as we considered the term “physical attack” could have been used in conjunction with “terrorists” or “extremists”.

Question 2 – Training

2. What professional cultural advice or training or resources has Immigration requested or received on Islam or Muslims for periods A, B, C and D?

You have sought a number of clarifications with respect to our answer to Question Two. For completeness and ease of reference, we first set out our answer to Question Two. We then provide the clarifications.

Answer to Question Two:

Generally speaking Immigration New Zealand (INZ) does not provide professional cultural training, advice or resources specific to Islam or Muslims to its staff. Rather, cultural advice, training or resources are with respect to intercultural awareness more broadly. INZ has developed an Intercultural Awareness Module which has been available to staff since August 2012. Intercultural capability is also promoted on the MBIE intranet – staff are encouraged to complete four modules in intercultural capability e-learning (the modules are available here: <https://www.ethniccommunities.govt.nz/resources-2/intercultural-capability/>).

In addition, MBIE is also participating in a pilot programme entitled “Mana Aki: Building intercultural competence in New Zealand’s Public Service”. Mana Aki is a foundation-level programme of eight interactive modules, developed in collaboration with the Open Polytechnic. Public servants from other government agencies are also taking part in the pilot programme.

Nevertheless, there has been some cultural advice, training or resources specific to Islam or Muslims, as set out below, and specifically since the 15 March 2019 attacks on Christchurch mosques for specific INZ staff

A workshop was prepared for INZ staff involved with processing visas for individuals affected by the 15 March 2019 attacks. As part of the workshop content, an INZ staff member included material outlining cultural considerations to be aware of when interacting with people of the Muslim faith, such as respectful greeting and body language.

The National Manager, Migrant Settlement, participated in two professional development opportunities between 2017 and 2019 as follows:

- a workshop presentation by Dr Yassir Morsi, on Friday 30 June 2017, hosted by the University of Otago’s Centre for Global Migrations. Dr Morsi presented on “Muslims, Islam and migration”. Dr Morsi was the 2015 Australian Muslim Man of the Year for his commitment to understanding and opposing racism; and*
- a “Symposium on Security and Religion” hosted by Massey University’s Centre for Defence and Security Studies, wherein some of the presentations focused on Islam, and on the integration of Muslims.*

On 23 March 2017, two INZ Managers attended a full-day session organised by the State Services Commission and the Human Rights Commission, wherein eight Muslim groups of New Zealand spoke to a range of public service agency representatives about their concerns.

(a) We understand you have requested the number and percentage of staff who have completed the “Intercultural Capability E-learning” module and what their respective positions/roles are at INZ. You also request information on the expertise/qualifications of the module developers, and what their respective positions/roles are at INZ.

The paragraph to which this question relates (the first paragraph in the answer to Question Two) refers to two modules:

- INZ’s Intercultural Awareness Module, which has been available to staff since 2012 and was developed when INZ was part of the Department of Labour. Available records indicate that 216 staff have completed these modules, but we believe this is an incomplete record. It is believed that the record is incomplete because some of this data may not have transferred from the Department of Labour to the Ministry of Business, Innovation and Employment and there have been significant organisation and technology changes since 2012. The available records indicate the roles of those who have completed the module include:
 - Administration/Finance Officer
 - Advisor International
 - Border Officer
 - Business Advisor
 - Business Analyst
 - Business Immigration Specialist
 - Compliance Officer
 - Coordinator/Analyst
 - Identity Resolution Specialist
 - Identity Resolver
 - Immigration Manager
 - Immigration Officer
 - Junior Office Worker
 - Labour Inspector Napier
 - Learning Facilitator
 - On-site Facilities Manager
 - Personal Assistant/Team Administrator
 - Practice Lead
 - Privacy Officer
 - Resolutions Analyst
 - Sector Planning Analyst
 - Senior Advisor Od
 - Senior Business Analyst
 - Senior Investments Coordinator
 - Support Officer
 - Technical Advisor
 - Verification Officer

- The four modules in intercultural capability e-learning, which staff are encouraged to complete, are available here: <https://www.ethniccommunities.govt.nz/resources-2/intercultural-capability/>. Your information request in respect of these modules was transferred to DIA on 17 March 2020, as the programme is offered by the Office of Ethnic Communities.

