



## Supporting Deportees in the Community

**Date:** 20 April 2021 **Report no.:** REP/21/3/279  
**Security level:** IN CONFIDENCE **Priority:** High

### Action Sought

**Hon Carmel Sepuloni** Action Note and By 26  
Minister for Social Development and Employment Agree April 2021

### Contact for telephone discussion

Name	Position	Telephone	1st Contact
Rebecca Brew-Harper	Director, DCE Māori Communities and Partnership	0299203786	<input checked="" type="checkbox"/>

**Report prepared by:** Vanessa Dady, Programme Manager, Māori Communities and Partnership

**Please return to:** MCP DCE Office, Level 6, 56 The Terrace

### Minister's office comments

- Noted
- Seen
- Approved
- Needs change
- Withdrawn
- Not seen by Minister
- Overtaken by events
- Referred to (specify)

**Comments**

**Date received from MSD**

20/04/2021

**Date returned to MSD**

27/04/2021



# Report

**Date:** 19 April 2021

**Security Level:** IN CONFIDENCE

**To:** Hon Carmel Sepuloni, Minister for Social Development and Employment

## Supporting Deportees in the Community

### Purpose of the report

- 1 This report seeks your agreement to the Ministry of Social Development's (MSD) proposal to fund non-governmental organisation (NGO) providers to support deportees released from prison who cannot be immediately deported due to COVID-19 related travel restrictions.

### Recommended actions

It is recommended that you:


- 1 **Note** that you received advice on the impacts of COVID-19 related travel restrictions, which continue to impede the ability of Immigration New Zealand (INZ) to effect deportations of people released from prison to certain countries, and there is a risk of deportees reoffending or absconding whilst they are in the community [INZ reference: 2021-1988]
- 2 **Note** that, since deportees are not eligible for financial assistance under the Social Security Act 2018, INZ will cover the costs of accommodation and living expenses for deportees who are released into the community, but additional pastoral care may be needed to support some deportees who are at risk of reoffending or absconding
- 3 **Note** that, as part of a cross-agency working group with INZ and Ara Poutama Aotearoa (Department of Corrections), MSD has been exploring options to support the provision of pastoral care-related social support services for people who cannot be deported
- 4 **Note** that any involvement of MSD or our providers would not alter the responsibilities of INZ and Ara Poutama in relation to deportees' conditions of release in the community, and these agencies will be immediately notified of any concerns raised and will take whatever necessary steps to respond to and/or prevent community harm
- 5 **Note** that there are some providers with the capacity and relevant expertise to support ex-prisoners released into the community, and the level of risk to providers would be similar to the risk of supporting New Zealanders released from prison

6 **Agree** that MSD undertake the detailed service design for the proposal to contract three NGOs to provide social support to deportees in the community, whilst they cannot be deported due to COVID-19 related travel restrictions

Approve/Decline

7 **Agree**, subject to your approval to the detailed design, that Community Connection Service funding be used to fund the support service for deportees described above, which is estimated at a maximum total cost of \$250,000 over six months

Approve/Decline

  
\_\_\_\_\_

Marama Edwards  
Deputy Chief Executive, Māori, Communities  
and Partnerships

19/4/2021  
\_\_\_\_\_

Date

  
\_\_\_\_\_

Hon Carmel Sepuloni  
Minister for Social Development and  
Employment

25/4/21  
\_\_\_\_\_

Date

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## Background

- 8 On 25 February 2021, Immigration New Zealand (INZ) submitted a briefing to the Minister of Immigration and Associate Minister of Immigration providing advice on their proposed options for managing deportees in the community on release from prison [Ref: 2021-1988 refers]. This briefing was submitted to your office on 16 March 2021.
- 9 Due to continued COVID-19 related travel restrictions, there are small numbers of deportees serving prison sentences whom INZ is unable to deport when they are released.
- 10 INZ's first priority is to enable deportation of these individuals and INZ is undertaking work with the Ministry of Foreign Affairs and Trade (MFAT), New Zealand Police and Emirates Airlines to enable this.
- 11 INZ is also seeking Warrants of Commitment (WoCs)<sup>1</sup> to keep some deportees detained until they are able to be deported. However, as these are being rolled over from month to month, they are coming under increased scrutiny from the courts.
- 12 Where deportees are released into the community without adequate support, there is an increased risk of re-offending and/or absconding. Despite low volumes (see **Appendix A**), travel restrictions to certain countries are likely to continue for some time, including border closures, limited police escorts

