



## BRIEFING

### Update on the situation in Sudan

|                          |               |                  |           |
|--------------------------|---------------|------------------|-----------|
| Date:                    | 17 May 2023   | Priority:        | Medium    |
| Security classification: | In Confidence | Tracking number: | 2223-3776 |

| Action sought                                            |                                                                                                                                                                                                                               |          |
|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
|                                                          | Action sought                                                                                                                                                                                                                 | Deadline |
| Hon Michael Wood<br>Minister of Immigration              | <b>Direct</b> officials to continue monitoring the situation in Sudan and provide further advice on immigration options if the need arises<br><br><b>Agree</b> to forward this briefing on to the Minister of Foreign Affairs | ASAP     |
| Hon Rachel Brooking<br>Associate Minister of Immigration | <b>Copy</b> for your information                                                                                                                                                                                              | N/A      |

| Contact for telephone discussion (if required) |                                                                               |             |             |
|------------------------------------------------|-------------------------------------------------------------------------------|-------------|-------------|
| Name                                           | Position                                                                      | Telephone   | 1st contact |
| Sam Foley                                      | Manager, Immigration (International and Humanitarian) Policy                  | s9(2)(a)    | ✓           |
| Vanessa Jones                                  | Principal Policy Advisor, Immigration (International and Humanitarian) Policy | 04 897 5050 |             |

| The following departments/agencies have been consulted |
|--------------------------------------------------------|
| Ministry of Foreign Affairs and Trade                  |

Minister's office to complete:

- |                                               |                                              |
|-----------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

Comments

**Comments**

Released under the  
Official Information Act 1982



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### Purpose

This paper responds to your request for information on the situation in Sudan and whether the level of conflict is at or approaching a threshold similar to others where we have provided a specific immigration pathway.

### Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** that, where international humanitarian crises have occurred in the past, New Zealand has generally:
- i. applied a sympathetic approach to those people who are onshore on temporary visas; and
  - ii. worked with the international community to help meet the protection needs of displaced people
- Noted*
- b **Note** that at this stage officials do not think a specific immigration response is required for the ongoing crisis in Sudan
- Noted*
- c **Direct** officials to continue monitoring the situation in Sudan and provide further advice on immigration options if the need arises
- Agree / Disagree / Discuss*
- d **Agree** to forward this briefing on to the Minister of Foreign Affairs.
- Agree / Disagree / Discuss*

Sam Foley  
Manager, Immigration (International and Humanitarian) Policy  
Labour, Science and Enterprise, MBIE  
16/05/2023

Hon Michael Wood  
Minister of Immigration

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## Background to the crisis in Sudan

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1. The United Nations Refugee Agency (UNHCR) reports that on 15 April 2023, fighting broke out between the Sudanese armed forces, led by Abdelfattah al-Burhan, and the Rapid Support Forces, a paramilitary force led by Mohamed "Hemedti" Hamdan Dagalo, in multiple cities across the country, including the capital Khartoum. Hundreds of civilians are reported to have been killed, and thousands injured. The widespread fighting has led to shortages of food, water, medicine, fuel and electricity, and has left civilians without access to essential services.
2. Prior to the eruption of the current conflict, Sudan was already experiencing a major humanitarian crisis, with 3.7 million internally displaced people and 15.8 million people in need of humanitarian assistance, including approximately 11 million people in need of emergency assistance. Concerns have been expressed about a significant increase in humanitarian needs as a result of the fighting, while humanitarian response operations face major challenges due to the security situation.
3. Despite calls by international and regional actors to end the hostilities, the fighting continues unabated. Over 936,000 people have been newly displaced by the conflict since 15 April, including about 736,200 people displaced internally since the conflict began, and about 200,000 people who have crossed into neighbouring countries.
4. The Ministry of Foreign Affairs and Trade is assessing a possible humanitarian contribution to the crisis.
5. New Zealand consular officials have provided a significant response to the Sudan crisis. As at 11 May, 32 people (s9(2)(a) ) have been identified in Sudan. While most have been able to depart, officials are aware of s9(2)(a) s9(2)(a) still in Sudan. The situation for those who remain is complex, as they have particular circumstances which make departure difficult, s9(2)(a) . It is possible that further New Zealand citizens in Sudan will reach out as the crisis continues.

## Implications for the immigration portfolio

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6. Where international humanitarian crises have occurred in the past, New Zealand has generally:
  - applied a sympathetic approach to people who are onshore on temporary visas, while maintaining an expectation that, unless they meet residence criteria, they will eventually leave
  - worked with the international community to help meet the protection needs of displaced people.
7. In some specific cases, New Zealand has introduced targeted policies for people onshore who are effectively stranded in New Zealand, or in response to extraordinary circumstances. Bespoke pathways (or formal refugee responses) following crises have generally only been made where New Zealand has a specific role or obligation to support (i.e. Afghanistan and following the 2019 Christchurch mosque attacks), where an international request has been made (i.e. Syria) or where there are specific interests in demonstrating our support for a country (i.e. Ukraine).
8. Equally, there have been many other international crises where New Zealand has not introduced a bespoke visa policy (other than through our regular refugee quota pathways in response to UNHCR referrals).