(b) You have also asked for more information on the number and percentage of INZ staff, and their roles, who participated in:

- **Mana Aki: Building Intercultural Competence in New Zealand's Public Service**
- **Workshop for INZ staff involved with processing visas for individuals affected by the Christchurch attacks**
- **"Muslims, Islam and Migration" by Yassir Morsi**
- **"Symposium of Security and Religion" hosted by Massey University**

Mana Aki

A pilot of the Mana Aki programme was run in 2019. 594 public servants took part in the pilot, of which 106 were INZ staff. The Mana Aki programme itself has not yet been implemented but it is intended it will be available to MBIE staff (including INZ) later this year, resources permitting, at which time it will be made available to all of government for implementation.

The Mana Aki programme (and pilot) is a blended learning experience that comprised a series of innovative, interactive online modules and learner generated self-reflection writings, that are interspersed with a face-to-face facilitated discussion. The face-to-face component of the Mana Aki programme is designed to be included in regular team meetings that our people leaders hold with their teams. For the pilot, MBIE's Learning and Development team held a webinar for the people leaders, to ensure they were comfortable with their role and that they understood the nature and purpose of the pilot. The Mana Aki programme summary and facilitator guide are included with this response.

The roles of the INZ staff who participated in the pilot are:

- Administration Officer
- Advisor
- Analyst
- Border Officer
- Contracts Manager
- Co-ordinator
- Field Intelligence
- Immigration Officer
- Intelligence Officer
- National Manager
- Operations Manager
- PA/Team Administrator
- Privacy Officer
- Senior Advisor
- Senior Compliance Officer
- Senior Immigration Officer
- Senior Investigator
- Support Officer
- Visa Operations Manager

Workshop for INZ staff

This workshop was specifically for INZ staff involved in processing the visas for individuals affected by the Christchurch attacks. These visa applications were specifically for the Christchurch Response (2019) category visa.

The staff who attended were: 10 immigration officers, 1 general manager, 1 compliance officer, 1 intelligence analyst, 1 business analyst and 1 manager from Operational Policy.

“Muslims, Islam and Migration” by Yassir Morsi

This was attended by the National Manager, Migrant Settlement, on 30 June 2017.

“Symposium of Security and Religion” hosted by Massey University

This was attended by the National Manager, Migrant Settlement, in 2019.

(c) You have also asked for more information on the expertise/qualifications of the trainers that deems them appropriate to hold the following workshops:

- ***Mana Aki: Building Intercultural Competence in New Zealand’s Public Service***
- ***Workshop for INZ staff involved with processing visas for individuals affected by the Christchurch attacks***
- ***“Symposium of Security and Religion” hosted by Massey University***

Mana Aki

Immigration New Zealand leads the development and implementation of the cross-government New Zealand Migrant Settlement Integration Strategy.¹ In June 2017 Ministers agreed to fund the development, delivery and evaluation of a pilot Intercultural Competency Development Programme for the public service (ultimately called Mana Aki: Building Intercultural Competence in New Zealand’s Public Service).

As part of its strategy leadership role, MBIE (INZ) took responsibility for leading the development of the pilot, working in collaboration with an inter-agency Steering Group, an external Expert Advisory Group and an inter-agency Māori Advisory Group.

MBIE managed the procurement process for the project. The Open Polytechnic of New Zealand (OPNZ) was awarded the contract to design and deliver the Mana Aki pilot. Allen + Clarke secured the contract for the external evaluation of the pilot.

As noted above, the Mana Aki programme (and pilot) is a blended learning experience that comprises a series of innovative, interactive online modules and learner generated self-reflection writings, that are interspersed with a face-to-face facilitated discussion. The face-to-face component of the Mana Aki programme is designed to be included in regular team meetings that our people leaders hold with their teams. For the pilot, MBIE’s Learning and Development team held a webinar for the people leaders, to

¹ See <https://www.newzealandnow.govt.nz/live-in-new-zealand/strategy-to-support-migrant-settlement> and <https://www.immigration.govt.nz/about-us/what-we-do/our-strategies-and-projects/how-we-support-migrants>.

ensure they were comfortable with their role and that they understood the nature and purpose of the pilot. OPNZ delivered a presentation at this webinar.

