

# Regulatory Impact Statement: Clarifying section 150 of the Immigration Act 2009 to prevent asylum claimants who withdraw their claims from applying for further visas

<b>Decision sought</b>	<i>Informing Cabinet policy decisions</i>
<b>Agency responsible</b>	<i>Ministry of Business, Innovation and Employment</i>
<b>Proposing Ministers</b>	<i>Minister of Immigration</i>
<b>Date finalised</b>	<i>26 May 2025</i>

Amend section 150 of the Immigration Act 2009 (the Act) to limit the ability of an asylum claimant who withdraws a claim to apply for a further visa. This will treat claimants who withdraw in the same way as claimants who are declined, preventing them from applying for a further visa.

## Summary: Problem definition and options

### What is the policy problem?

A large number of asylum claims each year are declined as they do not meet the legal test to be recognised as a refugee or protected person.<sup>1</sup> In most circumstances, asylum seekers are granted temporary visas whilst their claim is being determined. When a claim is declined, section 150 of the Act prevents the grant of a further visa to an asylum seeker who has been granted a temporary visa.

However, section 150 is currently ambiguous as to the ability of an asylum claimant who withdraws a claim to be able to apply for further visas. Legal professional privilege

There is also a concern that some asylum claimants are misusing the system by lodging a claim and then taking advantage of changing circumstances during consideration of their claim (currently almost two years from lodgement to decision) to gain access to an alternative immigration route that would not have otherwise been available to them. An example of this is a claimant who claims asylum as a way of gaining a temporary work visa rather than genuinely seeking protection, works for over a year in New Zealand, finds alternative work opportunities and then withdraws their claim and applies for another visa. Spurious claims contribute significantly to delays in processing and backlogs and cause prolonged uncertainty for genuine claimants (almost two years from lodging for a

<sup>1</sup> For this financial year the current approval rate for all claims determined is 19.5% of the 728 claims decided.

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determination on a claim). Delays in determining claims can incentivise more claims and impact other parts of the immigration system and result in costs being incurred by other public services such as legal aid, welfare, health, and education.

**What is the policy objective?**

The proposal is intended to clarify ambiguity in the law as section 150 is currently silent as to the ability for an asylum claimant who withdraws a claim to apply for other visas. This will provide more clarity for system users. A subsequent aim is to prevent claimants from withdrawing their claim during the consideration process and applying for a different visa by taking advantage of changing circumstances. It is also intended to disincentivise those claimants from making a claim in the first place. [REDACTED] Legal professional privilege [REDACTED]

**What policy options have been considered, including any alternatives to regulation?**

Officials considered three options:

- Option 1: status quo, section 150 of the Act is currently ambiguous but existing practice is to allow claimants who withdraw to apply for other visas.
- Option 2: clarifying section 150 to limit the ability of a claimant who withdraws a claim to apply for a further visa (Minister’s preferred option). This will treat claimants who withdraw in the same way as claimants who are declined, preventing them from applying for a further visa.
- Option 3: clarifying section 150 in the opposite way i.e. preserving the ability for a claimant who withdraws a claim to apply for further visas (MBIE’s preferred option).

**What consultation has been undertaken?**

Officials have worked closely with Immigration New Zealand (INZ) and consulted with the Ministry of Justice and the Ministry of Foreign Affairs and Trade. Agencies had no substantive comments on this proposal.

Targeted external consultation has been undertaken with members of the immigration refugee bar. The Minister’s preferred option is not supported by members of the immigration bar, who did not see a value in preventing claimants who withdraw from applying for further visas. They did see value in clarifying the law.

Officials also consulted with the Immigration and Protection Tribunal, who had no substantive comments. The Office of the Ombudsman and New Zealand Law Society gave feedback around ensuring that the change is clearly communicated.

**Is the preferred option in the Cabinet paper the same as preferred option in the RIS?**

No

**Summary: Minister’s preferred option in the Cabinet paper**

**Costs (Core information)**

**Outline the key monetised and non-monetised costs, where those costs fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)**

Costs are very difficult to estimate but numbers are anticipated to be low.