9. Annex One sets out some examples of crises (not limited to humanitarian) and the respective New Zealand immigration responses.

### **Is a bespoke response required here?**

10. The various factors taken into account when considering a bespoke immigration pathway in response to the Sudan crisis are considered below.

#### *Sudanese nationals wanting to come to New Zealand*

11. There are currently 109 Sudanese nationals<sup>1</sup> who hold a valid visa and are outside New Zealand. These people will be able to enter New Zealand provided their visa doesn't expire before they arrive.
12. The Sudanese community in New Zealand has advocated for an immigration pathway similar to the 2022 Special Ukraine Visa, for their families either stuck in Sudan or stranded in foreign cities.<sup>2</sup> Worsening conditions in Sudan are likely to result in further Sudanese residents in New Zealand wanting to support their family to shelter in New Zealand.
13. New Zealand consular officials have dealt with a small number s9(2)(a) New Zealand citizens in Sudan who are dependents of Sudan citizens – s9(2)(a) s9(2)(a). It is possible that further such cases will present as the crisis continues. Immigration New Zealand has so far been able to provide solutions, case by case, which have facilitated travel to New Zealand by these families.
14. We note that New Zealand's Sudanese community is estimated to be much smaller than the size of our Ukrainian population (231 Sudanese compared to 1,281 Ukrainians as per the 2018 census). If a similar response to Ukraine is considered in the future, the impact on New Zealand could be smaller.
15. s9(2)(g)(i)

#### *Sudanese nationals in New Zealand*

16. There are currently 264 Sudanese nationals<sup>3</sup> in New Zealand with a visa. Twenty-six of these nationals are on a temporary visa. Those on a temporary visa may wish to extend their stay in New Zealand. Depending on the individual circumstances, Immigration New Zealand can take a sympathetic approach to onshore Sudanese nationals who are seeking to extend their stay in New Zealand.

#### *UNHCR has not yet made a specific request to New Zealand to resettle Sudanese refugees in addition to our existing Quota*

17. Since the 2014-2015 financial year, there have been 11 Refugee Quota arrivals from Sudan.
18. In previous refugee crisis situations where there has been large movement of people fleeing conflict in their home countries and to share the international humanitarian responsibility, New Zealand has worked in coordinated international effort with the UNHCR and the international community to resettle refugees who have priority protection needs requiring resettlement. There is usually a time lag between the initial emergence of a crisis and an increase in numbers coming through our refugee quota. Typically, it takes time for permanent resettlement needs to become clear and for UNHCR to do individual assessments and

<sup>1</sup> Excludes South Sudanese nationals.

<sup>2</sup> <https://www.stuff.co.nz/national/immigration/131923215/kiwi-sudanese-community-calls-for-visas-for-families-stuck-in-warzone>

<sup>3</sup> Excludes South Sudanese nationals.

referrals. In the immediate aftermath of a crisis the focus is usually on emergency protection with the hope that displaced people will be able to return to their homes.

19. The current international response to the crisis remains focussed on ensuring humanitarian agencies can operate safely and provide lifesaving humanitarian assistance within Sudan. It is also to advocate for borders to remain open and provide emergency assistance to refugees, migrants and returnees leaving Sudan upon entering neighbouring countries (UNHCR leads the regional response).
20. The crisis is still very much in the raw emergency response phase. At this time, it is generally impracticable to obtain a clear and reliable indication of priority protection needs of refugees that would warrant a resettlement referral to a third country, and often inadvisable to focus on resettlement at the expense of emergency assistance and conflict resolution efforts more generally.
21. New Zealand officials have not yet received any specific requests from the UNHCR relating to resettling Sudanese refugees. New Zealand has to date only received general UNHCR guidance on the UNHCR's position on returns to Sudan calling on all countries to allow civilians of all nationalities fleeing Sudan non-discriminatory access to their territories.

#### *Refugee and protection (asylum) claims*

22. s9(2)(a) [redacted]. These claims are based in part on recent events. Numbers of Refugee and Protection Status Claims for Sudanese nationals have been consistently low for a number of years, due largely to the low number of Sudanese nationals in New Zealand.
23. To date, officials have not seen an increase in claims resulting from the current situation in Sudan. Officials will continue to monitor the number of claims closely and will provide you with further updates as required.

