



21 June 2016

Emma Cullen

(by email: [fyi-request-4084-a6157b5f@requests.fyi.org.nz](mailto:fyi-request-4084-a6157b5f@requests.fyi.org.nz))

File No: DOIA 1516-1521

Dear Emma Cullen,

I refer to your request under the Official Information Act 1982 (the OIA) received on 30 May 2016 requesting the following information from Immigration New Zealand:

1. *The number of asylum seekers currently being held in prison.*
2. *The age/gender/nationality of asylum seekers currently being held in prison.*
3. *The length of time each asylum seeker has been held in prison and what prison they are located in.*
4. *The number of asylum seekers currently being held in detention (not living in the community freely).*
5. *The age/gender/nationality of asylum seekers currently being held in detention.*
6. *The length of time each asylum seeker has been held in detention and where they are located.*
7. *The stated reason(s) for each asylum seeker being held in prison/detention.*
8. *The number of asylum seeker applications for 2015, listed by country and approved/declined decision.*

#### Our response

1. The number of asylum seekers currently being held in prison

As at 8 June 2016, there are currently 3 asylum seekers being held in a New Zealand prison.

2. *The age/gender/nationality of asylum seekers currently being held in prison.*

The 3 asylum seekers currently being held in a New Zealand prison are male.

The age and nationality of the asylum seekers is being withheld under section 9(2)(a) of the Official Information Act to protect the privacy of natural persons. I do not consider that the withholding of this information is outweighed by public interest considerations in making the information available. Section 151 of the Immigration Act 2009 outlines that confidentiality is to be maintained in respect of claimants, refugees and protected persons.

3. *The length of time each asylum seeker has been held in prison and what prison they are located in.*

This information is being withheld under section 9(2)(a) of the Official Information Act to protect the privacy of natural persons. I do not consider that the withholding of this information is outweighed by public interest considerations in making the information available.

Section 151 of the Immigration Act 2009 outlines that confidentiality is to be maintained in respect of claimants, refugees and protected persons.

4. *The number of asylum seekers currently being held in detention (not living in the community freely).*

As at 8 June 2016, there are currently 9 asylum seekers being held in detention. This includes the 3 asylum seekers currently being held in a New Zealand prison.

5. *The age/gender/nationality of asylum seekers currently being held in detention.*

The six asylum seekers, who are currently being held in detention, excluding the three asylum seekers currently being held in a New Zealand prison, are male.

The age and nationality of the asylum seekers currently being held in detention is withheld under section 9(2)(a) of the Official Information Act to protect the privacy of natural persons. I do not consider that the withholding of this information is outweighed by public interest considerations in making the information available.

Section 151 of the Immigration Act 2009 outlines that confidentiality is to be maintained in respect of claimants, refugees and protected persons.

6. *The length of time each asylum seeker has been held in detention and where they are located.*

This information is being withheld under section 9(2)(a) of the Official Information Act to protect the privacy of natural persons. I do not consider that the withholding of this information is outweighed by public interest considerations in making the information available.

Section 151 of the Immigration Act 2009 outlines that confidentiality is to be maintained in respect of claimants, refugees and protected persons.

7. *The stated reason(s) for each asylum seeker being held in prison/detention.*

The nine asylum claimants are being detained because they meet the provisions of s309 of the Immigration Act 2009 – *Persons liable for arrest and detention*. Immigration New Zealand (INZ) applies to a district court for warrants of commitment seeking detention while refugee claims are being processed. No person with an undecided refugee claim can be deported before the claim is declined and the person has exhausted all their legislative appeal rights. INZ reviews the detention status of asylum claimants on an ongoing basis and adjusts detention status on a case by case basis taking the availability of new information into consideration. Persons who are liable for detention under the Immigration Act 2009 can be detained for a number of reasons, including, concerns regarding their identity, documentation or character issues, possibility of flight risk, public interest factors, criminality or security concerns.

8. *The number of asylum seeker applications for 2015, listed by country and approved/declined decision.*

Some information has been provided as a summarised total under "other" in reliance on Section 18(c)(i) of the OIA.

The table below provides information on the number and nationalities of asylum seeker claims lodged with the Refugee Status Branch of Immigration New Zealand in 2015.

<b>Nationality of Refugee or Protection status claims lodged with the Refugee Status Branch in 2015</b>	<b>Number</b>
Fiji	28
Pakistan	24
China	23
Sri Lanka	23
South Africa	22
India	21
Iran	19
Bangladesh	17
Colombia	14
Libya	14
Others	147
<b>Total Claims</b>	<b>352</b>

Due to determination timeframes, claims may not be decided (approved or declined) in the year in which the claim was lodged at the Refugee Status Branch.

The table below provides information on the nationality and number of asylum claims approved by the Refugee Status Branch in 2015.

<b>Nationality of asylum claims approved by the Refugee Status Branch in 2015</b>	<b>Number</b>
China	19
Syria	16
Libya	13
Pakistan	13
Colombia	12
Fiji	8
Iraq	7
Iran	6
Zimbabwe	5
Others	34
<b>Total Approvals</b>	<b>133</b>

The table below provides information on the nationality and number of asylum claims declined by the Refugee Status Branch in 2015.

<b>Nationality of asylum claims declined by the Refugee Status Branch in 2015</b>	<b>Number</b>
Fiji	24
India	17
Sri Lanka	11
Bangladesh	10
South Africa	8
Iran	7
Pakistan	6

Samoa	6
Turkey	6
Others	60
<b>Total Declined</b>	<b>155</b>

Refugee and Protection claims declined by the Refugee Status Branch may be eligible to lodge an appeal with the independent Immigration and Protection Tribunal (Tribunal). The appeals heard by the Tribunal are *de novo* so the claim is heard afresh by the Tribunal. This link provides information on the Tribunal's annual report for 2014-2015, <http://www.justice.govt.nz/tribunals/immigration-protection-tribunal/annual-reports/annual-report-2015>

You have the right to seek an investigation and review of this response by the Ombudsman, whose address for contact purposes is:

The Ombudsman  
Office of the Ombudsman  
PO Box 10-152  
WELLINGTON 6143

If you wish to discuss any aspect of your request or this response, please contact Sarah Baird, Senior Business Advisor, Business Support, Immigration New Zealand at [sarah.baird@mbie.govt.nz](mailto:sarah.baird@mbie.govt.nz) or 04 901 8692

Yours sincerely



Steve Stuart  
General Manager – Compliance, Risk and Intelligence Services  
Immigration New Zealand  
Ministry of Business, Innovation and Employment