

Immigration (Enhanced Risk Management) Amendment Bill

Government Bill

As reported from the Education and Workforce Committee

Commentary

Recommendation

The Education and Workforce Committee has examined the Immigration (Enhanced Risk Management) Amendment Bill and recommends by majority that it be passed. We recommend all amendments by majority.

About the bill as introduced

This bill would amend the Immigration Act 2009 with the aim of improving the effectiveness of the immigration compliance and enforcement system, the integrity of the refugee and protection system, and the operation of the wider immigration system.

The bill as introduced would make a range of changes related to:

- deportation liability, including: strengthening deportation liability settings for residence class visa holders; making it a more likely outcome for lower-level criminal offending; and making clear that historic crimes committed outside New Zealand before a person held a New Zealand visa can give rise to deportation liability
- appeal rights and proceedings, including removing the ability for certain temporary visa holders to appeal their deportation liability to the Immigration and Protection Tribunal on humanitarian grounds
- migrant exploitation, including extending the maximum prison sentence for migrant exploitation offending from 7 to 10 years
- the refugee and protection system, including preventing individuals from applying for a further visa while in New Zealand after withdrawing an asylum claim

- compliance and enforcement powers, including enabling immigration officers to request information if there is good cause to suspect that someone may be liable for deportation or may be in breach of their visa conditions
- information-sharing provisions, to modernise them.

The bill would also make other minor amendments to address gaps that have arisen over time.

Additional proposals recommended by the Minister

At the time of the bill's introduction in March 2026, the Minister presented a Parliamentary paper to the House containing seven policy proposals designed to strengthen the integrity of the asylum system. The paper, *Proposed policy additions to the Immigration (Enhanced Risk Management) Amendment Bill (J.24)* would result in substantial amendments to the bill as introduced. They would:

- create a consequence for failure to engage in the biometric process
- amend the consequences of acting in “bad faith”
- amend the ability of the Immigration and Protection Tribunal (IPT) to consider bad faith
- remove the ability to bring late appeals to the IPT
- in the case of second and subsequent appeals, enable the IPT to decline an appeal on the basis that the claimant's circumstances have not changed significantly, regardless of whether the Refugee and Protection Officer declined the claim on that basis
- enable people who commit serious non-political crimes between entry to New Zealand and status determination to be excluded from refugee status (but still be considered for protection status, if appropriate)
- enable a Refugee and Protection Officer to accept a claimant-initiated withdrawal from a claim for refugee and protection status.

The Minister asked that we consider the proposals alongside the bill, and include them in our call for submissions. We have done so, and discuss the relevant amendments we recommend as part of this commentary.

The Minister also wrote to us on 6 July 2026, proposing two further changes. They would affect:

- transitional provisions for changes to resident deportation liability
- the offending the Immigration and Protection Tribunal may have regard to (in the context of a humanitarian appeal against deportation liability).

We have considered these proposals and discuss them later in this commentary.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality.

Issue raised by Regulations Review Committee

We received advice from the Regulations Review Committee relating to clause 10 of the bill, which would insert new section 113A into the Immigration Act. That committee was concerned that this would allow immigration officers to prioritise ministerial instructions (which are not subject to parliamentary oversight) over secondary legislation. We have considered this issue, and we are satisfied that, in operational terms, the provision would not prioritise instructions over regulations, and would operate within the intended legislative framework.

Additional examination of further policy proposals

The matters in the Parliamentary paper *Proposed policy additions to the Immigration (Enhanced Risk Management) Amendment Bill* were not subject to the usual legislative scrutiny process. We therefore sought input from the Office of the Privacy Commissioner and the Legislation Design and Advisory Committee (LDAC) in addition to the usual departmental advice processes. On this basis, we are satisfied that the revision-tracked bill, as we recommend it to the House, is consistent with principles of legislative quality.

Proposed amendments

The following sections of this commentary explain the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments. In the final section we discuss some other matters that we considered but on which we do not make any recommendations.

Timing of entry into force of certain clauses

We recommend three amendments in clause 2 of the bill. They would:

- delay entry into force of clause 18 until 3 months after Royal assent, allowing time for procedures for electronic service of deportation liability notices to be finalised, which is something we recommend allowing for in that clause
- bring forward entry into force of clause 38, relating to employer infringement offences, to 3 months after Royal assent
- bring forward entry into force of clause 39, relating to extended infringements, until 6 months after Royal assent. This would allow time to make system changes that are necessary for implementation.