### **Deportees are not eligible for MSD financial assistance given residency requirements, and INZ will cover accommodation and living costs out of the deportations budget**

- 13 A considered cross-agency response is needed to manage deportees who have no resources or supports in the community upon their release, in order to reduce the risk of community harm. There would very likely be public criticism of government policy and reputational risks to agencies, including MSD, in any incidences of harm caused by deportees reoffending. Most of the deportees have a history of serious offending, including aggravated assault and sexual violence, while a minority were incarcerated for low-level offences.
- 14 Under the Social Security Act 2018, deportees are not eligible for financial assistance from MSD, or for emergency housing support, as they are not New Zealand citizens, permanent residents or ordinarily resident in New Zealand. Deportees would also be unable to work to support themselves as they would not hold visas.
- 15 Therefore, the Minister of Immigration has agreed that INZ provide a living allowance of \$225.00 per week and payment for accommodation to deportees in the community who are:
  - unable to be deported
  - unable to be detained for further periods under WoCs, or are released on conditions
  - would otherwise be appropriately supported in the community by family or friends (as assessed in consultation with Ara Poutama and New Zealand Police).
- 16 INZ will also provide financial and other assistance to deportees released from prison who are residing with family or friends, where it is assessed that the deportee is

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<sup>1</sup> An immigration officer may apply to a District Court Judge for a warrant of commitment (or a further warrant of commitment) authorising a person's detention for up to 28 days in any case where it becomes apparent, in the case of a person detained in custody under this Part, that before the expiry of the period for which detention is authorised—

- (a) there will not be, or there is unlikely to be, a craft available to take the person from New Zealand; or
- (b) the person will not, or is unlikely to, supply satisfactory evidence of his or her identity; or
- (c) the Minister has not made, or is not likely to make, a decision as to whether to certify that the person constitutes a threat or risk to security; or
- (d) for any other reason, the person is unable to leave New Zealand.

placing undue stress and hardship on those family or friends. In cases where families are already in situations of financial hardship or overcrowding, this financial assistance will help to alleviate any additional pressure.

- 17 It is worth noting that the level of financial assistance to deportees to cover their accommodation and living costs exceeds that available to temporary visa holders who are currently only eligible for the Emergency Benefit (EB). Given the high cost of emergency accommodation, it is also likely to exceed the assistance available to many New Zealanders on benefit.
- 18 Whilst this may be subject to some criticism, we consider this is outweighed by the unprecedented travel restrictions related to COVID-19, the time-limited nature of assistance and the risk of community harm from deportees living unsupported in the community for an uncertain amount of time.

### **Given deportees are also likely to need pastoral care, MSD has been investigating options for the provision of social support services**

- 19 INZ's briefing to the Minister of Immigration noted that MSD was exploring the possibility of funding NGOs to provide social support services to deportees released from prison, namely around pastoral care. The briefing also noted that seeking additional funding from Cabinet or 'club funding' amongst INZ, MSD and Ara Poutama were not considered viable options.
- 20 MSD acknowledges that support of individuals released from prison is not our core business. However, we have identified some current providers that would have the capacity and capability to undertake this work, given some deportees are likely to need support to access social services and would benefit from pastoral care.
- 21 MSD has developed a proposal to support this cohort for your consideration. This includes utilising a portion of the funding allocated to the Community Wellbeing Package, specifically from the Community Connection Service funding, to fund three established NGOs to provide these individuals a service. We had previously considered the Community Capability and Resilience Fund, however, on further consideration the Community Connection Service funding provides better alignment.
- 22 The NGOs could work with the deportee to determine what supports they need to help prevent reoffending and/or absconding. This support could include access to mental health and addiction services, medical assistance and help to obtain suitable accommodation. They could also include providing support to the whānau to connect them with assistance they may need to accommodate the deportee in their home. These would consider any conditions the deportee has on their release.

