



12 November 2019

Ref: DOIA 1920-0464

Mahrukh Sarwar

Email: fyi-request-11217-afbede6a@requests.fyi.org.NZ

Dear Mahrukh Sarwar

Thank you for your email of 13 September 2019 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), information for the purpose of participating in the Royal Commission inquiry into the attack on Christchurch Mosques.

Please find below responses to your questions.

Relevant operative mentions

1. **Copies of Immigration documents, correspondences and addresses (including but not limited to emails, letters, presentations), for periods A, B, C and D, referring to any of the following terms:**
 - a. Arab / Muslim / Islam / Islamist / Islamicist / Jihadist /
 - b. Terrorists / Extremists / Radical / Far-right / White supremacy

An initial search for documents within scope of Question One of your request, for the first three time periods noted, resulted in the identification of over 200,000 documents. As such, this part of your request is refused under section 18(f) of the Act, that the information requested cannot be made available without substantial collation or research. If you would like to refine your request please contact uia@mbie.govt.nz.

A previous search for emails or letters from external sources containing the words “physical attack”, and raising an issue relating to vulnerabilities to physical attacks between 1 January 2016 and 19 March 2019, resulted in no documents being found. Therefore, we are refusing this part of your request under section 18(e) of the Act, that the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

Training

2. **What professional cultural advice or training or resources has Immigration requested or received on Islam or Muslims for periods A, B, C and D?**

Generally speaking Immigration New Zealand (INZ) does not provide professional cultural training, advice or resources specific to Islam or Muslims to its staff. Rather, cultural advice, training or resources are with respect to intercultural awareness more broadly. INZ has developed an Intercultural Awareness Module which has been available to staff since August 2012. Intercultural capability is also promoted on the MBIE intranet – staff are encouraged to complete four modules in intercultural capability e-learning (the modules are available here: <https://www.ethniccommunities.govt.nz/resources-2/intercultural-capability/>).

In addition, MBIE is also participating in a pilot programme entitled “Mana Aki: Building intercultural competence in New Zealand’s Public Service”. Mana Aki is a foundation-level programme of eight interactive modules, developed in collaboration with the Open Polytechnic. Public servants from other government agencies are also taking part in the pilot programme.

Nevertheless, there has been some cultural advice, training or resources specific to Islam or Muslims, as set out below, and specifically since the 15 March 2019 attacks on Christchurch mosques for specific INZ staff

A workshop was prepared for INZ staff involved with processing visas for individuals affected by the 15 March 2019 attacks. As part of the workshop content, an INZ staff member included material outlining cultural considerations to be aware of when interacting with people of the Muslim faith, such as respectful greeting and body language.

The National Manager, Migrant Settlement, participated in two professional development opportunities between 2017 and 2019 as follows:

- a workshop presentation by Dr Yassir Morsi, on Friday 30 June 2017, hosted by the University of Otago’s Centre for Global Migrations. Dr Morsi presented on “Muslims, Islam and migration”. Dr Morsi was the 2015 Australian Muslim Man of the Year for his commitment to understanding and opposing racism; and
- a “Symposium on Security and Religion” hosted by Massey University’s Centre for Defence and Security Studies, wherein some of the presentations focused on Islam, and on the integration of Muslims.

On 23 March 2017, two INZ Managers attended a full-day session organised by the State Services Commission and the Human Rights Commission, wherein eight Muslim groups of New Zealand spoke to a range of public service agency representatives about their concerns.

3. Do all of your staff receive comprehensive cultural intelligence and full competency training and review?

All employees receive a range of training specific to their particular role within INZ. If there is a particular role that you would like further information on, please contact oia@mbie.govt.nz.

At a high level, please see our response to Question Two.

Intelligence Principles

4. What proven intelligence principles is your work based on?

The term “proven intelligence principles” is unclear from an immigration perspective. However, we have responded to this question by providing you with some broad background and context. Should you wish to refine or clarify this question we may be able to respond more specifically.

By way of background, INZ works within the confines of its legal mandate, as set out in the Immigration Act 2009. It also follows the rules set by the State Services Commission, such as the model standards on information gathering (see <https://ssc.govt.nz/assets/Legacy/SSC-Model-Standards-information-gathering-and-public-trust.pdf>).