There will be some cost to wider government if claimants who would have otherwise withdrawn their claim elect not to do so.

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From 2023 to date (19 May 2025) there were 330 claims withdrawn (8% of total claims), of which 68 applied for another visa. We are not able to provide an estimated cost of determining an asylum claim at the time of writing this analysis, however there is work underway in this space. Total cost to Government will include the Refugee Status Unit operating budget, Immigration and Protection Tribunal operating costs, legal aid costs and other publicly funded services such as benefits, health and education.

The cost of claimants who would have otherwise withdrawn but elect not to do so may be offset if some spurious claimants elect not to lodge a claim in the first place, but again it is difficult to predict this behaviour. We know that the current approval rate for claims is 19.5%, but INZ does not hold data relating to the percentage of declined claims that are unmeritorious or abusive, as opposed to simply not meeting the legal test.

Some genuine claimants who may have preferred an alternative immigration pathway (for example because they do not wish to be labelled a “refugee”) will lose this ability. This comes at a cost to government due to the cost of successful asylum claims, but again numbers are estimated to be very low.

### **Benefits (Core information)**

**Outline the key monetised and non-monetised benefits, where those benefits fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)**

Low benefit anticipated. There will be some benefit (improving processing speeds and lowering cost to wider government) if some spurious claimants elect not to lodge a claim due to no longer being able to withdraw and apply for other visa types. However, it is difficult to predict this change in behaviour and numbers are anticipated to be low. This benefit may be offset if some claimants who have already claimed (and would have otherwise withdrawn) elect not to withdraw.

The change may also have some signalling effect that New Zealand does not tolerate spurious claims.

The change clarifies ambiguity in the law and removes uncertainty in operational practice.

### **Balance of benefits and costs (Core information)**

**Does the RIS indicate that the benefits of the Minister’s preferred option are likely to outweigh the costs?**

We do not see a strong argument for making/not making this change. The costs/benefits are very difficult to predict because they involve predicting behavioural change. On balance, MBIE preferred an alternative option, Option 3.

### **Implementation**

**How will the proposal be implemented, who will implement it, and what are the risks?**

Implementation will require a sound communication strategy, including general communication on the INZ website and targeted communication at the point claimants submit a claim. It is crucial for claimants to understand they will no longer be able to withdraw and apply for other visas if the policy is going to deter any spurious claims. Work is underway to revive an existing industry body working group which will be able to monitor successful implementation of this proposal and manage any unintended consequences.

### **Limitations and Constraints on Analysis**

Policy development was progressed at pace and we were unable to undertake significant consultation, in particular with asylum representatives/advocacy groups. We did engage with some members of the Bar, the Immigration and Refugee Committee of the New Zealand Law

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Society. The public will have the opportunity to submit on the proposal during Select Committee.

As discussed above, the cost/benefit analysis is difficult to undertake as it relies on predicting behaviour of claimants and their agents. It is not possible to obtain data that reflects the number of claimants who withdraw their claims who are genuine claimants, as compared to those who either would not have met the legal test for recognition as a refugee or protected person, or are misusing the system.<sup>2</sup> It is even more difficult to predict the number of unmeritorious claims that may be deterred by the proposal.

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<sup>2</sup> The number of claims withdrawn between 2023/24 and 2024/25 (as of 19 May) was 330, of which 68 applied for another visa (e.g. interim, resident, student, visitor, work) and 46 were approved (13 were declined, 1 withdrawn and 9 remain in progress).