### **The service design would need to specify roles and responsibilities amongst agencies, including risks to be managed**

- 23 As this situation is unprecedented, we have been considering options by working closely with INZ, Ara Poutama and Police, so that any risks are mitigated, and deportees get the support they need while ensuring the safety of communities as much as possible.
- 24 We have worked through a proposed process with all four agencies and agreed that, if MSD were to be involved, the following roles and responsibilities would help to mitigate any risks.
- 25 The detailed role for each agency including the role that MSD could have is outlined in Appendix B.

## **MSD has investigated options for funding and identified the most appropriate NGO providers**

*We propose to use funding available through the Community Connection Service*

- 26 In order to support NGOs to provide support for deportees, if agreed, MSD could utilise some of the Community Connection Service budget. There is capacity in this fund as there was a small delay in some providers commencing services.
- 27 If agreed, we could engage NGOs who could provide a service based on the Community Connection roles that have been implemented as part of the Community Wellbeing Package. Community Connectors work with individuals and whānau who have multiple needs and who may be in vulnerable situations (or at risk of being in vulnerable situations).
- 28 The Community Connection Service provides connections and direct support to whānau, so they can access information and services in the community, as part of the psycho-social response and recovery plan for COVID. This service takes an active approach to ensuring people are able to access information and services across multiple government agencies and service providers. We have partnered with existing MSD-funded service providers in communities where there is need, and these providers have recruited full-time staff into Community Connector roles. We have 140 Community Connector positions spread across the country.
- 29 INZ advises that, as at 10 December 2020, there were 13 people with statutory release dates in 2021 and another 122 people liable for deportation who were eligible for parole in, or before, 2021. However, this number could change as courts continue to make decisions on releases and granting or denying WoCs.
- 30 NGOs could work with the deportee for as long as necessary. However, we anticipate that support would not be required in the long term. We would review the support at three months and at six months to determine what, if any, ongoing support services are required.
- 31 Access to the service could be via a referral from INZ and will be optional for the deportee. As such, if agreed, we could fund NGOs an amount comparable to Community Connectors but pro-rated based on the estimated volume of deportees they would be working with.
- 32 Providers receive \$120,000 per Community Connector per annum. This is based on a salary of \$80,000, plus overheads of \$40,000, and assuming a caseload of 1 FTE to 30 people.
- 33 As we are anticipating that this service could run for up to six months, and would be optional for deportees to take up, the amount we would utilise from the Community Connection Service Fund is a maximum of \$250,000 assessed as follows:

Community Connector cost	\$120,000 per annum
Caseload 1:30	\$4,000 per person per annum
Deportee service cost	\$2,000 per person/6 months
Approximate number of deportees	125
Total cost for NGOs	\$250,000

- 34 Note that this is based on every deportee choosing to access the service. The actual cost per NGO would be pro-rated on the number of deportees they provide service to.

*We have selected the likely NGO providers to provide the service to deportees*

- 35 We have discussed this potential service with three established NGOs who could provide the service:
- PARS (People at Risk Solutions) - PARS currently provide a prisoner reintegration service.
  - The Fono – The Fono provides affordable services including medical, dental, pharmacy, health awareness, Whānau Ora, education and community support services. The Fono delivers a combination of these services across four Auckland locations and a Whānau Ora service in Kaikohe, Northland.
  - Fonua Ola Network – Fonua Ola is an example of a for-Pacific, by-Pacific social service. They provide Social Work Support, Counselling, Youth Programme, Building Financial Capability, Family Violence Intervention, Whanau Ora Support and Group Parenting Programme.
- 36 All three NGOs have indicated that they have capacity to deliver the service. However, The Fono only provides services in the Auckland region and Fonua Ola only provides services in Auckland and Northland. This arrangement would be sufficient for the majority of deportees as INZ advises that most are/will be residing in the Auckland region.
- 37 If there are deportees going to other regions, we could approach other providers that are hosting Community Connectors to assess their capacity.
- 38 Also, based on the information provided by INZ, nearly half of the deportees are Pacific, so the selected NGOs are culturally appropriate for the deportees.

### **Next steps**

- 39 If agreed, we will:
- 39.1 collectively (MSD, INZ, Ara Poutama and Police) meet with the NGOs to ensure that the referral process is robust and will work for them.
  - 39.2 continue to work with INZ and Ara Poutama to refine the process as necessary.
  - 39.3 Define and implement reporting and monitoring requirements.