INZ has recently undertaken internal structural changes. Information on the realignment and the new structure of the Intelligence, Data and Insight branch is provided here: www.mbie.govt.nz/assets/striking-the-balance-inz-realignment-final-decision-document.pdf.

Customs contact with Mr Tarrant

5. What contact did Immigration have with Mr Tarrant?

All information relating to Mr Tarrant is refused under s 6(c) of the Act, that the making available of that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial, and the order made by the Royal Commission into the Attack on Christchurch Mosques in Minute 2 at [4(b)]

(<https://christchurchattack.royalcommission.nz/assets/Uploads/ff29bd8d53/Minute-2-Section-15-Orders.pdf>)

Consultation with or regarding the Muslim community

6. How many experts on the Muslim Community or faith have you engaged or consulted over the periods A, B, C and D?

INZ is not aware of any consultation with experts on the Muslim Community or faith during these time periods. Please also see our response to Question Two.

Consultation regarding far-right extremism

7. How many experts on far-right extremism have you engaged or consulted over the periods A, B, C and D?

INZ is not aware of any consultation with experts on far-right extremism during this time period. However, INZ works in collaboration with government agencies that have expertise in this area.

General Consultation

8. Who is Immigration's on-hand cultural advisor/negotiator/facilitator for:

a. On-going strategy

The term "on-going strategy" is unclear. However, INZ works within the confines of its legal mandate as set out in the Immigration Act 2009. Immigration Officers follow the Immigration Act when making decisions, along with immigration instructions (available online: www.immigration.govt.nz/opsmanual/).

MBIE has a regulatory stewardship role with respect to the regulatory systems it administers (<https://www.mbie.govt.nz/cross-government-functions/regulatory-stewardship/>). This includes the immigration system (<https://www.mbie.govt.nz/cross-government-functions/regulatory-stewardship/regulatory-systems/immigration-regulatory-system/>).

We understand "on-hand cultural advisor/negotiator/facilitator" to mean a person whose role is dedicated to or specifically includes providing on-hand cultural advice (of some description). INZ does not have such a role.

b. Emergency Situations

This information is withheld under section 9(2)(g)(ii) of the Act, to maintain the effective conduct of public affairs through the protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment.

9. How many experts on other ethnic or religious nationalism or extremism have you engaged or consulted over the periods A, B, C and D?

INZ is not aware of any consultation with experts on other ethnic or religious nationalism or extremism. However, INZ works in collaboration with agencies that have expertise in this area.

Policies

10. What policies did Immigration have in respect of extremism?

Any policies which deal expressly with extremism are withheld under section 6(a) of the Act, that the making available of that information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand. However, there are legislation and immigration instructions which concern matters relating to character and consequently may apply to individuals with extremist views.

The Immigration Act 2009 establishes that non-New Zealand citizens seeking to enter or be in New Zealand must be of good character.

In particular, s 15 provides that a visa or entry permission may not be granted to any person who falls within s 15(1) (for example, where the person has been convicted of an offence for which he or she was sentenced to a term of imprisonment for a term of five years or more, or has been removed, deported or excluded from New Zealand. Section 16(1)(a) provides that a visa or entry permission may not be granted to any person who the Minister has reason to believe is likely to commit an offence in New Zealand or is likely to be a threat or risk to security, to public order, or to the public interest. Section 16(1)(b) further provides that a visa or entry permission may not be granted to a member of a terrorist entity, designated under the Terrorism Suppression Act 2002.

Depending on the circumstances, it is therefore possible that an individual with extremist views seeking to come to New Zealand, or applying for a visa, could be considered a threat to security or public order (assuming INZ knows about their views), as per s 16(1)(a). In addition, if it is known to INZ that an individual is a member of a known terrorist entity designated under the Terrorism Suppression Act 2002, he or she will not be granted a visa or entry permission (per s 16(1)(b), unless a special direction is granted, per s 17).