## Summary: MBIE’s preferred option

<p><b>Costs (Core information)</b></p> <p><b>Outline the key monetised and non-monetised costs, where those costs fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)</b></p> <p>No cost as there is no change to the status quo (the change would be to clarify existing practice).</p>
<p><b>Benefits (Core information)</b></p> <p><b>Outline the key monetised and non-monetised benefits, where those benefits fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)</b></p> <p>The proposal clarifies ambiguity in the law. It may protect genuine claimants who choose to take another immigration pathway by withdrawing their claim and applying for a different visa. It may also incentivise the use of complementary pathways to protection for genuine refugees, remove asylum claim processing pressure and take pressure off the system in other places, for example welfare and housing benefits.</p>
<p><b>Balance of benefits and costs (Core information)</b></p> <p><b>Does the RIS indicate that the benefits of the Minister’s preferred option are likely to outweigh the costs?</b></p> <p>There is a benefit to clarifying existing practice by removing ambiguity in the law. The key trade-offs are between:</p> <ul style="list-style-type: none"> <li>allowing some claimants to withdraw their claim and stay in New Zealand through another immigration pathway, and therefore not taking up a place in the queue (which reduces pressure on INZ and wider government and benefits existing claimants by improving processing speeds); and</li> <li>disincentivising claimants who may have otherwise withdrawn from doing so, solidifying existing backlogs.</li> </ul> <p>The extent to which the proposal will disincentivise future claims is less certain than the prediction that some claimants who would have otherwise withdrawn will be deterred from doing so.</p> <p>There was not a strong case for preferring MBIE’s preferred option (Option 3) over the Minister’s preferred option (Option 2).</p>
<p><b>Implementation</b></p> <p><b>How will the proposal be implemented, who will implement it, and what are the risks?</b></p> <p>This proposal would need minimal implementation as it clarifies existing practice. It would require some internal communication to INZ officers and general communication to stakeholders.</p>
<p><b>Limitations and Constraints on Analysis</b></p> <p>Policy development was progressed at pace and we were unable to undertake significant consultation, in particular with asylum representatives/advocacy groups.</p> <p>The cost/benefit analysis is difficult to undertake as it relies on predicting behaviour of claimants and their agents.</p>

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I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.

Responsible Manager(s) signature: \_\_\_\_\_



**Stacey O'Dowd**  
**Manager (Border and Funding)**  
**Immigration Policy**  
**26 May 2025**

<b>Quality Assurance Statement</b>	
<b>Reviewing Agency:</b>	<b>QA rating:</b> Partially meets
<b>Panel Comment:</b> A quality assurance panel from MBIE has reviewed the regulatory impact statement (RIS) titled Clarifying section 150 of the Immigration Act 2009 to prevent asylum claimants who withdraw their claims from applying for further visas on 26 May 2025. The panel consider that the information and impact analysis summarised in the RIS partially meets the quality assurance criteria. The RIS offers a clear explanation of the status quo and problem definition. However, the analysis of options is limited due to insufficient evidence and constrained consultation. The panel notes that the Cabinet paper proposal differs from MBIE's preferred option. On the basis of the RIS, it is difficult to be confident that either option is optimal or free from unintended consequences. The select committee process provides an opportunity to consider a wider range of views on the proposed change.	

## **Section 1: Diagnosing the policy problem**

**What is the context behind the policy problem and how is the status quo expected to develop?**

### **Obligations to asylum seekers**

1. The right to seek asylum is recognised as a basic human right under the United Nations Declaration of Human Rights. New Zealand has obligations under the Refugee Convention, the Convention Against Torture and Articles 6 and 7 of the International Covenant on Civil and Political Rights incorporated into the Act not to expel or return a refugee or asylum seeker to any place where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, or if there are substantial grounds to believe that the individual would be in danger of torture. Therefore, New Zealand would need to consider and determine all onshore refugee and protection claims to comply with our obligations under these conventions.
2. Due to the nature of the claims, and the consequences of an incorrect determination (potential return to a country in which the person will be persecuted or tortured), consideration of claims is complex and time-consuming process and claimants are afforded full rights of fairness and natural justice and appropriate time to put their best possible claim forward.

### **Increasing numbers of refugee and protection claims**

3. There has been a significant increase in refugee and protection claims since the re-opening of the border. In 2023/24, 2,345 claims were received. Claim numbers last

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reached this level in 1998/99. Historically, claims had averaged around 400 per annum. The Refugee Status Unit (RSU) is forecast to receive 2,302 claims in 2024/25 and 1,774 claims have been received this financial year to 31 March. The associated challenges and pressures of the increase in claims has resulted in delays in making determinations and a backlog of unassigned and undetermined claims,<sup>3</sup> delaying recognising genuine claims.

