



**MINISTRY OF SOCIAL
DEVELOPMENT**
TE MANATŪ WHAKAHIATO ORA

7 December 2023

Saska Hayes

fyi-request-24404-f8a4b7ad@requests.fyi.org.nz

Tēnā koe Saska Hayes

On 11 October 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

The policy sections outlining what social services were available to asylum seekers from 1997-2010.

At the points where the policy has been amendment, advise documents that record why the change has happened.

The Ministry can provide some social services, income support and supplementary assistance for eligible asylum seekers with a valid and current visa, formerly referred to as permit.

The Ministry's income support payments were governed by the Social Security Act 1964 (the 1964 Act) during the period of 1997-2010 which included eligibility to assistance for asylum seekers.

Section 74A(1A) of the 1964 Act stated that the Chief Executive of the Ministry may grant Emergency Benefit (EB) and Temporary Additional Support (TAS) if they are satisfied that the person is lawfully present in New Zealand and is awaiting the outcome of his or her claim for recognition as a refugee or a protected person. This section gave the Ministry authority to pay asylum seekers some limited financial assistance.

Prior to 19 September 2001, the Department of Labour (now the Ministry of Business, Innovation and Employment) automatically granted asylum seekers a work permit (or a student permit for those under 16 years of age) on arrival, unless they raised particular concerns of a criminal or security nature.

On 19 September 2001, the Department of Labour introduced a detention policy which required a security assessment of individuals who claimed asylum to be completed before they were released with a permit. Asylum seekers who had a valid permit were eligible to apply for publicly funded housing and social security and could access education. Those who were in detention or were released on conditions had no work permit and were not

entitled to any social security benefits. Without a valid and current permit from the Department of Labour asylum seekers were not entitled to receive any social security assistance.

Asylum seekers whose refugee status had been approved by the Department of Labour needed to contact a Work and Income case manager to inform them of their new status. Those who were receiving a benefit from the Ministry and whose applications for refugee status had been declined would no longer be eligible for their benefit. If they intended to appeal the decision about their refugee status, a work permit from the Department of Labour was required in order to be eligible for social security assistance.

Children who were asylum seekers continued to be able to access publicly funded education as domestic students (i.e. on the same basis as New Zealanders) over the period of 1997-2010.

Subsidised health care was available to all asylum claimants regardless of permit status, as they were in the process of applying for refugee status.¹

Current state:

The Social Security Act 2018 (SSA) is the current authority that enables the Ministry to provide financial and other support where appropriate. Section 16 of the SSA sets out the residential requirements to receive financial assistance from the Ministry. Generally, in order to be eligible for a benefit, a person who has been granted refugee or protected person status must also have permanent residence. Until permanent residence is granted, an asylum seeker may be eligible to receive EB and TAS. If an asylum seeker receives EB, they are also able to qualify for social housing and a Community Services Card, which provides a discount to publicly funded healthcare. A person without a valid visa or permit who is applying for permanent residence and are compelled to remain in New Zealand due to some unforeseen reason may also be entitled to EB.

Asylum seekers who do not hold a valid visa cannot be considered to be lawfully resident in New Zealand and therefore, these individuals are not eligible for the EB, or any other form of financial support administered by the Ministry.

We note that there has not been any significant policy change affecting what social services an asylum seeker can access from the Ministry, as asylum seekers' eligibility for support has been and is still tied to an asylum seeker's immigration status. Changes in immigration policy by MBIE (or the Department of Labour historically) that impact the immigration statuses of

¹ The eligibility criteria for publicly funded (free or subsidised) health and disability services in New Zealand is set out by the Health and Disability Services Eligibility Direction. As the term 'asylum seekers' is not a formal term reflected in this Ministerial Direction, we have interpreted this as persons seeking refugee or protection status as defined in the Immigration Act 2009

asylum seekers will have implications for eligibility to social services from the Ministry.

The Ministry does not have a policy that outlines the social services available to asylum seekers as you have requested. I am therefore refusing your request under section 18(e) of the Act, as this document does not exist or, despite reasonable efforts to locate it, cannot be found.

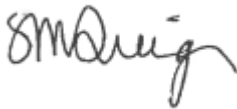
However, we have found a 2006 factsheet that may be of interest to you. The factsheet outlines the Ministry's current practice which has not changed since 2006. The factsheet has been enclosed with this letter.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

If you are not satisfied with this response regarding social services available for asylum seekers, 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.

Ngā mihi nui



pp

Magnus O'Neill
General Manager
Ministerial and Executive Services



A service of the Ministry of Social Development

For those seeking asylum:

If you hold a valid and current permit from the Department of Labour you may be eligible to receive an Emergency Benefit from Work and Income.

If your permit has expired you must re-apply to the Department of Labour for a new permit before Work and Income can grant a benefit.

Approved asylum seekers:

Once an application for refugee status has been approved by Department of Labour you must contact your Work and Income case manager to inform them of your new status.

If you have arrived in New Zealand within the last year you may now be eligible to receive a Special Needs Grant for re-establishment. This can help with the costs of essential items needed to set up a home. Talk to your case manager about this.

You may now wish to apply for permanent residence in New Zealand. If this is approved you will need to let your case manager know. You may be entitled to additional help once permanent residence has been granted.

For those whose applications for refugee status have been declined:

If you have been receiving a benefit from Work and Income this will now cease. If you intend appealing the decision about your refugee status you will still need a permit from Department of Labour before a benefit can be granted.

Without a valid and current permit from Department of Labour you are not entitled to receive a benefit.

Work and Income is a government agency – part of the Ministry of Social Development.

We offer assistance to those who are unable to support themselves financially because they are either temporarily unable to work, are prevented from working due to ill health or because they are caring for someone at home.

Depending on the type of permit the Department of Labour has granted you Work and Income may be able to assist you to find work.

If you would like to know more about the services offered by Work and Income please call our free phone number on:

0800 559 009

For those whose first language is not English we offer information in a range of other languages. See below for the free phone numbers to call.

Mandarin – 0800 661 001

Cantonese – 0800 664 004

Hindi – 0800 993 003

Farsi – 0800 996 006

Arabic – 0800 668 008

Khmer – 0800 994 004

Somali – 0800 997 007

Punjabi – 0800 995 005