

1 August 2023

s9(2)(a)

Tēnā koe s9(2)(a)

Thank you for your email of 24 May 2023 to Oranga Tamariki—Ministry for Children (Oranga Tamariki), requesting information regarding Unaccompanied Minors or separated children from the Afghan evacuation flights. Your request has been considered under the Official Information Act 1982 (the Act).

I have addressed each of your questions below.

How many unaccompanied or separated children entered New Zealand on evacuation flights from Afghanistan as a result of the Taliban takeover of Kabul in August 2021 that remain in the care of Oranga Tamariki

There were 15 unaccompanied children who arrived in New Zealand on evacuation flights from Afghanistan that remain in the care of Oranga Tamariki. When children have been found to be here without a parent or legal guardian action has been taken to secure their guardianship in order that their welfare and best interests can be assured. Each circumstance has been responded to on a case-by-case basis and action taken based on the unique needs of the children and families involved.

How many of those have made visa applications for a parent or custodial guardian to come here, broken down by type, month made, and the outcome.

Oranga Tamariki has been part of the multi-agency response into the needs of children and young people, who arrived and were found to be unaccompanied or separated from family. MBIE have advised that they also received this request and will respond to this question as this information is not held by Oranga Tamariki. Therefore, I am refusing this part of your request under section 18(g) of the Act, on the grounds that the information is not held.

Any reports, communication, or memorandums that reference unaccompanied Afghan minors and how that would be managed here.

Please find attached as Appendices 1 and 2 documents we have identified within the scope of your request. Some information has been withheld under the following sections of the Act:

- section 9(2)(a) of the Act where the withholding of the information is necessary to protect the privacy of natural persons.

Oranga Tamariki also provided consultation on the COVID-19 Protocol for the Guardianship of Unaccompanied or Separated Minors subject to evacuation from Afghanistan. This document is publicly available [here](#).

Since 2021 Oranga Tamariki has instigated a Social Worker Advisory role dedicated to Refugee and Migrant casework. This role provides for a measured and consistent approach in our response, while building on the knowledge gained from our involvement with the Afghan evacuation flights.

Oranga Tamariki intends to make the information contained in this letter and any attached documents available to the public. We will do this by publishing this letter and attachments on our website. Your personal details will be deleted and we will not publish any information that would identify you as the person who requested the information.

I trust the information provided is useful. I encourage you to raise any concerns about the response with OIA_Requests@ot.govt.nz. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman by contacting them on 0800 802 602 or at info@ombudsman.parliament.nz.

Nāku noa, nā



Rachel Leota
Deputy Chief Executive
Service Delivery

From: [Sharyn Titchener](#)
To: [Anthony Dickson](#); [Jerome de Vries](#)
Cc: [Paula Attrill](#); [S9\(2\)\(a\)](#)
Subject: FW: AF evacuee minors and UAMs (IN-CONFIDENCE)
Date: Thursday, 18 November 2021 8:27:33 am
Attachments: [S9\(2\)\(a\)](#)

IN-CONFIDENCE

Hi Ants and Jerome

On the back of the Cabinet paper and in preparation for further financial support, we have drafted the following information, which may provide a good summary before we go into the meeting with Fraser today. It includes

- a brief background,
- our work to date,
- next steps,
- update on current cases.

Background and current involvement

1. Oranga Tamariki has been actively involved with the Afghan arrivals since 28/08/21 when we received information from New Zealand officials on the ground in Dubai, about [S9\(2\)\(a\)](#) who was enroute to NZ [S9\(2\)\(a\)](#).
2. Since this referral, we have received a further [S9\(2\)\(a\)](#) referrals from MBIE, which have required considerable action and intervention by Oranga Tamariki. These cases have been made up of [S9\(2\)\(a\)](#) (see Table below for all cases)
3. There are a [S9\(2\)\(a\)](#) These cases will all need to be opened as ROC on our system and allocated. They all require a full assessment to establish why these children are not with their parent/legal guardian, who is currently caring for the children, and whether this caregiving arrangement is safe and appropriate. It is highly likely that a [S9\(2\)\(a\)](#) Guardianship of the Court Applications will need to be made for these cases.
4. Oranga Tamariki responded to a request for assistance by MFAT for a [S9\(2\)\(a\)](#) who was supposedly still in Afghanistan. After considerable work by OT, we have been able to confirm that the [S9\(2\)\(a\)](#) has never left NZ, therefore we can only assume that the family were attempting to use [S9\(2\)\(a\)](#) passport to facilitate the movement of [S9\(2\)\(a\)](#) relative out of Afghanistan.
5. Oranga Tamariki has also received a further referral from Barnardos for [S9\(2\)\(a\)](#) but with no parents/legal guardian. This family are currently in the community staying with extended family members.
6. On 15/11/21 we received a new referral from Naumi (MIF) for [S9\(2\)\(a\)](#) who has entered NZ as an unaccompanied minor [S9\(2\)\(a\)](#) will be joining extended family in the community. [S9\(2\)\(a\)](#) claims [S9\(2\)\(a\)](#) is illiterate and [S9\(2\)\(a\)](#) has no parent/legal guardian in NZ so consideration will be required on whether action is required to place [S9\(2\)\(a\)](#) under the Wardship of the Court due to [S9\(2\)\(a\)](#) vulnerability.

