

Hon Kris Faafoi

Minister of Justice
Minister for Broadcasting and Media
Minister of Immigration



23 MAR 2022

OIA 22-006

John Trafalgar
fyi-request-18376-9c1d0890@requests.fyi.org.nz

Dear John,

Thank you for your email of 30 January 2022 to my office requesting, under the Official Information Act 1982 (the Act), the following information:

- “1. Whether you have or have not received any advice on how to mitigate the risk of infiltration by immigrants holding a Mainland Chinese passport in the processing of applications made under the 2021 Resident Visa category.*
- 2. Whether you have or have not issued any directions to Immigration New Zealand on how they must assess each applicant under the 2021 Resident Visa category in relation to their individual risk to New Zealand's interest and national security before making a decision, taking particular account of each applicant's background, upbringing, previous education institute(s) attended, association with foreign governments, alignment to New Zealand values, support to democracy and freedom, or any other factor you may deem necessary.*
- 3. Further to question 2 above, why or why not?*
- 4. Prior to you receiving this correspondence, whether you have any awareness of the risks of infiltration by Communist China -- an evil regime that practises genocide on the Uyghurs, persecutes the Tibetans, brutally suppresses the democracy movement in Hong Kong, and a real military threat to the sovereign country of Taiwan (officially known as "Republic of China") -- through your 2021 Resident Visa scheme?*
- 5. Further to question 4 above, if so, what is your assessment of such risks and how you are mitigating such risks or if not, why not?*
- 6. Whether you have any plans to associate with, or work for, any entity or organisation affiliated and/or funded by the Communist China regime or its agent(s), directly or indirectly, at any point in time upon your speculated imminent retirement in the coming 2023 General Election.”*

As well as meeting the specific eligibility criteria, all applicants for the 2021 Resident Visa must meet health and character requirements. The Cabinet paper “*One-off Residence Pathway for Onshore Migrant Workers*” that set the criteria for the 2021 Resident Visa has been proactively released and is available on the Ministry of Business, Innovation and Employment (MBIE) website at the link below. Therefore I am refusing this part of your request under section 18(d) of the Act as the information is publicly available. The paragraphs that specifically relate to character checks are 69 to 75, with specific reference to National Security Checks in paragraph 75.

www.mbie.govt.nz/dmsdocument/18249-one-off-residence-pathway-for-onshore-migrant-workers-proactiverelease-pdf

The Immigration New Zealand Operational Manual contains the immigration instructions for processing 2021 Resident Visa applications. It includes the criteria that applicants must meet, the evidence they must produce to show that they meet the criteria, and the processes Immigration New Zealand follows to assess and verify applications. The Operational Manual is publicly available on the Immigration New Zealand website at the link below. The immigration instructions relating to character checks for the 2021 Resident Visa can be found at S6.10.a.i, and the general instructions regarding character requirements can be found at A5. As this information is publicly available, I have again made the decision to refuse this part of your request under section 18(d) of the Act.

www.immigration.govt.nz/opsmanual/#35439.htm

The Act applies to information held by a Minister of the Crown in their official capacity only. I am therefore refusing the final part of your request under section 18(g) of the Act on the basis that the requested information is not held.

You have the right to seek an investigation and review by the Ombudsman of this decision, in accordance with section 28(3) of the Act. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Kris Faafoi', written over a horizontal line.

Hon Kris Faafoi
Minister of Immigration