



**NEW ZEALAND
IMMIGRATION**

Claiming Refugee and Protection Status in New Zealand

November 2022



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

immigration.govt.nz



Ministry of Business, Innovation and Employment (MBIE) Hīkina Whakatutuki – Lifting to make successful

MBIE develops and delivers policy, services, advice and regulation to support economic growth and the prosperity and wellbeing of New Zealanders.

MORE INFORMATION

Information, examples and answers to your questions about the topics covered here can be found on our website: www.mbie.govt.nz or by calling us free on: **0800 20 90 20**.

DISCLAIMER

This document is a guide only. It should not be used as a substitute for legislation or legal advice. The Ministry of Business, Innovation and Employment is not responsible for the results of any actions taken on the basis of information in this document, or for any errors or omissions.

PRINT: ISBN 978-1-99-104193-7

ONLINE: ISBN 978-1-99-104192-0

NOVEMBER 2022

©Crown Copyright

The material contained in this report is subject to Crown copyright protection unless otherwise indicated. The Crown copyright protected material may be reproduced free of charge in any format or media without requiring specific permission. This is subject to the material being reproduced accurately and not being used in a derogatory manner or in a misleading context. Where the material is being published or issued to others, the source and copyright status should be acknowledged. The permission to reproduce Crown copyright protected material does not extend to any material in this report that is identified as being the copyright of a third party. Authorisation to reproduce such material should be obtained from the copyright holders.

Contents

- Introduction 5**
- Refugee and Protection Claim Process Map and Timeline 6**
- 1. What is a refugee and a protected person? 7**
- 2. The determination process 8**
 - 2.1 Representation 8
 - Legal Aid 8
 - For more information: 8
 - 2.2 Lodging your claim 9
 - Supporting documents 9
 - Your contact details 9
 - Correspondence 9
 - If you do not have a representative 9
 - 2.3 At the refugee status unit 9
 - Submit a written statement 9
 - The interview 10
 - Representative 11
 - Interpreter 11
 - Biometrics 11
 - Support person 11
 - Attending the interview 11
 - What to do if you are unable to attend your interview 11
 - What to do if you are unwell on the day of interview 11
 - Report and Response 11
 - Decision 12
 - 2.4 The decision 12
 - If your appeal is successful 13
 - If your appeal is unsuccessful 13
 - 2.5 Additional information 13
 - What to do if you no longer wish to claim? 13
 - Cancellation and cessation of refugee or protection status 13
 - 2.6 Subsequent refugee and protection claims 13



3. Rights and responsibilities of claimants.....	14
3.1 Your rights.....	14
3.2 Your responsibilities	14
3.3 Feedback.....	15
Timeframes for the determination process	16
Note your important dates	16
Glossary.....	17
Contacts	18

Introduction

This guide provides information on New Zealand’s refugee and protection claim process, and your rights and responsibilities.

A person who is seeking refugee and protected person status in New Zealand is called a “claimant” (also known as an asylum seeker). Seeking recognition is known as a “claim”.

In New Zealand, claims are decided according to the Immigration Act 2009 (the Act). One of the purposes of the Act is to ensure that New Zealand meets its obligations under the 1951 Convention Relating to the Status of Refugees (“the Refugee Convention”), the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“the CAT”) or under the 1966 International Covenant on Civil and Political Rights (“the ICCPR”).

Your claim will first be decided (“determined”) by a refugee and protection officer (“RPO”) of the Refugee Status Unit (“RSU”), which is a part of Immigration New Zealand at the Ministry of Business, Innovation & Employment.