Immigration instructions

We recommend three amendments to the bill's approach to immigration instructions (these are the rules, criteria, and requirements that people who are not New Zealand citizens and want to come to New Zealand must follow).

Opt-in ability provided for through immigration instructions

The bill would enable residence applications to be decided under newer instructions than when the application was made. We consider that clause 7 as introduced is not

sufficiently clear that, if the Minister makes new instructions, they would only be available for a person to use if the Minister so permitted. We recommend amending new section 72(1A) to make this clear.

Appeals considered on the same grounds as the original decision

As a result of enabling certain applications to be decided under newer residence instructions, it is possible that more than one instruction could be relevant in an appeal made to the Immigration and Protection Tribunal.

We consider that where an individual has “opted in” to newer instructions, the bill should be clear that any appeal must be considered against the settings under which the application was decided, rather than under the instructions in force at the time the application was originally made. We recommend inserting clauses 19B and 19C accordingly.

Statutory provisions can be relied on in decisions

We also see potential for uncertainty about whether statutory provisions, such as section 58(6) (false or misleading information), can be relied on in residence decisions if they are not explicitly referenced in immigration instructions. We recommend amending new section 72(1) to make clear that residence class visa decisions must be made in accordance with the Act, any other relevant legislation, and the residence instructions in force at the time of application.

We also recommend consequential amendments to section 187 of the Act (see new clause 19B). These amendments would make clear that decision-makers may rely on those statutory provisions as a basis to decline, even if they are not expressly referred to in the instructions.

Claims for refugee or protected person status

Acting in other than good faith

Where there is evidence that a claimant for refugee or protected person status has acted in bad faith, section 134(3) of the Act currently requires Refugee and Protection Officers (RPOs) to refuse to consider the claim, even if a genuine protection need exists. This creates a risk of claimants being returned to a country where they may face inhumane treatment. We recommend inserting new clauses 10B and 10C, to insert new sections 137(1) to (1D) and 138(1A) into the Act. These changes would require an RPO to determine, as a first step, whether a claimant has acted in bad faith. Where this is determined, officers may refuse to consider the refugee claim, but must still consider the protected person claim.

Committing serious crimes following entry to New Zealand

Section 137(2) of the Act currently requires an RPO to determine whether a person claiming refugee status has committed a serious non-political crime before entering New Zealand. However, there is no equivalent provision for instances when a person claiming refugee status commits a serious crime after arriving in New Zealand. We

consider that this is not a fair outcome, and propose that any serious crime committed before a person is granted refugee status should be treated equally, whether it occurred before or after the person entered New Zealand.

The Act's current provision relates to Article 1F of the 1951 Convention Relating to the Status of Refugees, which excludes a person from refugee status where they have "committed a serious non-political crime outside his country of refuge prior to his admission to that country as a refugee". We consider that our amendment would still be consistent with New Zealand's international obligations on the matter as long as the person had not yet been afforded refugee status.

We recommend inserting new clause 10B(2)(b) to delete "outside New Zealand before entering New Zealand" from section 137(2)(b) of the Act. This would mean that an RPO must determine whether a person claiming refugee status has committed a serious non-political crime, including in the period following entry into New Zealand. Such claimants would not be eligible for refugee status but could still be eligible for protection status.

Withdrawal of claims

We propose several amendments related to withdrawal of claims for refugee or protection status. They would amend the Immigration (Refugee and Protection Status Processing) Regulations 2010. We recommend inserting a new Part 2 into the bill to make these, and other, amendments to the Regulations.

The current Act does not provide for RPOs to accept a request for withdrawal of a claim in writing initiated by the claimant, despite our understanding that this is standard operational practice. We recommend inserting new section 141A, via clause 10F of the bill, and new regulation 6A(1) and (2), via clause 47 of the bill, to provide for this.

We make two further proposals in relation to claim withdrawals, in response to public submissions.

Submitters emphasised the importance of claimants being fully informed of the consequences of withdrawing a claim. Our proposed new clause 46 would insert new regulation 5A requiring officers to inform claimants of the immigration consequences of withdrawing their claim.