What has been done to date

7. The New Zealand government's action to evacuate Afghan's due to the Taliban takeover, has required Oranga Tamariki to develop an urgent 'bespoke' response to ensure that we have staff who are culturally and adequately skilled to be able to respond to the needs of the evacuees.
8. [S9\(2\)\(a\)](#) a social worker of Afghan descent was released from all other duties by the [S9\(2\)\(a\)](#) site manager, to respond to the cases requiring Oranga Tamariki intervention.
9. [S9\(2\)\(a\)](#) has been supported by a supervisor from [S9\(2\)\(a\)](#) site, the International Child Protection Unit and Legal services, (Chris Holdaway, Ants Dickson and Jerome de Vries).
10. To ensure consistency to applications being made to the Court, a Family Court Protocol has been proposed and endorsed by the FCPJ Moran on 29/10/21. Judge Moran recommended Judge Pidwell (Waitakere Court) to manage all cases involving Afghan evacuees, which Judge Pidwell has agreed to do. Judge Pidwell will draft the Protocol which will be shared with OT. Judge Moran will then navigate the Protocol through MOJ for sign-off.
11. With regard to legal response for [S9\(2\)\(a\)](#) who are with family members but have no legal guardians in New Zealand, Judge Moran/Judge Pidwell have proposed that applications be made to place these children under the Guardianship of the Court. This would be done with the view that once assessments of the family members has been completed, and some understanding is gathered about the children's parents, that Parenting Orders could be potentially granted to the family members who are the primary caregivers.