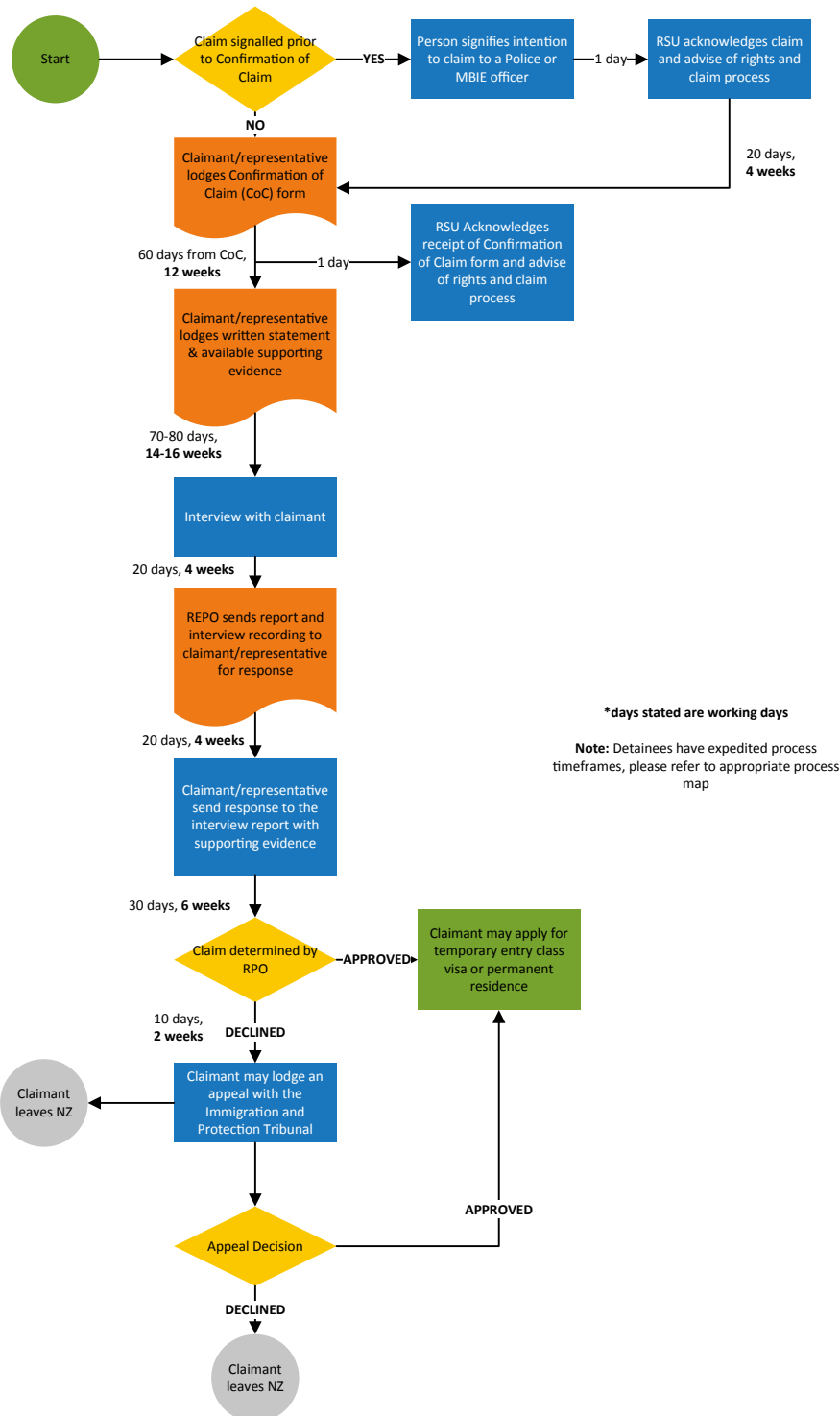
You cannot be deported from New Zealand while your claim is being determined.

If you are recognised as a refugee or protected person, you are allowed to stay in New Zealand and you may apply for a Permanent Resident Visa. If you are not recognised as a refugee or protected person, you must leave New Zealand.

Your identity as a claimant and the details of your claim are confidential per section 151 of the Act. The information you provide during your claim will be kept confidential to the New Zealand Government and the United Nations High Commissioner for Refugees (UNHCR)¹ but may be disclosed to others where necessary for lawful purposes. The RSU may inquire into your claim and may disclose some information for this purpose, or for other reasons, such as to investigate offences. Information would only be disclosed if there is no serious possibility that your or any other person’s safety would be endangered.

¹ The UNCHR’s Multi-Country Representation office is based in Canberra.

Refugee and Protection Claim Process Map and Timeline



1. What is a refugee and a protected person?

Refugee or protected person status is a legal status.

A refugee is a person who meets the definition of a refugee provided in Article 1A of the Refugee Convention, as amended by the 1967 Protocol. See the glossary at the end for the definition.

A protected person is someone whose deportation from New Zealand would violate the CAT or Articles 6 and 7 of the ICCPR.