In addition to the Immigration Act, certain immigration instructions may be relevant to individuals with extremist views. For example, Immigration instruction A5.25 provides that certain persons will not normally be granted a residence class visa unless granted a character waiver, which includes any person who:

A5.25.j: has at any time in a public speech or public comments, or public broadcast, or in publicly distributing or publishing a document;

- i. argues that one race or colour is inherently inferior or superior to another race or colour; or*
- ii. used language intended to encourage hostility or ill will against any person or group of persons on the basis of colour, race or ethnic or national origins of that person or group; or*

A5.25.k: has been, or is, a member of (or adheres or has adhered to) any organisation or group of people which (at the time of the person's membership or adherence) had objectives or principles based on:

- i. hostility against people or groups of people on the basis of colour, race, or ethnic or national origins; or*
- ii. an assumption that persons of a particular race or colour are inherently inferior or superior to other races or colours.*

Immigration instruction 5.45 may also be relevant. In addition, Immigration instruction A5.30 and A5.50 provide that a visa applicant will not normally be granted a visa where the applicant would pose a risk to New Zealand's international reputation. This information can be found on the INZ website:

www.immigration.govt.nz/opsmanual/#35058.htm.

11. What policies does Immigration have in respect of far-right extremism?

Please see our response to Question 10.

Actions and White Supremacy threats

12. How many white extremists have Immigration stopped at their borders over the periods A, B, C and D?

As a preliminary point there are, effectively, two places where an individual can be “stopped at the border”. INZ can, while the person is still off-shore, prevent a person from boarding a plane (also known as offloading) and, when the person is on-shore, they can ‘refuse entry’ and make the person liable for turnaround.

INZ is unable to conclusively search for how many white extremists have been offloaded or turned around at the border over periods A, B, C and D. To do so would require INZ to review every entry in INZ’s Application Management System (AMS), of which there are tens of thousands of entries. For example, in the last financial year (June 2018 – June 2019), approximately 3,200 individuals were offloaded from planes and approximately 1,300 were turned around. Moreover, AMS does not have the search functionality to run a search for the term “white extremists”. Therefore, your request for this information is refused under s 18(f) of the Act, as the information requested cannot be made available without substantial collation or research.

However, INZ does have an internal database in which Border staff manually record individuals who have been offloaded or turned around. This database only goes back to around mid-2014.

INZ has searched this database for individuals who have links to white supremacy ideology and found that: in Period A, one individual was offloaded and three individuals were refused entry; and in Period B, two individuals were offloaded. The data cannot, however, be considered conclusive.

13. How many people have Immigration stopped or picked up as sympathisers with Serb-nationalism or Bosnian Genocide?

Offloads and Turnarounds

INZ is unable to search for the number of Serb-nationalism or Bosnian genocide sympathisers who have been offloaded or turned around at the Border. The information requested is too specific; and INZ does not record this level of detail in any of the searchable databases. As in Question 12, to conclusively answer Question 13 would require INZ to review every entry in AMS, of which there are thousands of entries. Your request for this information is therefore refused under s 18(f) of the Act, as the information requested cannot be made available without substantial collation or research.

Visa applications (other than at the border)

INZ has also searched for the number of Serb-nationalism or Bosnian genocide sympathisers who have been denied a visa (not at the border). INZ is unable to answer this question conclusively because, as above, to do so would require INZ to search all entries in AMS. Your request for this information is therefore refused under s 18(f) of the Act, as the information requested cannot be made available without substantial collation or research.

INZ has, however, a database (which dates back to 2005) which records the individuals who have been refused a visa under immigration instruction A5.50 (or A5.30). Within this database INZ found five individuals from Serbia or Bosnia and Herzegovina where INZ has found the individual to pose a risk/provisional risk per immigration instruction A5.50. All applicants were associated with military units

involved in either the Kosovo War or the Bosnian War. INZ does not know whether these individuals were sympathetic to Serbian nationalism or the Bosnian Genocide.

14. What other forms of religious extremism do Immigration have a screening policy and strategy for?

Please see our response to Question 10.

Diversity

15. What is the ethnic cultural composition over the periods A, B, C and D of your

- a. senior management**
- b. senior operational staff**

Please find information available attached as Annex One.