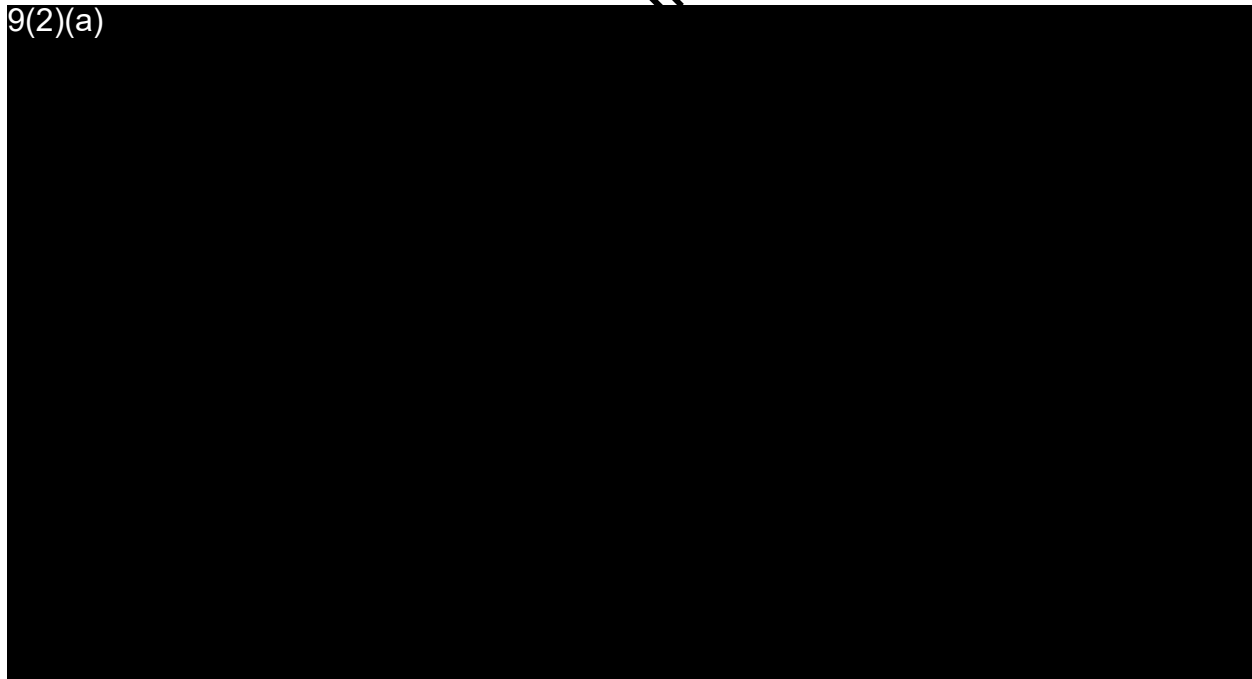
Next Steps – Decision making

12. The current Oranga Tamariki 'model of response' to the Afghan evacuee situation is not sustainable. Therefore, we need to urgently propose a model which is as equally responsive as the Family Court's decision to draft a Protocol, to ensure consistent and robust outcomes for this cohort of children/young people and their families.
13. This is an extraordinary situation which is requiring an extra-ordinary response and it is not possible for one social worker and one site office to be responsible for the cases we already know about, and the cases emerging over time.
14. Had this situation been a Mass Maritime Arrival, Oranga Tamariki would have had to immediately stand-up a Taskforce. It would seem reasonable to consider that the elements of a MMA are also present in this situation, therefore a Taskforce approach may be required to ensure that there is a consistent response to the cases that are being referred to Oranga Tamariki.
15. Rationale for a Taskforce approach are as followings
 - In usual circumstances, children and their families arriving into New Zealand from a country of conflict which they have had to flee due to a risk of persecution by the controlling government, would normally arrive into New Zealand under the refugee quota or would arrive and subsequently submit a claim for asylum. Both pathways are well supported with services available for both cohorts (eg Mangere Refugee Resettlement Centre, Emergency

Benefit for asylum seekers, access to services from ASST etc). Unfortunately, the 'Evacuee' pathway, is less supported and has required an immediate 'standup' response by the Government due to the urgency on the ground in Afghanistan with the arrival of the Taliban.

- We have found to date that the s9(2)(a) cases we are involved with are very complex, are very labour intensive and require a multi-agency approach due to the circumstances they have come from in Afghanistan and the focus of a resettlement in NZ. Of note, is the lack of credibility of the information we are initially provided with, which requires significant work and time to 'unpack'. For example s9(2)(a) claimant s9(2)(a) arrived with an 'uncle' has been proven to be unlikely that that s9(2)(a) in fact has had no claim to NZ. s9(2)(a) arriving as an s9(2)(a) on false documents s9(2)(a), and s9(2)(a) arriving as an 'orphaned' and 'separated child', who we now discover has s9(2)(a) biological s9(2)(a) down the hallway in Nesuto. Please see attached table of a current update and identified challenges.
- We have a further s9(2)(a) which will need to be investigated and assessed. The outcome of the cases we are already involved with (which has shown a lack of integrity around the initial narrative) highlights the need to approach these cases with a cultural understanding and due diligence, to ensure that the children's identities and family links are fully explored and confirmed.
- s9(2)(a) was released from all other duties by the s9(2)(a) site manager to respond to the cases requiring Oranga Tamariki intervention – this current arrangement is not sustainable under the increased pressures of further referrals and complexities of cases moving to other regions etc.
- There are cultural complexities with the children/families we will be required to respond to. We require staff who are of Afghan descent and/or who have experience in working with migrant and refugee communities – this will be particularly important as families are relocated to other regions in New Zealand. Support from a central focal point will be required to advise and guide the site offices in their ongoing work with the families to ensure there is consistency and understanding in the responsibilities we have to assist in the resettlement process.
- As already experienced with the cases we are actively involved with, we require significant legal support. It is likely there will be further cases where children will need to be placed under the Guardianship of the Court – these applications require a significant amount of input from the social worker and lawyer. Many of our staff are unfamiliar with applying for section 31 CoCA orders and will need to be supported to identify the terms of agency that OT needs to specify to ensure individual needs of the children are met
- We require staff to be well supported and supervised. These cases have international sensitivities due to the children/families being a part of the NZ government humanitarian response to the Taliban takeover in Afghanistan and we need to ensure that Oranga Tamariki is upholding our responsibilities and obligations to the NZ government whole-of-government response to the Afghan evacuees.
- We require support (time and resources) to connect through ISS, Social Services and/or Immigration services in our 'Five Eyes' countries to explore how they are currently responding to the needs of children who are evacuees from Afghanistan. Our Five Eyes countries have significantly more experience than New Zealand in responding to the needs of displaced populations and we need to be leveraging off this experience and seeking support and guidance.
- We need a clear process and protocol for the transfer of cases to sites when the families are relocated to regions outside of the Auckland area. If this is done under the usual process, there is a risk that the receiving sites will not be able to meet the needs of the children and families.