A refugee is a person who:

- › is outside of his or her home country or country of habitual residence
- › faces a real chance of being harmed if returned to that country and the harm faced is serious
- › the risk of serious harm is for reasons of who the person is, or what they believe. The reasons may be race (or ethnicity), religion, political opinion, nationality or membership of a particular social group (such as family status, gender, or sexual orientation or identity)
- › needs and deserves protection in New Zealand.

A person may be excluded from refugee status under Article 1F of the Refugee Convention if there are serious reasons for considering that he or she has committed a crime such as a war crime or crime against humanity, or a serious non-political crime.

A protected person is someone for whom:

- › there are substantial grounds for believing she or he would be in danger of torture, arbitrary deprivation of life or cruel treatment if deported from New Zealand.
- › Cruel treatment is defined in the Immigration Act 2009 as cruel, inhuman or degrading treatment or punishment².

If a person can obtain effective protection from the authorities of their country or a third country, New Zealand is not obliged to protect them.

² Section 131(6).

2. The determination process

The authorities involved in processing your claim in New Zealand are:

- › The Refugee Status Unit (RSU), of Immigration New Zealand (INZ), part of the Ministry of Business, Innovation and Employment (MBIE), and
- › The Immigration and Protection Tribunal (the Tribunal), part of the Ministry of Justice.

The RSU will allocate your claim to a refugee and protection officer (RPO) who will make a decision, called a “determination”. If your claim is declined, you generally have the right to appeal that decision to the Tribunal.

You must be physically in New Zealand to make a claim.

You can signal an intention to claim:

- › when you arrive in New Zealand (for example, to a Customs or Immigration officer at an airport or a seaport)
- › after your arrival, by advising an MBIE or INZ employee, or a police officer that you want to make a claim.

If you signal an intention to claim, you are considered to have made a claim and must lodge a completed Confirmation of Claim to Refugee and Protection Status in New Zealand (Confirmation of Claim) form with the RSU (see 2.2 below) within 20 working days OR withdraw your claim. Otherwise, the RSU may proceed to determine the claim on the basis of the information available.

2.1 REPRESENTATION

A representative is someone who can advise you on the laws and procedures that apply to your claim. You may wish to talk to a representative before lodging a claim and you have the right to contact a lawyer about your claim.

If you want a representative, you should use either a lawyer (a person who holds a current practising certificate, issued by the New Zealand Law Society) or an immigration adviser who is licensed by the

Immigration Advisers Authority. This will ensure that your representative is properly qualified to give advice and meets approved standards.

If you want a representative, you should find one promptly, as the determination process will not normally be delayed in order for you to find one. If you do engage one, you are required to inform RSU as soon as possible and provide your representative’s details.

If you cannot afford a lawyer, you may qualify for free legal advice through an official scheme known as Legal Aid.

Legal Aid

Legal aid is government funding to pay for a lawyer for people who cannot afford one. To get legal aid you have to make an application to the Legal Aid Service (LAS) – a legal aid approved lawyer or provider can do this for you.

Not all lawyers do legal aid work. You should check, when you first contact the lawyer, whether they are a legal aid lawyer/provider.

For more information:

The Ministry of Justice has a list of legal aid lawyers on its website at:

www2.justice.govt.nz/find-a-legal-aid-lawyer.

To search for lawyers who are experienced in refugee matters you must enter “Law Type: Refugee & Immigration” into the search function.

For more information about how the legal aid system works visit:

www.justice.govt.nz/courts/going-to-court/legal-aid.

Community Law centres also provide legal information and advice, assistance and representation for people who cannot afford to pay for legal services. For further information visit: www.communitylaw.org.nz.

The RSU can also give you information on finding a lawyer.

You can search for a licensed immigration adviser on the Immigration Advisers Authority website: www.iaa.govt.nz. You will need to pay a fee for a licensed immigration adviser.

2.2 LODGING YOUR CLAIM

You must confirm your claim in writing by lodging a completed Confirmation of Claim form with the RSU.

This form can be downloaded from the RSU website: www.immigration.govt.nz/RSU.

The Confirmation of Claim form must be completed in English, and you must answer every question in the form, as well as sign the designated places. If you have a representative they can help you complete the Confirmation of Claim form. The form contains comprehensive guidelines on how to complete it.