#### *On balance, officials do not recommend a bespoke response at this time*

24. At this stage, officials do not recommend considering a specific immigration response to the crisis.
25. New Zealand already has pathways for refugees and family members of former refugees and migrants, including the Refugee Quota Programme, the Community Organisation Refugee Sponsorship Pilot and the Refugee Family Support Category.
26. The current three-year quota increased the regional allocation for Refugees from Africa from 15% to 20%. It also increased places for urgent/emergency resettlement from 35 to 100 per year [DEV-22-MIN-0099 refers].
27. s9(2)(f)(iv) [redacted]. Based on UNHCR advice, we have assessed that these are the two highest priorities for emergency refugee resettlement at this time. As discussed in paragraphs 19-21, the UNHCR focus is currently on humanitarian needs. We therefore do not recommend prioritising Sudan for this upcoming year. However, depending on how the situation in Sudan unfolds and further UNHCR advice, Sudan could be considered in 2024/25.
28. In addition, it would be difficult to justify a special policy for the family members of Sudanese affected by the crisis at this time, especially in the absence of a reliable priority protection needs assessment by UNHCR, a formal international request and given the pressing humanitarian emergencies elsewhere. A bespoke immigration pathway is likely to have cost implications for the government and would increase pressure on accommodation and other

infrastructure. It will also likely lead to increased calls for similar treatment from other groups in New Zealand with family in other conflict or dangerous areas.

29. It would also raise equity concerns with other groups in New Zealand who face long wait times for family reunification pathways (i.e. under the Refugee Family Support Category) or have limited to no access to such pathways. For example, there have been several recent cases where requests for bespoke pathways for family members have been made, including, Myanmar, following the earthquake in Turkey/Syria and Afghan interpreters and the wider Afghan community who requested to bring in further family members as they fear for their safety. It would also have precedent implications for how the Government responds to future crises.
30. Finally, New Zealand does not have strong ties to Sudan and our role in responding to domestic crises in other countries (except where we have an explicit role such as in the case of Afghanistan) is typically less clear than for international crises involving one sovereign state invading another.

## **Next steps**

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31. Officials will continue to monitor the ongoing situation in Sudan. If the situation escalates significantly or New Zealand receives an UNHCR request, further advice will be provided to consider whether immigration options are required. Any further work on this issue will have resourcing implications for the immigration work programme.

## **Annexes**

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Annex One: Examples of crises and New Zealand's immigration responses

## Annex One: Examples New Zealand's immigration response to previous crises

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- Ukraine: The 2022 Special Ukraine Visa is a two-year temporary visa for Ukrainians with family in New Zealand. It was a response to the unprecedented Russian invasion of Ukraine.
- Tongan volcano: staff were reminded of their ability to exercise compassionate discretion (such as granting new visas, waiving fees) with regard to people on temporary entry class visas who could not return home.
- Afghanistan: New Zealand has provided protection, through the grant of residence under a bespoke policy, to over 1,400 people. This is based on their having a real risk of persecution because of their linkages to the New Zealand Defence Force or New Zealand Aid Programme. New Zealand organised and paid for their visas and travel and provided enhanced welfare support on arrival. This was a unique policy that reflected that New Zealand had a special obligation to assist this cohort.
- The Mosque Terror Attacks: New Zealand offered residence to victims and witnesses, and introduced a special limited residence programme to family members from offshore. Immigration charges were waived. Access was limited (one family member and their immediate family per sponsor) and around 200 visas were granted.
- Hong Kong: while New Zealand extended the temporary visas of people onshore, this occurred through the COVID-19 measures rather than through a deliberate policy.
- Myanmar: MFAT scholarship students in New Zealand had their temporary visas extended and are being supported by MFAT.
- Syria: in response to a UNHCR request, New Zealand in 2016 agreed to take 750 Syrian refugees, 150 through repurposing existing Refugee Quota places and 600 (over three years) in addition to the then-Quota levels (750 per year). New Zealand covers all costs (visas, travel, support on arrival) for Quota refugees.
- Zimbabwe: New Zealand granted residence through a special policy to around 1,000 Zimbabwe citizens who had come to New Zealand between 2000 and 2004, following civil insurrection and while their passport was visa waiver for travel here.
- Kosovo: in response to a UNHCR request, New Zealand in 1999 offered refuge to around 600 Kosovars with family linkages to New Zealand (the New Zealand Albanian community prepared the list of names). It was expected that many would wish to go home following the cessation of the conflict, so the funding voted (which covered visas, travel and support on arrival) included a one-way airfare (which many took up).
- Timor Leste: in 1998, the UNHCR requested countries to be prepared to provide temporary protection for evacuees from Timor Leste. New Zealand agreed to take 200 people but in the end this was not required.
- Tiananmen Square: in the early 1990s New Zealand granted residence to Chinese nationals who were onshore following the Tiananmen Square massacre.