4. Time between lodging to allocation is approximately 460 days as of March. In 2025 there were 3,492 undecided claims on hand. Once allocated, the determination process itself takes around 7.5 months. Delays in determining claims can incentivise more claims (as it allows claimants to be on open work visas for longer) and impacts other parts of the immigration system, as well as other public services such as legal aid, welfare, health, and education that asylum seekers can access. Processing delays may also place more vulnerable claimants in precarious and exploitative situations for longer periods in New Zealand. High numbers of claims also results in higher numbers of appeals.
5. For this financial year the current approval rate for all claims determined is 19.5%.
6. A number of resourcing and operational changes were made in mid-2024 to address the number of claims and backlog. Although more claims are being determined per month than previously, backlogs are unlikely to be cleared under existing settings and a range of interventions is required.
7. MBIE/INZ is also progressing a number of new operational changes to improve processing speeds.

### What is the policy problem or opportunity?

8. In most circumstances, asylum seekers are granted temporary visas whilst their claim is being determined. When a claim is declined, section 150 of the Act prevents the grant of a further visa to an asylum seeker who has been granted a temporary visa.
9. However, section 150 of the Act is currently ambiguous as to whether a claimant who withdraws their claim can apply for another visa. Current practice is to allow claimants who withdraw their claims to apply for other visas. **Legal professional privilege**  
[REDACTED]
10. Once a claim is withdrawn, the claimant will remain on the temporary visa until they leave New Zealand, it expires or until they are granted another visa.
11. The number of claims withdrawn between 2023/24 and 2024/25 (as of 19 May) was 330 which is approximately 8% of the total claims received over that period. Of the 330 withdrawn claims:
  - a. 68 applied for another visa (e.g. interim, resident, student, visitor, work) and 46 were approved (13 were declined, 1 withdrawn and 9 remain in progress);
  - b. 50 withdrew their claim and then left New Zealand.
12. The data shows the remaining claimants either:
  - a. claimed asylum while already holding a valid visa, and subsequently withdrew their claim; or
  - b. had left New Zealand before withdrawing their claims (under section 142 of the Act, a claim is deemed to be withdrawn if the claimant leaves New Zealand).
13. This shows that over the time period 68 out of 330 (approximately 20%) of claimants who withdrew their claim may have used the asylum process to enter New Zealand and then rely on changing circumstances to qualify for another type of visa that they would

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<sup>3</sup> Figures valid as of 31 March: 3,492 on hand; 2,405 unassigned; 1,087 in-progress.

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not have otherwise had access to. It is not clear how many of these were genuine claimants whose claims would have been approved if they had not withdrawn. We know that the current approval rate for claims is 19.5%, but INZ does not hold data relating to the percentage of declined claims that are unmeritorious or abusive, as opposed to simply not meeting the legal test.

14. The Act could either be clarified to continue to allow claimants who withdraw their claims to apply for other visas, or to prevent them from doing so.
15. As well as clarifying the law, preventing claimants who withdraw from applying for other visas i.e. treating withdrawn claims in the same way as declined claims, may prevent some claimants from misusing the refugee and protection system.
16. Unsuccessful claims contribute significantly to delays in processing and backlogs and create prolonged uncertainty for genuine claimants. Inevitably, some claimants may misuse the system, in particular, leveraging off the free claim process and work visa with open work rights to gain access to the labour market. The objective of avoiding this misuse must be balanced against the need to determine each case fairly and on its merits.
17. There is a particular concern that some spurious claimants may be using the ability to apply for a different visa after withdrawing an asylum claim to “buy-time” and/or take advantage of changing circumstances during the determination process and secure alternative immigration pathways that would not have otherwise been available to them (without ever having a genuine intention of successfully claiming asylum). This is particularly problematic when current backlogs and processing times are so significant (almost two years for a determination from the point of claiming). An example of this is a claimant who claims asylum as a way of gaining a temporary work visa rather than fearing persecution, works for over a year in New Zealand and during that time finds alternative work opportunities and then withdraws their claim and applies for another visa (such as an Accredited Employer Work Visa) on that basis.
18. However, this problem must be balanced against the concern that some claimants who would have otherwise withdrawn their claim may no longer do so, solidifying backlogs, pressure on INZ and wider government and impacting genuine claimants in the system.
19. There are also overarching objectives of upholding domestic and international human rights obligations.
20. The key people affected by this change are asylum claimants who will no longer be able to apply for another visa after withdrawing their claim. As discussed above, we estimate that the number is small.
21. This proposal does not impact the determination process itself and therefore claimants (who do not withdraw) [redacted] Legal professional privilege [redacted]. A claimant who withdraws their claim elects not to have their claim determined.