You must submit the form to the RSU, either in person:

**Refugee Status Unit
Kordia House
162 Victoria Street West
Auckland**

OR by mail to:

**Refugee Status Unit
PO Box 90533
Victoria Street
Auckland 1142**

You can email a scanned copy of the Confirmation of Claim to the RSU at RSU@mbie.govt.nz, but you must later present the actual form. If you are part of a family group, a separate Confirmation of Claim form must be submitted for each family member (including one for each child) who wants to claim.

Supporting documents

Make sure you submit any identity documents you have with you, including your passport, driver's license and any other relevant documents, with your Confirmation of Claim form. If you arrive in New Zealand without any valid identity or travel documents, you may be detained while your claim is being processed. At lodgement, original documents such as passports will be copied and returned. You must bring them with you again to any scheduled interview with an RPO.

Your contact details

You must provide the RSU with the address and telephone number of where you are staying in New Zealand. If you change your address while your claim is being processed, you must advise the RSU of your new address.

Correspondence

If you have a representative, all communications regarding your claim will be through your representative, unless you request otherwise. If you do not have a representative all correspondence will be sent to you directly.

If you do not have a representative

If you do not have a representative there is some information you should know:

- › You will be issued a unique immigration Client Number (for example "CN: 12345678"). You should write your Client Number on any correspondence you send to RSU and INZ.
- › You can request a copy of your RSU file. This will include information you have provided about your claim and other relevant information held by INZ such as visa applications. To request a copy of your file contact RSU, in person, by mail or by sending an email to RSU@mbie.govt.nz (in the email subject line please write: "File Request", and include your full name and INZ Client Number in the body of the email).

2.3 AT THE REFUGEE STATUS UNIT

Your claim will be assigned to an RPO for determination.

Once we have received your Confirmation of Claim form, there are four stages to the determination process:

Submit a written statement

After you have lodged your Confirmation of Claim form (see section 2.2) you must provide a full, written statement of your experiences and circumstances that have led you to claim refugee and protection status. Please refer to the Written Statement Guidelines (INZ 1362) on what to include in your statement. You can access these guidelines on the RSU website: www.immigration.govt.nz/RSU.

Your statement should be submitted to RSU as soon as possible and no longer than 60 working days (12 weeks) from lodgement of the Confirmation of Claim form. You may submit the statement to the RSU in person, by mail or email.

If you have a representative they will help you to write your written statement. Your statement must be in English and should explain all the reasons you fear returning to your home country. The English translation of your written statement must:

- › be certified as a correct translation made by a person familiar with both languages and qualified in translation work;
- › be on the official letterhead of the translation service; or
- › bear the stamp or signature of the translator; and
- › be accompanied by the original documents or certified copies

Your written statement must not be translated by a family member or a person with an interest in the outcome of your claim.

Other evidence

Along with your written statement, you should provide any information or evidence such as documents, to support your claim.

Under Section 135 of the Act it is your responsibility to establish your claim. The law requires that you provide all information, evidence and submissions that you wish to have considered in support of your claim.

Some examples of useful documents include:

- › your passport, and the passport(s) of your spouse and any dependants in New Zealand
- › police clearance certificates, if you or any members of your family have them
- › other documents which will help us to establish your identity and nationality - these may include identity cards, birth certificates, marriage certificates, school certificates, military service documents and membership cards; and
- › any other documents that will support your claim.

You should provide certified translations of all documents you wish to submit.

The interview

The RPO may ask you to attend an interview, which will be scheduled between 14 to 16 weeks from the

lodgement of your Confirmation of Claim form.

At the interview you will be asked about:

- › yourself, your family and your home country; and
- › why you fear returning to your home country.

The interview is your chance to explain why you are making a claim.

The interview is a key part of the process. It is important to tell the truth, because false or misleading statements may affect the credibility of your claim.

Providing false information is a criminal offence. If you provide incorrect information to the RPO about your claim, it may cause him/her to doubt other information that you have given.

If the RPO obtains any information which is potentially unfavourable (or detrimental) to your claim, and which the RPO intends to take into account, it will be disclosed to you so you have the opportunity to comment on it. However, this does not include general and publicly available country information.

Your interview will be recorded and a copy of the recording (and any notes taken by the RPO at interview) will be given to you or your representative afterwards.

Most interviews are held at the RSU office in Auckland. Interviews are also regularly held in INZ or MBIE offices in Wellington and Christchurch. Claimants in other locations may need to travel to a regional MBIE office.