The programme has since been acknowledged internationally, as it was selected as one of ten highly innovative global integration projects to be profiled at the recent OECD High-Level Policy Forum on Migration and Integration held in Paris: see <https://www.openpolytechnic.ac.nz/about-us/news-publications-and-research/news/online-intercultural-competence-programme-recognised-internationally/>

Workshop for INZ staff

The trainer is an INZ staff member who was, at the time, a Learning Facilitator within the learning delivery team, and also held a Level 3 Certificate in Adult Learning. The training was pulled together very quickly, in response to the urgent establishment of two new visa categories as a result of the attack on the Christchurch mosques. We have confirmed with the trainer that she is a practising Muslim and of Afghan background.

"Symposium of Security and Religion" hosted by Massey University

This request was transferred to Massey University on 17 March 2020.

The speakers at the event are listed here: https://www.massey.ac.nz/massey/about-massey/events/event-detail.cfm?event_id=8C2CDD49-4B20-41A0-8AF0-44D4122447E0

3. Do all of your staff receive comprehensive cultural intelligence and full competency training and review?

Requestor says: You vaguely refer to INZ's staff receiving a range of training specific to their particular role within INZ, when our question specifically asks for training on cultural intelligence and full competency, and whether an avenue for review exists.

Please refer our answers to Questions 2(a)-(c) above.

By avenue for review, we understand you mean whether there is a mechanism for reviewing the training itself. The Mana Aki pilot underwent a review process and evaluation.

MBIE also has a general policy of reviewing learning material annually.

Consultation with or regarding the Muslim community

6. How many experts on the Muslim Community or faith have you engaged or consulted over the periods A, B, C and D?

Requestor says: INZ, in carrying out its role, constantly interacts with members of different faith communities, including the Muslim community – which is arguably one of the largest migrant communities in New Zealand. This role demands some form of consultation with experts on the Muslim community or faith. Yet, according to your response, INZ is not aware of any consultation with experts on the Muslim community or faith in time periods A, B, C and D. Can you please confirm if this remains the case?

INZ is not aware of any direct consultation it has undertaken with experts on the Muslim community or faith. Intercultural training in MBIE is intended to increase the general intercultural competency of staff. It deliberately does not focus on specific cultures or religions, rather it aims to increase the ability of staff to interact and communicate effectively and appropriately with people of all cultures.

Consultation regarding far-right extremism

7. How many experts on far-right extremism have you engaged or consulted over the periods A, B, C and D?

Requestor: "To confirm, INZ claims to 'improve border security', yet confirms it has never consulted with experts on far-right extremism and is therefore unable to identify and filter out people like Mr Tarrant at the border.

Contrary to your initial statement above, you vaguely assert that INZ works with government agencies in this area. Can you select your final position as to whether INZ actually does consult with any experts, and if so, please provide the names of these government agencies and what deems them appropriate to have any expertise in this area?"

INZ had understood your reference to "expert" to mean an individual outside of government, rather than an agency who (due to their particular function) has expertise in a particular area. INZ works with agencies with expertise in counter-terrorism, which includes far right extremism. For example:

- INZ works with NZSIS, for example:
 - o There is a direct access agreement between NZSIS and MBIE with respect to Advance Passenger Processing information: <https://www.nzsis.govt.nz/assets/media/Direct-Access-Agreement-MBIE.pdf>
 - o NZSIS is mandated under the Intelligence and Security Act: <http://www.legislation.govt.nz/act/public/2017/0010/latest/whole.html#DLM6920922>
See in particular sections 7 and 9.
- INZ works with the New Zealand Police. The New Zealand Police's functions are set out in s 9 of the Policing Act 2009, and expressly include national security: <http://www.legislation.govt.nz/act/public/2008/0072/latest/DLM1102187.html>.
- INZ works with New Zealand Customs, who also manages risk at the border. See for example s 3 of the Customs and Excise Act 2018: <http://www.legislation.govt.nz/act/public/2018/0004/latest/DLM7038968.html>.
- INZ also works overseas border agencies.

General Consultation

8. Who is Immigration's on-hand cultural advisor/negotiator/facilitator for:

- a. **On-going strategy**
- b. **Emergency Situations**

We understand "on-hand cultural advisor/negotiator/facilitator" to mean a person whose role is dedicated to or specifically includes providing on-hand cultural advice (of some description). MBIE has a role of "Culture & Partnership Manager".