### What objectives are sought in relation to the policy problem?

22. This proposal will clarify the existing ambiguity in section 150 by preventing a claimant who withdraws their claim from applying for another visa. There is a secondary objective to prevent claimants from taking advantage of changing circumstances during consideration of their claim to gain access to an immigration pathway that would not otherwise be available to them. The proposal also seeks to deter spurious claimants from making a claim in the first place, improving efficiency of processing and resources. The proposal aims to achieve these objectives while continuing to protect genuine asylum seekers.

## What consultation has been undertaken?

23. To achieve introduction of the Immigration (Enhanced Risk Management) Amendment Bill (the Bill) by October 2025, the Minister of Immigration agreed to a short period of targeted consultation with key stakeholders. MBIE has consulted as broadly as possible within time constraints, by undertaking a short and targeted period of stakeholder engagement with:
  - a. government agencies,
  - b. independent statutory bodies,
  - c. representatives of impacted parties (i.e. immigration lawyers and community representatives).
24. Wider or public consultation was not feasible in the time available. Through the targeted consultation process, MBIE received a broad range of perspectives which have been factored into the analysis.
25. There will be two more opportunities for consultation:
  - a. targeted consultation with the above stakeholders on an exposure draft of the Bill, in September 2025,
  - b. through the six-month Select Committee stage, at which point members of the public are invited to provide written and oral submissions on the Bill.
26. As well as working closely with INZ, we have consulted the Ministry of Foreign Affairs and Trade and the Ministry of Justice on both policy development and a draft Regulatory Impact Statement. Neither agency had substantive comments on this proposal.
27. Given the tight timeframes for progressing this work, the only consultation we have been able to undertake is targeted consultation with some members of the immigration refugee bar (via oral discussion). We have not been able to consult with any asylum/advocacy groups in relation to this change. Consultation with these groups may have greater insight as to the reasons why claimants withdraw and apply for other visas.
28. The immigration refugee lawyers consulted did not see a significant benefit in limiting the ability to apply for further visas after withdrawing a claim for asylum, but were supportive of clarifying section 150.
29. We also consulted with the Immigration and Protection Tribunal, which did not have substantive comments on this proposal. The Office of the Ombudsman and the New Zealand Law Society gave feedback around ensuring that the change is clearly communicated due to the consequences of preventing applications for further visas and possibility of receiving poor advice.

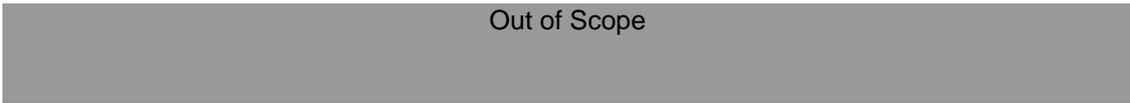
## Section 2: Assessing options to address the policy problem

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### What criteria will be used to compare options to the status quo?