Please note that:

- Prior to 1997 we do not hold data in scope of your request. I am refusing this part of your request under section 18(e) that the information requested does not exist.
- For 1997-2005, the data held includes all INZ Managers as it is not possible to identify Senior Management only. Data is as at 30 June of each year.
- For the years 2006-2012, we do not hold data in scope of your request. A new structure was created and recording of ethnicity does not allow a distinction to be made between INZ and non-NZ staff. For the years 2013-2019, data is provided for Senior INZ Managers (Tier Three and above) as at 30 October of each year.
- The disclosure of ethnicity information is at the personal discretion of staff members who may elect to not disclose this personal information.

For your information we have also included a summary of ethnicities of all INZ employees at 30 June 2019. This includes permanent and fixed-term employees only.

Ethnicity	Number of staff
Asian	327
European	609
Maori	104
Middle Eastern/Latin American/African (MELAA)	30
Other Ethnic Group	245
Pacific Peoples	168
Unknown	40
Grand Total	1523

16. What diverse perspectives have been embraced and resulted in reform of organisational culture that promotes diverse experiences and perspectives?

MBIE has specifically identified Inclusion and Diversity as an organisational priority with a strategy focused on valuing all people and reviewing practices to ensure that over time, MBIE, at all levels, reflects

the communities it serves. It encourages everyone to engage with the diverse range of experiences, perspectives and backgrounds of its people.

An 'Ally' Network has been established to help promote and support activities throughout the year, aimed at celebrating religions, cultures, language, gender, LGBTQI, disability, and health and wellbeing.

MBIE's People Strategy includes a focus on building an inclusive and supportive workplace. MBIE is participating in a cross-sector pilot of an Intercultural Development Programme.

In early 2019, MBIE undertook a survey to understand our people's current perceptions and experiences of inclusion and diversity at MBIE. The findings from the survey will inform future programmes of work and serve as a baseline from which to measure progress.

A particular focus for the next 12 months for MBIE is a refresh of its Inclusion and Diversity Strategy. Initiatives in the Strategy will include engaging with different population groups to better understand their employee lifecycle experience and will inform future initiatives.

Please find attached as Annex Two, a copy of our current Inclusion and Diversity Strategy.

You have the right to seek an investigation and review by the Ombudsman of our response. Information about how to make a complaint is available at www.ombudsman.parliament.NZ or freephone 0800 802 602.

Yours sincerely



Adrian Regnault
General Manager
Security and Emergency Management
MBIE

Annex One

Diversity

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- senior management
 - senior operational staff

Please find information available below.

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<i>Year</i>	<i>Ethnicity</i>	<i>Number of Senior Managers in INZ</i>
2019		
	European	6
	Maori	1
	Other Ethnic Group	2
2018		
	European	5
	Maori	1
2017		
	European	5
2015		
	European	4
	Other Ethnic Group	2
2014		
	European	7
	Other Ethnic Group	1
2013		
	European	7

<i>Year</i>	<i>Ethnicity</i>	<i>Number of INZ Managers</i>
2005		
	Asian	9
	European	56
	Maori	10
	Other Ethnic Group	16
	Pacific Peoples	4
	Unknown	9
2004		
	Asian	7
	European	58

	Maori	8
	Other Ethnic Group	13
	Pacific Peoples	2
	Unknown	11
2003		
	Asian	13
	European	63
	Maori	7
	Other Ethnic Group	9
	Pacific Peoples	4
	Unknown	10
2002		
	Asian	3
	European	31
	Maori	5
	Other Ethnic Group	6
	Pacific Peoples	1
	Unknown	4
2001		
	Asian	1
	European	26
	Maori	3
	Other Ethnic Group	7
	Unknown	6
2000		
	Asian	1
	European	31
	Maori	2
	Other Ethnic Group	5
	Pacific Peoples	1
	Unknown	4
1999		
	European	20
	Maori	2
	Other Ethnic Group	4
	Unknown	7
1998		
	European	20
	Maori	2
	Other Ethnic Group	2
	Unknown	4
1997		
	European	21
	NZ Maori	1
	Other Ethnic Group	1
	Unknown	3