File ref: REP/21/3/279

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Responsible manager: Serena Curtis-Lemuelu, General Manager, Pacific and Community Capability



## Appendix A – Statistical information from Immigration New Zealand

40 As at 23 February 2021, there were 13 deportees with statutory release dates coming up in 2021 – see **Table 1** below.

**Table 1. Deportees with statutory release dates in 2021**

Corrections facility	Nationality	Length of sentence	Statutory release date
s9(2)(a) OIA			

- 41 As at 10 December 2020, there were 122 people liable for deportation who are eligible for parole in, or before, 2021. INZ understands that all of these individuals, if paroled, will be subject to parole conditions.
- 42 The nationalities of people eligible for parole in or before 2021 are listed in **Table 2** below. Some of these people will be deported more easily than others, dependent on the type of offending, whether they require escorts and whether their home country's border is effectively closed (such as s9(2)(a)). The situation in relation to border closures and transit restrictions is reasonably fluid.

**Table 2. Nationalities of deportees eligible for parole in or before 2021 (as at 10 December 2020)**

Country	Volume
s9(2)(a) OIA	



s9(2)(a) OIA

<b>TOTAL</b>	<b>122</b>

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## Appendix B – Agency Roles and Responsibilities

### *Ara Poutama Aotearoa would:*

- Identify prisoners due for release and due for deportation – this would occur up to 8 weeks prior to release.
- Complete the INZ referral form – this form covers relevant information to enable INZ to assess supports required for the deportee and any conditions the deportee will have on release from prison, if known.
- Complete the information-sharing consent form – this form would give consent to share the prisoner’s information with INZ, MSD, New Zealand Police and any other government agencies, as well as rehabilitation, reintegration and accommodation providers, as required.
- Facilitate NGO meetings – meetings with the prisoner as early as possible prior to their release would help to establish trust and identify the prisoner’s support needs.
- Determine accommodation for the prisoner – this would consider any post-release restrictions (i.e. location, proximity to schools/victims, etc.).
- Continue to work with the prisoner and NGO on a release plan – this will cover any post-release conditions, accommodation and any other information that would be helpful to enable the deportee’s transition into the community.
- Assign a probation officer to manage condition compliance if the deportee has conditions on release from prison.
- Inform the Police when a deportee is released from prison.

### *Immigration New Zealand would:*

- Case-manage the deportee prior to release from prison – this would include meeting with the deportee, assessing their needs in the community and determining what compliance will be required (e.g. reporting to INZ regularly, confirming accommodation) to ensure that the deportee does not abscond. At this point, INZ will also complete a needs assessment to determine whether financial assistance and/or accommodation costs will be provided.
- Case-manage the deportee in the community following release from prison – this would include ensuring their whereabouts via regular reporting, monitoring their financial and accommodation costs and issuing payment cards, where appropriate. This may also involve approving the source and costs of accommodation.
- Cover the costs of accommodation and weekly living allowance payments – support may include covering government-subsidised health services. If this occurs the NGO would work with the INZ case manager to access any additional funding.
- Engage directly with deportees already released into the community who do not have a probation officer to undertake a needs assessment, assisted by an NGO and/or Police
- Refer to MSD for the most appropriate NGO to support deportees in the community (**NB:** deportees would remain the responsibility of INZ (and Ara Poutama by extension), who would be immediately notified of any concerns or issues raised about a deportee and would take whatever steps necessary to prevent and/or respond to community harm).

### *New Zealand Police would:*

- Advise of any conditions the deportee has and ensure that local offices are also aware of placement in the community.
- Assist INZ whenever there are any concerns raised about the deportee.

*Ministry of Social Development would:*

- Contract three social service providers (NGOs) to provide support to the deportee and, where appropriate, the whānau they are staying with – NGO support could include:
  - connecting the deportee with appropriate health services, including mental health and addiction services, and assistance to find appropriate accommodation
  - ensuring the deportee’s whānau are not disadvantaged because they are providing accommodation for the deportee, which may include assisting whānau with their entitlements to MSD’s income support.
- Determine the most appropriate NGO to work with the deportee, following referrals from INZ.

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