If you are detained you will be interviewed at the place where you are being detained (in prison or at Te Āhuru Mōwai o Aotearoa (the Mangere Refugee Resettlement Centre)). Detained people who have been released into the community are expected to attend the RSU or other MBIE office for their interview.

If you are part of a family group, each adult family member may be interviewed by the RPO separately. If your family group includes minors (under 18 years), they will need a responsible adult to represent them. Children have the right to express their views, and must be given an opportunity to do so, as far as that is practicable. Their views will be taken into account according to their age and maturity. The RPO, responsible adult and child should work together to enable this.

Please note, young children cannot stay with you in the interview room. Please arrange for your child to be cared for while you are being interviewed.

Representative

If you have a representative they may attend the interview with you.

Interpreter

If you need one, the RSU will provide an independent interpreter in a language which you can speak and understand. The interpreter will translate everything you say and everything that the RPO says. The interpreter is not involved in the decision-making process. Interpreters must keep all information confidential so you should not fear telling the RPO any details of your claim.

If there are any issues with interpretation at your interview, it is your responsibility to raise this matter with the RPO or your representative at the interview.

Biometrics

The RPO may require you to allow biometric information (fingerprints and photograph) to be collected from you. This usually happens at interview, but can happen in advance. Please email RSU@mbie.govt.nz if you are able to visit the RSU office prior to interview to provide your biometrics.

For more information on biometrics see the Immigration Fingerprint and Photograph Check leaflet provided with the interview scheduling letter.

Support person

You may request a support person other than your representative attend your interview. Your request must be made in writing at least 10 working days before the interview and must explain why you require a support person, who that person is and what your relationship is with that person. Any support person or observer will be required to sign an observer confidentiality agreement. Your support person can wait in the reception area during your interview.

Attending the interview

It is very important that you attend your interview to provide information to establish and support your claim. If you fail to attend your interview the RPO may proceed to determine the claim on the information available.

What to do if you are unable to attend your interview

If you are unable to attend your interview, written supporting information and evidence must be provided to the RSU as soon as practicable and preferably at least ten (10) working days before the scheduled interview date. If your request to reschedule is accepted, your interview will be rescheduled for the earliest possible date.

What to do if you are unwell on the day of interview

If you are unable to attend your interview because of illness or disability on the day of interview, you must notify the RSU immediately by calling 09 928 2236. You must also supply a medical certificate from a registered medical or health professional such as a doctor no later than 4:00pm of the interview day. You may email a scanned copy of the document to RSU at RSU@mbie.govt.nz. To be acceptable, the medical certificate must specify:

1. the date you were examined;
2. your illness or disability;
3. the expected duration of the illness or disability;
4. the reason, in the opinion of the medical practitioner, why you are unable to attend the interview; and
5. the medical practitioner's opinion as to when you will be fit and able to attend an interview.

If the RSU determines that the medical certificate meets the above criteria, then the interview may be rescheduled.

If you are unable to provide a medical certificate by 4:00pm on the day of interview, you must nevertheless contact the RSU on the day of interview and advise what has happened, details of any medical appointments made and when the required information will be produced.

Report and Response

Report

After your interview, the RPO may send you a report summarising their understanding of your claim, and putting any follow up questions or concerns to you. This will be sent within four (4) weeks of the interview being completed.

Response

You have four (4) weeks to provide a response to the report and to make any further submissions, or provide further information in support of your claim. Extra time to respond is available on request.

If your report is returned to the RSU because the address is incorrect or you no longer live at that address and the RSU does not have a current address for you, the RPO may proceed to making a decision on your claim. You must let RSU know of any changes in your address or contact details.

It is very important that you read the interview report carefully, and in your response state whether you agree or disagree that it is a correct summary of what you have told the RPO. If it is not correct, you need to state what information is wrong and what it should say.

You should also answer any further questions or concerns raised in the interview report.

If you have a representative they will assist you to respond to the interview report.

If you have further information to support your claim, you must inform the RPO before they make a decision on your claim.

Decision

The RPO will issue a decision on your claim within six (6) weeks of receipt of your response to the interview report.

The RPO assesses each claim on its merits. The RPO will make the decision based on all the information you have provided, and any other information he/she has about you or your home country.