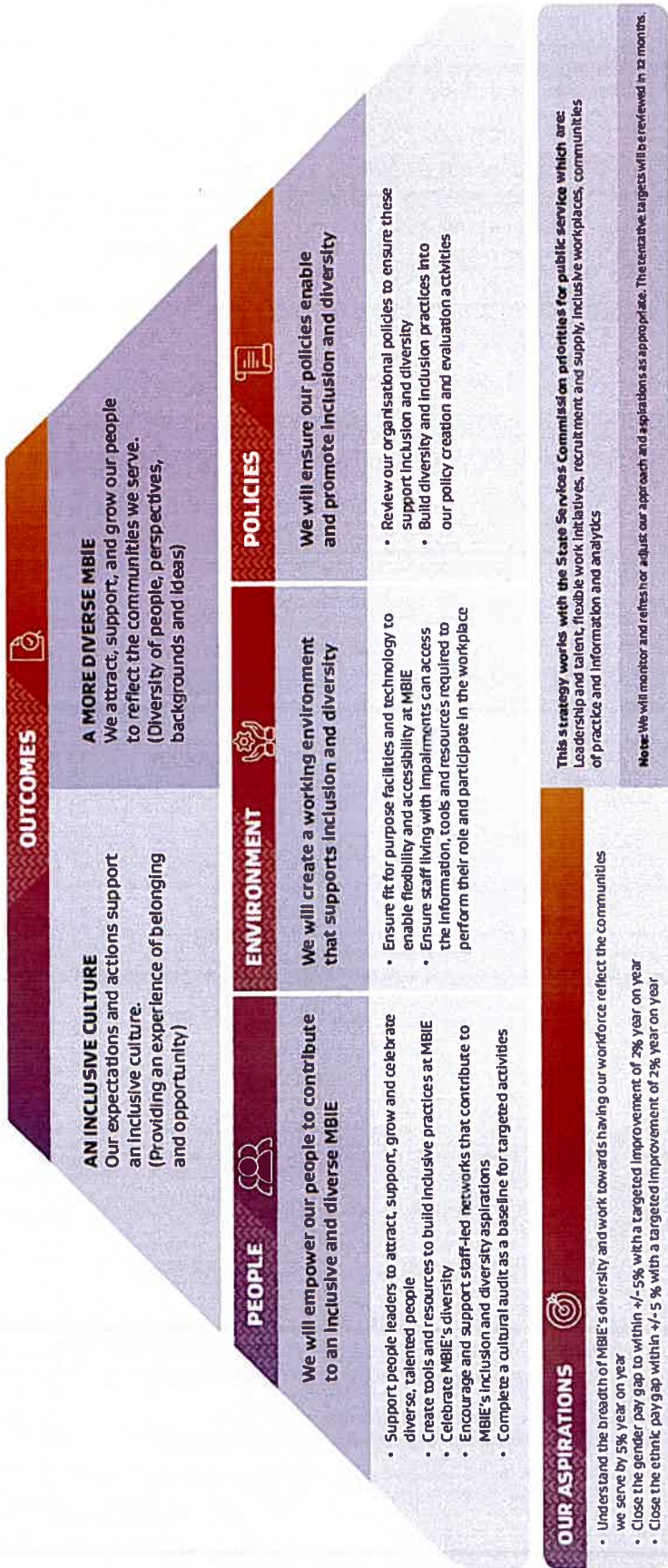
GROW NEW ZEALAND FOR ALL

INCLUSION AND DIVERSITY STRATEGY 2018 – 2022

RUIA TE KANORAU
KIA PUĀWAI A HĪKINA
WHAKATUTUKI

OUR I&D VISION:
We value our people and reflect the communities we serve

At MBIE we want people to bring their unique identity into the way they work. We will invite more diversity, and harness our differences to “Grow New Zealand for all”



THIS STRATEGY WORKS WITH THE STATE SERVICES COMMISSION PRIORITIES FOR PUBLIC SERVICE WHICH ARE:
Leadership and talent, flexible work, initiatives, recruitment and supply, inclusive workplaces, communities of practice and information and analytics

NOTE: We will monitor and refine our approach and aspirations as appropriate. The separate targets will be reviewed in 12 months.