30. MBIE considered the following criteria when evaluating the options:
  - Protection of genuine asylum seekers: genuine claimants receive protection from persecution and torture
  - Maintaining integrity of asylum system: the system operates in accordance with our domestic and international obligations
  - Efficiency of processing and resources: the system should enable claims to be processed in a timely manner and should not put undue pressure on INZ, the courts or wider government
  - Certainty of the law: the law should be understood by all system users

### What scope will options be considered within?

31. In March 2025, the Minister asked for a second immigration amendment bill to be developed, the Immigration (Enhanced Risk Management) Amendment Bill (the Bill) for introduction by October, with a focus on compliance, enforcement and system integrity.
32. The Minister directed officials to consider section 150 of the Act in relation to the system integrity focus of the Bill. The Bill also presents an opportunity to clarify the ambiguity in section 150 that has been raised internally over several years, resulting in inconsistent operational practice.
33. Non-regulatory proposals to improve the processing of asylum claims have also been considered alongside this proposal and are being progressed. These will not solve the problem of deterring spurious claims or clearing the current backlog on their own, but over time aim to improve processing speeds (which in itself may deter spurious claims by reducing the length of time those claimants can be in New Zealand on temporary work visas).
34. We note that the asylum determinations process is carefully designed to meet international and domestic human rights obligations, ensuring that each case is considered on its merits to protect genuine claimants. Although this limits the ability to easily identify and dismiss abusive claims, there are operational measures in train to identify these types of claims and expedite their processing.
35.  Out of Scope
36. There is no non-regulatory way to prevent claimants who withdraw a claim from applying for another visa as this requires amendment to the Act. The clarity issue is not likely to come before the courts as it benefits those who are relying on it.

### What options are being considered?

#### Option One – Status Quo / Counterfactual

37. Section 150 of the Act remains ambiguous and claimants continue to be allowed to withdraw their claims and apply for other visa types.

#### Option Two – Amend section 150 to clarify that once an asylum claim is withdrawn, a further visa cannot be applied for (Minister’s preferred option in the Cabinet paper)

38. Clarifying section 150 in this way would treat withdrawn claims the same way as declined claims, preventing an asylum claimant who has withdrawn a claim from applying for a further visa.

#### Option Three - Amend the Act to clarify that section 150 preserves an ability to make applications for other visas once an asylum claim is withdrawn (MBIE’s preferred option)

39. This would have the opposite effect of the above option and reduces ambiguity to support existing practice.

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**How do the options compare to the status quo/counterfactual?**

	<b>Option One – Status Quo / Counterfactual</b>	<b>Option Two – Amend s150 to limit further applications (Minister’s preferred option)</b>	<b>Three – Clarify ability to make further applications by amending s150 i.e. clarifying existing practice (MBIE’s preferred option)</b>
<b>Protection of genuine asylum seekers</b>	0	- Less flexibility for a small number of claimants who are genuine, but find a different immigration path while their claims is processed	0 As per existing practice, flexibility for a small number of claimants who are genuine, but find a different immigration path while their claims is processed
<b>Maintaining integrity of asylum system</b>	0	+ May have a signalling effect around NZs stance on not tolerating unmeritorious claims	0 As per existing practice, may incentivise spurious claims or abuse of system by agents (but numbers highly speculative)
<b>Efficiency of processing and resources</b>	0	0 Will disincentivise current claimants from withdrawing their claims who otherwise would have, solidifying system backlog and increasing cost to NZ  May disincentivise future unmeritorious claims, numbers highly speculative (cost/benefit offset)	0 As per existing practice, ultimately less costly to the government for those few genuine claimants who change immigration paths
<b>Certainty of the law</b>	0	++ Clarifies the Act	++ Clarifies the Act

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	<b>Option One – <i>Status Quo / Counterfactual</i></b>	<b>Option Two – Amend s150 to limit further applications (Minister’s preferred option)</b>	<b>Three – Clarify ability to make further applications by amending s150 i.e. clarifying existing practice (MBIE’s preferred option)</b>
<b>Overall assessment</b>	0	++	++