The RPO will assess:

1. Are your statements truthful/ credible?
2. Does your claim meet the criteria contained in Article 1A(2) of the Refugee Convention or are you eligible for protected person status?

The RPO will send you, or your representative a copy of the decision on your claim.

2.4 THE DECISION

The RPO will either approve or decline your claim.

If you are recognised as a refugee or protected person

Recognition as a refugee or protected person means that you are allowed to stay in New Zealand and you may apply for a temporary entry class visa or a resident visa. Adults who are recognised as refugees or protected persons will first be granted work visas. School-aged children will generally be granted student visas, which allows them to study at any primary and/or secondary school.

Dependent children who are not in school will be granted a visitor visa. You can then apply for a permanent resident visa. A residence visa can take time to process and is a separate and additional step. Refugee or protection status does not guarantee a residence visa. To find out more please visit the INZ website: www.immigration.govt.nz/new-zealand-visas. If you require further information you may contact INZ by telephone on 0508 55 88 55. If you call and you need help with communicating in English, say the language you speak and INZ will connect you to an interpreter – do not hang up while you are being connected. You will also receive further information from RSU about residence visa applications and settling in New Zealand.

If you are not recognised as a refugee or protected person

If you do not meet the criteria for recognition as a refugee and you are also denied protected person status, you will receive a decision explaining the reasons for this refusal.

You will be told what rights you have to appeal the RPO's decision and the time limits for this. Claims that are declined may generally be appealed to the Tribunal.

If you have a representative they may assist you with your appeal to the Tribunal.

If you lodge an appeal a copy of your INZ file, including all information provided by you and your representative to RSU in support of your claim, will be sent to the Tribunal.

If you lodge an appeal you cannot be deported from New Zealand until that appeal has been determined. For more information on appeals visit the Tribunal's website: www.justice.govt.nz/tribunals/immigration

If your appeal is successful

If your appeal is successful you may proceed with the previous step 'If you are recognised as a refugee or protected person... ' and apply for a visa.

If your appeal is unsuccessful

If your appeal is unsuccessful and it is finally determined that you are not a refugee or protected person, you are required to leave New Zealand.

You or your representative should contact the Compliance Unit to discuss your options through the INZ Contact Centre: 0508 55 88 55.

You should be aware that a person who is declined refugee and protected person status may not apply for any further type of visa while in New Zealand. This includes applications for: student, work, business and residence visas. This only applies to people whose refugee and protection claim has been finally declined. However, a person who is appealing a decline or who withdraws a claim before the date of determination (at the RSU) may make further visa applications in New Zealand.

2.5 ADDITIONAL INFORMATION

What to do if you no longer wish to claim?

At any stage of the process, you are free to leave New Zealand voluntarily. If you leave New Zealand while your claim is being processed, your claim is deemed to have been withdrawn. You may also withdraw your claim at any stage of the process by advising the RPO in writing of the reasons for your withdrawal. You can find a withdrawal form on the RSU website:

www.immigration.govt.nz/RSU.

Cancellation and cessation of refugee or protection status

If it is established that you have obtained refugee or protection status through fraud, the RSU may decide to cancel your refugee or protection status. The RSU may also consider ceasing your status if you become liable for deportation for example due to being convicted of a crime in New Zealand.

The cancellation and cessation processes begin with the RSU sending a notice to the person. The process then follows that outlined above for determining claims, starting with the offer of an interview.

Decisions to cancel or cease refugee and protection status may generally be appealed to the Tribunal. If your refugee or protection status is ceased or cancelled the RSU will explain what rights you have to appeal the decision and the time limits for this.

2.6 SUBSEQUENT REFUGEE AND PROTECTION CLAIMS

A subsequent refugee and protection claim refers to a situation where a person's claim has been declined by the RSU (and any appeal to the Tribunal has been unsuccessful) and the person lodges a further claim for refugee and protection status.

For a subsequent claim to be considered, it must meet certain criteria. The RPO must be satisfied that:

- › there has been a significant change in circumstances material to the claim since the previous claim was determined; and
- › the change in one or more of the circumstances was not brought about by the asylum seeker–
 - acting otherwise than in good faith; and
 - for a purpose of creating grounds for recognition as a refugee or protected person.

The RPO may refuse to consider a subsequent claim if they are satisfied that the claim:

- › is manifestly unfounded or clearly abusive; or
- › repeats any claim previously made (including a subsequent claim).