9. How many experts on other ethnic or religious nationalism or extremism have you engaged or consulted over the periods A, B, C and D?

Request: INZ claims to "improve border security", yet confirms that it has never consulted with experts on other ethnic or religious nationalism or extremism and is therefore inadequately informed on

improving border security. Contrary to your initial statement above, you vaguely assert that INZ works with government agencies with expertise in this area. Can you select your final position as to whether INZ actually does consult with any experts, and if so, please provide the names of these government agencies and what deems them appropriate to have any expertise in this area.

We repeat the answer to question 7 above.

10. What policies did Immigration have in respect of extremism?

You have asked why release of immigration policies with respect to extremism would likely prejudice the security or defence of New Zealand or international relations of the government of New Zealand.

The policies which are withheld deal directly with recognising extremism. Release would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand because, if they are released, non-bona fide travellers could use them to their advantage. This is therefore refused under s 6(a) of the Official Information Act 1982.

Actions and White Supremacy threats

12. How many white extremists have Immigration stopped at their borders over the periods A, B, C and D?

You have stated we have prematurely refused this request as, under ss 18A and 18B of the OIA, MBIE was required to consider whether the reason for the refusal can be removed by either consulting you, fixing a charge or extending the time period for a response.

As advised in our original request, to attempt to answer this question would require INZ to review every entry in INZ's Application Management System (AMS), as the system's search functionality is by client rather than, for example, whether they have been refused entry. On 6 May 2020, there were tens of millions of client numbers within AMS, each representing a unique natural person. A client number can represent a natural person, or a business or organisation.

These entries for each client would have to be individually reviewed. After the first hour, we would charge \$38 per half hour to review them (in accordance with the guidelines on the Ministry of Justice website, <https://www.justice.govt.nz/assets/Documents/Publications/1982-Official-Information-Act-charging-guidelines.pdf>. If you would like to refine your request please contact oi@mbie.govt.nz.

Even reviewing all entries would not necessarily be conclusive, as the level of detail recorded in AMS may not include that the person is (for example) a white extremist.

However, as noted in our answer dated 12 November 2019, INZ does have an internal database in which Border staff manually record individuals who have been offloaded or turned around. This database only goes back to mid-2014.

INZ has searched this database for individuals who have links to white supremacy ideology and found that: in Period A, one individual was offloaded and three individuals were refused entry; and in Period B, two individuals were offloaded. The data cannot, however, be considered conclusive.

13. How many people have Immigration stopped or picked up as sympathisers with Serb-nationalism or Bosnian Genocide?

You have stated we have prematurely refused this request as, under ss 18A and 18B of the OIA, MBIE was required to consider whether the reason for the refusal can be removed by either consulting you, fixing a charge or extending the time period for a response.

INZ is unable to search for the number of Serb-nationalism or Bosnian genocide sympathisers who have been offloaded or turned around at the Border, or not granted a visa (other than at the Border). The information requested is too specific; and INZ does not record this level of detail in a way that is searchable.

As with Question 12, to attempt to answer Question 13 would require MBIE to review every entry in AMS. On 6 May 2020, there were tens of millions client numbers within AMS. After the first hour, we would charge \$38 per half hour to review the entries (in accordance with the guidelines on the Ministry of Justice website, <https://www.justice.govt.nz/assets/Documents/Publications/1982-Official-Information-Act-charging-guidelines.pdf>). If you would like to refine your request please contact oia@mbie.govt.nz.

As with Question 12, even reviewing all entries would not necessarily be conclusive, as the level of detail recorded in AMS may not include that the person is (for example) a Bosnian genocide sympathiser.

However, as noted in the answer dated 12 November 2019, INZ has a database (which dates back to 2005) which records the individuals who have been refused a visa under immigration instruction A5.50 (or A5.30). Within this database INZ found five individuals from Serbia or Bosnia and Herzegovina where INZ has found the individual to pose a risk/provisional risk per immigration instruction A5.50. All applicants were associated with military units involved in either the Kosovo War or the Bosnian War. INZ does not know whether these individuals were sympathetic to Serbian nationalism or the Bosnian Genocide.

I trust you find the information helpful. You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely



Adrian Regnault
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