

To: Hon Kelvin Davis, Minister of Corrections

## Aide Memoire: Update on deportees in the COVID-19 context

<b>Date</b>	23 April 2020	<b>Decision and Timing</b>	No decision required
<b>B number</b>	B4017	<b>Priority</b>	Medium

Contacts			
Name	Position	Contact number	First contact
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### Purpose

- 1 This Aide Memoire outlines how we are planning to manage deportations from Australia, which may restart under COVID-19 Alert Level Three.

### Key messages

- 2 s6(b)(i)
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- 4 No specific date has been set for when deportations will recommence, but we will notify you as soon as we know.
- 5 Corrections are working with Police and other agencies and service providers to plan for how deportees will be managed when deportations restart. This includes finding solutions to resourcing challenges that may arise (for example with staffing levels).

s9(2)(g)(i)

6 s6(b)(i)

Removal dates have not yet been scheduled.

7 Not all deportees are subject to Corrections supervision, as this would not be appropriate (for example for people who have not been convicted of an offence). Under the Returning Offenders (Management and Information) Act 2015, people are only subject to Corrections supervision if they have:

- been subject to a sentence (or a cumulative sentence) of more than one year's imprisonment overseas; and
- returned to New Zealand less than six months after release; or if they returned more than six months after release, were subject to supervision (e.g. release conditions) immediately prior to their return.

8 s6(b)(i)

9 s6(b)(i)

### **Corrections is working with Police and others to plan for the restart of deportations**

- 10 Police, in consultation with other agencies, are developing a plan for managing deportees in different scenarios following a reduction from Alert Level 4. Our Returning Offenders Adviser is involved in this.
- 11 Like all arrivals from overseas, deportees will be required to stay in managed isolation (or if they are symptomatic, quarantine) at an approved facility for a minimum of 14 days. This requirement is not dependent on the Alert Level but is subject to regular review.
- 12 Corrections staff (including the manager of our High Risk Response team) will sit on the 'Repatriation, Isolation and Quarantine Panel' and provide input on placement decisions. Our input will be critical for decisions especially about high-risk deportees, for example those who have committed child sex offences.
- 13 We are cognisant of safety risks that deportees may pose if placed in the same accommodation as other arrivals. s9(2)(g)(i)

### **We are working to find solutions to possible resourcing challenges**

*Manukau Community Corrections staff can access additional support if needed to manage arrivals*

- 14 There is a dedicated team of six people at Manukau Community Corrections who deal with the initial arrival of deportees at Auckland Airport. Manukau Community Corrections are also likely to be responsible for the ongoing management of the majority of deportees.
- 15 Support from staff in neighbouring districts has been secured to ensure that any possible increase in deportations could be managed.

*There are resourcing constraints for providers and accommodation*

- 16 We contract PARS and the Salvation Army to deliver support services to deportees. However, these providers will be operating at reduced capacity until Alert Level One due to having a number of staff members who are at higher risk of contracting COVID-19.

- 17 Providers have some capacity to deliver support services remotely, which means that some services could begin while the person is in managed isolation or quarantine. This will be on top of the supports available to anyone in managed isolation and quarantine.
- 18 If necessary, deportees will be able to access emergency accommodation after they leave managed isolation or quarantine. The Ministry of Social Development has indicated they will continue to provide emergency accommodation for this group (with final approval from Corrections to ensure risks to others are mitigated).
- 19 There are already substantial accommodation pressures in Manukau and Auckland (where the majority of deportees will be managed), and the availability of suitable long-term accommodation options for people has only decreased in the COVID-19 context. [REDACTED]  
s9(2)(g)(i) [REDACTED]

### **Returning offender legislation does not include epidemic provisions**

- 20 Probation officers have been given increased flexibility to manage people in the community under the Epidemic Management Notice (put in place on 30 March 2020), but this does not apply to deportees. The Returning Offenders (Management and Information) Act does not include provisions that can be activated by an Epidemic Management Notice – unlike the Parole and Sentencing Acts.
- 21 This means that applications to vary or suspend conditions on deportees will still need to go through the Courts. Delays may occur due to the significant impact that COVID-19 has had on the courts.
- 22 In the coming months, we will work with the Ministry of Justice, who administer the Returning Offenders (Management and Information) Act, to determine whether the options provided in the Epidemic Management Notice should be extended.
- 23 We could consider replicating the epidemic provisions in the Parole and Sentencing Acts, which allow probation officers to vary or suspend conditions of sentences and orders in the case that people cannot comply with conditions during an epidemic.

### **Media are likely to take an interest in deportations restarting**

- 24 The possibility of deportations restarting may attract media attention. There is likely to be interest in how deportees will be accommodated in isolation or quarantine, and what supports will be in place.
- 25 Our Communications team will work with Police to respond to any queries that may arise.