The claimant should provide the grounds on which they are basing their subsequent claim in advance of the interview, in the Confirmation of Claim form and in their written statement, and provide evidence they wish to have considered.

3. Rights and responsibilities of claimants

3.1 YOUR RIGHTS

As a claimant in New Zealand, you have the right to:

- › contact a representative of the Office of the United Nations High Commissioner for Refugees (UNHCR)³ at this email: aulca@unhcr.org
- › contact a lawyer.
- › an independent interpreter, engaged by the Refugee Status Unit, to attend at any interview you have with a refugee and protection officer.
- › not be deported until or unless your claim for refugee and protection status has been determined and you are determined not to be a refugee or protected person.
- › have the information you provide during your claim kept confidential to the New Zealand Government and the UNHCR but may be disclosed to others when necessary for lawful purposes, as per section 151 of the Act.
- › to be treated fairly and lawfully regardless of your race, gender, age, religion, sexual orientation or any disability.
- › to otherwise have your claim considered fairly.
- › to access publicly funded (but not free) healthcare,
- › to access education for school age children but not for tertiary students,

- › to access Work and Income benefits if you are on a valid visa.
- › to work if your visa allows you to.
- › to practice your own religion.
- › to apply for an identity document if you do not have one.

For more information on support services see the Services for Asylum Seekers brochure.

3.2 YOUR RESPONSIBILITIES

As an asylum seeker it is your responsibility to:

- › to complete the required forms including the Confirmation of Claim form (if you have signified an intention to claim).
- › to provide a written statement setting out the grounds of your claim within the specified timeframes.
- › to advise of all potential grounds of the claim.
- › to advise if you have immediate family in New Zealand who is seeking recognition as a refugee or protected person and whether the family member's claim is on different grounds from your own.
- › to attend a scheduled interview with an RPO (if required).

3 The UNHCR's Multi-Country Representation office based in Canberra confirmed by email to MBIE staff that: the "UNHCR is not able to provide individualised assistance to claimants". Rather, the "UNHCR is responsible for the promotion and protection of refugee rights in the region, including New Zealand. UNHCR closely monitors asylum processes, including detention arrangements in New Zealand and works with the Government to promote respect for the international human rights of asylum-seekers and refugees. UNHCR can also provide general information to claimants on how to access essential support services in New Zealand during the asylum process and in certain circumstances, may also be able to assist in verifying an individual's registration with UNHCR outside of New Zealand where needed, provided that consent is provided".

- › to provide all information, evidence and submissions you wish to have considered in support of your claim within the timeframes specified. This includes:
 - a. evidence of your identity, including–
 - i. a recent photograph of yourself; and
 - ii. evidence of any identity documents that contain details of an alias or aliases you may have used; and
 - iii. evidence of any identity documents that contain a different spelling of your name or a different date of birth for you:
 - b. evidence of your country of origin:
 - c. any evidence supporting your claim:
 - d. any evidence supporting any other potential claim you may have under section 129, 130, or 131 of the Act.
- › to provide information relevant to your refugee or protected person status, including matters which might lead to your exclusion from refugee status under Articles 1C to 1F of the Refugee Convention.
- › to advise of your current contact address and to inform the RSU of any changes.
- › to respond promptly to all communications from the RSU or RPO.
- › you have the responsibility to remain lawfully in New Zealand on a valid visa, if you want one.

3.3 FEEDBACK

The RSU welcomes feedback. Feedback can be provided formally in writing, or informally (by talking to an RSU staff member). If you or your representative have any concerns with the process you can let the responsible RPO or staff member know. If it cannot be resolved, you may send an email to the RPO's manager or to the RSU email at RSU@mbie.govt.nz.

You may also give your feedback on the INZ website, where you can make a formal complaint, suggestion, or give a compliment www.feedback.immigration.govt.nz.

