

Informal Note — Gaza visa issues ahead of meeting with Minister Stanford

Context

There are two separate but related issues relating to New Zealand support for Palestinians wishing to leave Gaza.

(1) the extent of **consular support** to exit Gaza that the New Zealand Government provides to Palestinians who have (or are eligible for) a visa to come to New Zealand (but are not New Zealand citizens or permanent residents); and

(2) how to respond to calls from the Palestinian community and other interest groups for the creation of a category of **special purpose visas** (SPV) designed to support those who would otherwise not be eligible for a visa to come to New Zealand – following comments by the Prime Minister and Minister of Immigration in recent days that the Government is monitoring the need for a “humanitarian visa” or SPV. s9(2)(g)(i)

Consular policy settings

- MFAT operates standing consular policy settings whereby New Zealand Government officials are empowered to provide consular support to those that meet the following criteria:
 - (i) New Zealand citizens;
 - (ii) New Zealand permanent residents; or are
 - Immediate family members of New Zealand-based individuals in categories (i) and (ii) above, travelling in the same group, i.e., children under 24 years of age and spouses. This does not include parents, except where the adult children are for some reason dependent on the parent (e.g., in a case of disability).
- In December last year you approved a limited exception to this policy, whereby children not accompanied by their New Zealand citizen/permanent resident could be provided with consular support, on the basis that the citizen/permanent resident was unable to enter Gaza to exit with the children, due to the conflict.

Consular support provided since 7 October 2023

Since 7 October 2023 the New Zealand Government has provided consular support to the following (subject to the above criteria):

- 26 individuals exiting Gaza via the Rafah Crossing into Egypt;
- 55 individuals departed Israel on New Zealand-supported “assisted departure” flights; and
- 9 New Zealand citizens, permanent residents, and family members were also assisted to leave the West Bank.

- There have been a number of cases where New Zealand has declined to provide exit support to Palestinians in Gaza, as the cases do not fit the criteria above. s6(a)

Process for individuals exiting Gaza into Egypt

- Consular support to the above individuals involves following formal exit procedures determined by the Egyptian Government. s6(a), s6(b)(i)

- The Ministry has provided support with arrival procedures and, if required, transport from the border to Cairo and arrival advice, including accommodation options. At its peak, the consular response required significant Embassy engagement, including surge resource into Cairo and up to the Rafah border.

Current state of play

New Zealand cases

- New Zealand currently has three people on our "list" with the relevant authorities. The New Zealand Embassy in Cairo lodged a formal request to facilitate their exit from Gaza on 23 January, but these individuals have not yet been approved for exit. This reflects the experience of other partners with exit procedures slowing significantly in recent weeks as the conflict extends to Rafah. The Embassy has been actively following up.
- Immigration New Zealand has four open applications for individuals who have declared that they were in Gaza at the time of application. s9(2)(a)
- INZ is not aware of visas granted to anyone in Gaza since 7 October who is not eligible for consular support, s9(2)(a)

Border processes

- It is still possible for individuals to exit Gaza via the Rafah Crossing into Egypt, albeit on a limited basis and subject to a lengthy process. As noted above, this process has slowed significantly since the peak in October-December, now taking up to month and quite possibly longer. s6(a)
- s6(a), s6(b)(i)
 Since New Zealand's major consular operation was completed, with teams returning to Cairo, Wellington, and the wider network. s6(a)
- s6(a), s6(b)(i)

The question of special purpose/humanitarian visas

- s6(b)(i)
 s9(2)(g)(i)
- s6(b)(i)
- Prime Minister Luxon said yesterday (20 February 2024) that Immigration New Zealand was "monitoring the need for a special visa for those fleeing the Israel-Hamas war". Minister Stanford said in an interview with Jack Tame on Sunday 18 February that humanitarian visas was "something we are considering."
- Were New Zealand to introduce a special purpose/humanitarian visa, for instance to provide visas for family of New Zealand-based Palestinians, there are a number of considerations that would need to be taken into account, including but not limited to:
 - New Zealand government agencies would need to be prepared to provide resettlement support – given the circumstances in Gaza, there is potential for the support needs to cover a range of areas (psycho-social/trauma care, healthcare, education etc.);
 - Officials would need to check with the relevant authorities as to whether these individuals could legitimately be added to New Zealand's "list" as they are not New Zealand citizens or permanent residents;

- Assuming the answer to the above is yes, and that Ministers would wish SPV holders to be extended consular support (as an exception to policy), there would be significant financial and human resource implications, especially for the New Zealand Embassy in Cairo, which would largely be responsible for managing the exit procedures (with support from Wellington teams). The Ministry is not presently resourced to support an extended group of individuals;
- It could extend a precedent that began with the Ukraine visa agreed following Russia's invasion of Ukraine.
- While scale is not confirmed, based on 2018 Census data, there are 288 Palestinians in New Zealand who, if the Government introduced a pathway similar to the Ukraine visa for extended family members (e.g., parents, siblings), could apply to be sponsors. This data is limited as it is based on ethnicity, noting that Palestinian people may be born in Palestine, Israel, or in neighbouring refugee camps (Jordan, Lebanon, Syria and Egypt). It is also unclear how many of these people might have close family in Gaza.
- If New Zealand were to facilitate more temporary visas for Palestinians (i.e., visitor visas, alike to Australia) people who arrive may not be able to, or want to, return home. This means that the outcome of a response could be a de facto permanent settlement pathway. This occurred following New Zealand's response to Ukraine where a temporary visa was introduced but due to ongoing conflict, a permanent resident visa followed. If individuals arrived in New Zealand on temporary visas and were unable or unwilling to return home due to dangerous circumstances, this could also lead to an increase in asylum claims.
- For policy coherence, any change to policy that granted visas to further individuals would require a joint Ministerial and agency approach to ensure that those visa holders are provided with support to exit Gaza.

Close partner approaches

- Canada continues to be the only Five Country partner that has introduced a new temporary visa pathway for extended family members in Gaza of Canadian citizens and permanent residents. Canada has not confirmed any changes to the 1,000 pax cap at this stage.
- Australia continues to provide visitor visas under its existing special humanitarian visa pathway but does not guarantee it will facilitate exit.

Next steps

- s9(2)(f)(iv)

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Ministry of Foreign Affairs and Trade
21 February 2024