**What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?**

- 40. We consider providing some certainty in the law, either by Option Two or Three, to be preferable to no change/the status quo. The pros and cons of Options Two and Three are finely balanced and there is no strong case for one over the other.
- 41. The Minister’s preferred option in the Cabinet paper is Option 2 because of the potential to deter spurious claims and prevent misuse of the system. It also has a signalling effect. However, it may have the unintended policy consequence of causing claimants who would have otherwise withdrawn their claims not to withdraw, solidifying the existing backlog. It also allows less flexibility for genuine claimants who may find an alternative immigration pathway (which would ultimately be less costly to the government than a successful asylum claim).
- 42. On balance, MBIE’s preferred option is Option Three. This is because it provides more flexibility for genuine asylum claimants.

**Is the Minister’s preferred option in the Cabinet paper the same as the agency’s preferred option in the RIS?**

43. No.

**What are the marginal costs and benefits of the preferred option in the Cabinet paper?**

<b>Affected groups</b> <i>(identify)</i>	<b>Comment</b> <i>nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.</i>	<b>Impact</b> <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	<b>Evidence Certainty</b> <i>High, medium, or low, and explain reasoning in comment column.</i>
<b>Additional costs of the Minister’s preferred option compared to taking no action</b>			
Immigration NZ	Will be some impact on processing from claimants who would have otherwise withdrawn their claim but choose not to do so. This may be offset in the longer-term by some individuals being deterred from making a claim in the first place.  However, claimants that do withdraw do not have zero cost to the government (some remain on temporary visas for a time using public services and	Medium in short term.	Medium

<b>Affected groups</b> <i>(identify)</i>	<b>Comment</b> <i>nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.</i>	<b>Impact</b> <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	<b>Evidence Certainty</b> <i>High, medium, or low, and explain reasoning in comment column.</i>
	<p>may incur compliance costs).</p> <p>We are not able to provide an estimated cost of determining an asylum claim at the time of writing this analysis, however there is work underway in this space. Total cost to Government will include the Refugee Status Unit operating budget, Immigration and Protection Tribunal operating costs, legal aid costs and other publicly funded services such as benefits, health and education.</p>		
<p>Wider government</p>	<p>Some cost to wider government from claimants who would have otherwise withdrawn their claim but do not and therefore continue to be processed. A small number of these may be genuine claimants whose claims are eventually approved, but could have taken an alternative pathway. Cannot be quantified (difficult to predict behaviour) but expected be low numbers and therefore relatively low cost.</p> <p>However, this cost may be offset by some</p>	<p>Low</p>	<p>Low</p>

<b>Affected groups</b> <i>(identify)</i>	<b>Comment</b> <i>nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.</i>	<b>Impact</b> <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	<b>Evidence Certainty</b> <i>High, medium, or low, and explain reasoning in comment column.</i>
	individuals being deterred from making a claim in the first place.		
New Zealand communities	N/A	N/A	N/A
Refugee and migrant communities	N/A	N/A	N/A
Asylum claimants who are unable to apply for a further visa	Impacts ability to apply for another visa pathway. May deter some claimants from withdrawing their claim.  Claimants will still be able to apply for other visas from offshore and the Minister of Immigration has discretion to grant a visa which could be used in exceptional circumstances.	Medium impact for a small number of individuals. Some of these will be spurious claimants. Other will be genuine claimants who could have taken an alternative immigration pathway.	Low
<b>Total monetised costs</b>	Cannot be quantified at this time but anticipated to be low.	Low	Low
<b>Non-monetised costs</b>	Low	Low-medium	Low
<b>Additional benefits of the preferred option in the Cabinet paper compared to taking no action</b>			
Immigration NZ	Some spurious claimants may be deterred from making a claim, reducing asylum claim numbers. However may be offset by existing claimants who choose not to withdraw.	Low-medium	Low