s9(2)(a)



Information Act 1982

From: [Sharvn Titchener](#)
To: [Jerome de Vries](#); [Chris Holdaway](#); [Anthony Dickson](#); [s9\(2\)\(a\)](#); [Sainash Ali](#); [Sue Gill](#); [Madeleine Worker](#)
Cc: [Paula Attrill](#)
Subject: Re Afghan evacuees
Date: Friday, 5 November 2021 1:47:11 pm

IN-CONFIDENCE

Morena

Thanks for the consult yesterday. Below are the notes re key points/next steps. Please feel free to amend, add, delete if I have not captured everything that we discussed.

FAMILY COURT PROTOCOL

- Meeting with PFCJ Moran and Judge Pidwell on Friday 29/10/21
- Judge Moran has agreed for Judge Pidwell to manage cases involving Afghan evacuees and Judge Pidwell has accepted this role
- Judge Pidwell will draft a Protocol which will be shared with OT
- Judge Moran will then navigate the Protocol through MOJ for sign-off.
- Judge Moran noted that it makes sense to have the same L4C appointed to the cases
- Judge Pidwell made a suggestion that for the [s9\(2\)\(a\)](#) [redacted], that applications be made to place them under the Guardianship of the Court, with the view that once assessments of the family members has been completed, and some understanding is gathered about the children's parents, that Parenting Orders could be potentially granted to the family members who are the primary caregivers.

Action: Sharyn will draft some information for Judge Moran about the 'backstory' of how these children came to be in NZ and the all-of-government response to the humanitarian crisis in Afghanistan.

[s9\(2\)\(a\)](#) [redacted]

- [redacted]
- [redacted]

[redacted]

FUTURE MANAGEMENT OF CASES

- OT is currently involved with [9\(2\)\(a\)](#) [redacted] [9\(2\)\(a\)](#) currently is the sole social worker responding to these cases and [s9\(2\)\(a\)](#) [redacted] is the site who is currently responsible for

all aspects such as court applications, financial assistance etc.

- There are a further 9(2)(a) (ie, with family, but have no legal guardian). These cases will all need to be opened as ROC on our system and allocated. They all require a full assessment to establish why these children are not with their parent/legal guardian, who is currently caring for the children, and whether this caregiving arrangement is safe and appropriate. It is highly likely that 9(2)(a) Guardianship of the Court Applications will need to be made for these cases.
- We have also received a further referral from Barnardos for a 9(2)(a) who entered with 9(2)(a) but no parents/legal guardian. This family are currently in the community staying with extended family members.
- The current 'model of response' is not sustainable. Therefore, we need to urgently propose a model which is as equally responsive as the Family Court's decision to draft a Protocol to ensure consistent and robust outcomes for this cohort of children/young people. This is an extraordinary situation which is requiring an extra-ordinary response and it is not possible for one social worker and one site office to be responsible for the cases we know about, and the cases emerging over time. Had this been a Mass Maritime Arrival, OT would have had to immediately stand-up a Taskforce. It would seem reasonable to consider that the elements of a MMA are also present in this situation, therefore a Taskforce approach may be required to ensure that there is a consistent response to the cases that are being referred to OT.
- The current situation needs to be urgently escalated to SCAF and we need to know what the Oranga Tamariki's response will be moving forward as the ICPU and s9(2)(a) should not be expected to be responsible to responding to the current and emerging cases which are coming out of a whole-of-government response to the humanitarian situation in AFG. It is particularly important for ICPU and s9(2)(a) to receive guidance and advice about cases which are leaving the Auckland area to be relocated in other regions and how these cases should be managed, transferred, etc.

Action: The situation needs to be escalated to management/LT so that discussions can take place and decisions can be made about a coordinated response for the Afghan Evacuees.

Ngā mihi
Sharyn

Sharyn Titchener

Manager, International Child Protection Unit (ICPU)
Oranga Tamariki Ministry for Children

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DDI s9(2)(a) | Internal Ext s9(2)(a) | MOB 9(2)(a)