Timeframes for the determination process

NOTE YOUR IMPORTANT DATES

1.	Claim may start here You may signify your intention to claim refugee or protected person status in New Zealand to a police or MBIE officer, who notifies the RSU	<i>Date you made an claim by signifying it</i>
2.	Claim may start here (1) You complete and lodge a Confirmation of Claim to Refugee and Protection Status in New Zealand form (Confirmation of Claim)	<i>Date you lodged Confirmation of Claim form</i>
3.	Within 12 weeks (60 working days) from Confirmation of Claim lodgement: (2) You must submit to the RSU a written statement outlining the details of your claim with any available evidence	<i>Date you submitted a Written Statement</i>
4.	14-16 weeks (70 – 80 working days) from Confirmation of Claim lodgement: (3) You must attend an interview with a RPO if required	<i>Interview date</i>
5.	4 weeks (20 working days) from the interview: (4) The RPO will send you or your representative a report on your claim	<i>Date of report</i>
6.	4 weeks (20 working days) from report (5) You/or your representative may respond to the report and provide any additional evidence	<i>Date of your response</i>

Please note that it is your responsibility to keep to the specified timeframes. A failure to comply with specified timeframes or to produce the information required without reasonable explanation may:

- › lead to a negative inference regarding your responsibilities to establish your claim;
- › lead to a negative inference as to credibility;
- › lead to a decision being made on your claim based on the information available to the RPO

If you do not attend the interview with an RPO, as per section 149(4) of the Act, the RPO may proceed to make a determination of the claim on the information available.

Glossary

Claimant: A person who is seeking refugee or protected person status in New Zealand (a “claim”), but whose claim has not yet been decided.

Biometric information: A photograph of all or part of a person’s head and shoulders, the person’s fingerprints, an iris scan.

Convention refugee: A claimant who has been recognized as a refugee or a protected person in New Zealand.

Refugee is someone who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality, and is unable to, or owing to such fear, is unwilling to avail himself or herself of the protection of that country.

Quota refugee: A person determined to be a refugee by the United Nations High Commissioner for Refugees (UNHCR) and who came to New Zealand on a government mandated programme on the basis of that recognition. The ‘quota’ also includes applicants for Refugee Quota Family Reunification.

Legal Aid Service: A government service and fund to assist people with legal help when they cannot afford to hire a lawyer to represent them.

Protected person: A person who does not meet the criteria to be recognized as a refugee, but for whom there are substantial grounds for believing that they would be in danger of being subjected to arbitrary deprivation of life, torture or cruel, inhuman or degrading treatment or punishment, if deported from New Zealand. This person also cannot access meaningful domestic protection in his or her home country or country of former habitual residence.

Representative: A person who can advise you on the laws that apply to your refugee and protection claim, and help with your claim. This person must be a lawyer (a person who holds a current practicing certificate as a barrister or as a barrister and solicitor, issued by the New Zealand Law Society), or an immigration adviser who is licensed by the Immigration Advisers Authority.

United Nations High Commissioner for Refugees: UNHCR Australia acts as a monitoring body for the refugee status determination process in New Zealand. They can provide general information on how to access essential support services in New Zealand during the asylum process. In certain circumstances, may also be able to assist in verifying an individual’s registration with UNHCR outside of New Zealand, provided that consent is provided. However they are not able to provide individualised assistance to claimants. You can find more information about UNHCR on their website: www.unhcr.org.

Work and Income: Work and Income provides financial assistance and employment services throughout New Zealand. They can help people financially who are on a low income or not working, support people into work and help with housing.

Contacts

Refugee Status Unit

Kordia House
162 Victoria Street West
Auckland

Postal address: PO Box 90533, Victoria
Street, Auckland 1142,
Telephone: 09 928 2236
Email: RSU@mbie.govt.nz
Website: www.immigration.govt.nz/RSU

Immigration New Zealand

Immigration Contact Centre
Telephone (from Auckland):
09 914 4100
Telephone (from anywhere else in New Zealand): 0508 55 88 55
Website: www.immigration.govt.nz

Immigration and Protection Tribunal

Chorus House, Level 1, 41 Federal
Street, Auckland 1010,
Postal address: DXEX 11086, Auckland
1142, New Zealand
Telephone: 09 914 4299
Fax: 09 914 5263
Email: IPT@justice.govt.nz
Website: www.justice.govt.nz/tribunals/immigration/immigration-and-protection

United Nations High Commissioner for Refugees

Legal Officer
UNHCR Regional Office for Australia,
New Zealand, Papua New Guinea and
the South Pacific
14 Kendall Lane
New Acton, Canberra ACT, 2601
AUSTRALIA
Telephone: 0061 2 6281 9100
Fax: 0061 2 6247 2933
Website: www.unhcr.org



Te Kāwanatanga o Aotearoa
New Zealand Government

INZ 8630