<b>Affected groups</b> <i>(identify)</i>	<b>Comment</b> <i>nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.</i>	<b>Impact</b> <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	<b>Evidence Certainty</b> <i>High, medium, or low, and explain reasoning in comment column.</i>
	Difficult to quantify as hard to predict behaviour. Clarifies ambiguity in the law.		
Wider government	May be some signalling effect that NZ does not tolerate spurious claims.	Low	Low
NZ communities	N/A	N/A	N/A
Refugee and migrant communities	Some benefit to genuine claimants if spurious claimants deterred and processing speeds increased. However may be offset by existing claimants who choose not to withdraw.	Low	Low
Asylum claimants who are unable to apply for a further visa	None	None	High
<b>Total monetised benefits</b>	Cannot be quantified at this time but anticipated to be low.	Low	Low
<b>Non-monetised benefits</b>	Low	Low	Low

## What are the marginal costs and benefits of MBIE's preferred option?

<b>Affected groups</b> <i>(identify)</i>	<b>Comment</b> <i>nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.</i>	<b>Impact</b> <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	<b>Evidence Certainty</b> <i>High, medium, or low, and explain reasoning in comment column.</i>
<b>Additional costs of MBIE's preferred option compared to taking no action</b>			
Immigration NZ	None – no change to status quo	None – no change to status quo	High
Wider government	None – no change to status quo	None – no change to status quo	High
NZ communities	N/A	N/A	N/A
Refugee and migrant communities	N/A	N/A	N/A
Asylum claimants who can apply for a further visa	None – no change to status quo	None – no change to status quo	High
<b>Total monetised costs</b>	None	None	High
<b>Non-monetised costs</b>	None	None	High
<b>Additional benefits of MBIE's preferred option compared to taking no action</b>			
Immigration NZ	Clarifies ambiguity in the law	Low-medium	High
Wider government	None – no change to status quo	N/A	N/A
NZ communities	N/A	N/A	N/A
Refugee and migrant communities	N/A	N/A	N/A
Asylum claimants who can apply for a further visa	None – no change to status quo	N/A	N/A
<b>Total monetised costs</b>	None – no change to status quo	N/A	N/A
<b>Non-monetised costs</b>	Clarifies ambiguity in the law and preserves alternative pathway for genuine claimants.	Low-medium	High

## Section 3: Delivering an option – the Minister’s preferred option

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### How will the proposal be implemented?

#### Preferred option in the Cabinet paper:

44. The proposal is intended to take effect from the date of introduction of the Bill (rather than when the Bill becomes law), meaning that the change will apply to claims made after introduction. Maintenance of the law

[Redacted text]

The amendment would not apply to any of the existing claimants in the queue before introduction.

46. Clear communication to the sector will be very important to help communicate to claimants how their rights are impacted and to achieve the goal of disincentivising spurious claimants. This should include general communication, for example via the INZ website and also targeted communication at the point an asylum claimant makes a claim. It will also include communication to the immigration refugee bar using the industry body working group.
47. Internal communication to INZ officers will also be required.
48. An unintended policy consequence has been identified that some claimants who are being processed and would have withdrawn their claim may no longer do so, compounding existing backlogs in the short term. This risk cannot be mitigated, however it does not involve large numbers of people.
49. This change is unlikely to have significant funding implications.
50. This change would come into effect at time of enactment.

### How will the proposal be monitored, evaluated, and reviewed?

#### Preferred option in Cabinet paper

51. INZ already collects comprehensive data around asylum claims.
52. Existing data collection will show whether there is a significant decrease in numbers of claimants who withdraw and apply for another visa. This may be interpreted as evidence that the policy is effective at dissuading claimants from withdrawing to take advantage of alternative immigration paths. A corresponding increase in numbers of declined claims may be indicative, but not conclusive, that the claimants electing not to withdraw are unmeritorious (as opposed to simply not meeting the legal test for asylum).
53. Existing data collection will also show whether there is an overall decrease in the number of claims, and whether the number of approved claims increases i.e. evidence that there are fewer unmeritorious claims.
54. However, significant changes are not expected and we anticipate the change to have minimal impact.
55. There are already separate operational proposals in train to improve reporting on asylum claims to the Minister of Immigration. We can lean on existing agency-industry

connections (for example an industry working group) to identify if there have been any issues with communication of the change.