We heard from submitters about the importance of claimants only withdrawing a claim of their own free will. We are therefore recommending new clause 47, inserting new regulation 6A(3), to allow an RPO to decline a request for withdrawal of a claim if they suspect it has been made under coercion or duress.

Consequences of failing to engage in necessary assessments

Section 149 of the Act enables RPOs to make a determination on a claim when a claimant fails to attend an interview. The Parliamentary paper we considered alongside this bill proposes a corresponding power where a claimant fails to engage in the biometric process, such as failing to attend an appointment for gathering of biometric

information. We agree with the proposal, and recommend inserting new clause 10G of the bill to insert new section 149(2A) to enable this.

However, submitters raised concerns in relation to the proposal that we consider also need to be addressed. We propose creating a regulatory safeguard over this new power, and over the existing practice regarding failure to attend an interview. This would require claimants to be notified in writing of the consequences of either refusing or failing to allow biometric information to be collected, or of failing to attend an interview. Our proposed new clause 48 in Part 2 of the bill would amend the Immigration (Refugee and Protection Status Processing) Regulations 2010 to insert new regulations 10A (notification of consequences of failing to allow biometric information to be collected) and 10B (notification of consequences of failing to attend an interview).

Consistency in references to grant of visa by Minister

We propose inserting clause 11(2), which amends section 150(2)(b) of the Act. Currently, under section 150, a person claiming refugee or protected person status who has been granted a temporary visa cannot request a visa under section 61 of the Act. Section 61 enables Ministerial discretion to grant a visa in a special case. Section 61A provides for Ministerial discretion to grant a visa to an individual. We recommend inserting “or 61A” to ensure consistency of treatment.

Definition of terms relating to visitor visa holders

Submitters identified a technical issue with the wording used to describe visitor visa holders in the bill as introduced, which did not give effect to the policy intent. It described this group as temporary visa holders whose conditions do not allow them to work or study.

Visitor visas holders may in fact study for up to 3 months, and work remotely. In clause 4 of the bill we recommend inserting in section 4 clear definitions of the terms “remote work” and “specified temporary or interim visa”.

We then recommend amending the following clauses to use the term “a specified temporary or interim visa”:

- clause 12 inserting new section 154(5)(a)
- clause 13 inserting new section 155(5)(b)
- clause 14 inserting new section 156(2A)(a)
- clause 15 inserting new section 157(4A)(a).

Deportation liability

Beneficiaries of false and misleading information

Clause 16 would amend section 158 to make a residence class visa holder liable for deportation if they provided false or misleading information in relation to an immigration matter, other than an application for a visa or permit. As introduced, clause 16

only applies to the individual who provided the information (whether personally or through an agent). We recommend replacing it to insert section 158(1) and (1A), which would extend liability to others who may benefit from the provision of this information, such as family members, or who the immigration matter concerns.

Addressing transitional gaps between the 1987 and 2009 Acts

We have been made aware of gaps in the current deportation liability framework due to the way that transitional provisions operate in the shift from the Immigration Act 1987 to the Immigration Act 2009. We propose amendments in clauses 16 (amending section 158 of the Act) and 17 (amending section 161) of the bill to address these gaps.

Current section 158(1) of the Act provides for deportation liability for false or misleading information in visa applications made under the Act. Our recommended replacement section 158(1) uses the broader term “immigration matter”. However, this still does not cover applications made under the former Act. We recommend inserting new section 158(5) to specify that, for the purposes of this section, an application for a visa or permit under the former Act is treated as an immigration matter.

Similarly, certain individuals who committed serious historic offences while holding certain permits under the former Act cannot be made liable for deportation under section 161 of the current Act. To address this gap, we recommend inserting clause 17(9) to specify when a person who was granted a residence permit under the former Act first holds a residence class visa for the purposes of section 161. We also recommend inserting clause 17(1A) to refer to holders of “a temporary permit granted under the former Act”.

International obligations and cancellation of liability

We and submitters were concerned that the bill’s removal of the ability for certain temporary visa holders to make an appeal to the Immigration and Protection Tribunal (IPT) on humanitarian grounds could, in some cases, risk breaching New Zealand’s obligations under international humanitarian law. In particular, we sought advice on how this proposal could interact with the United Nations Convention on the Rights of the Child. We recommend amending clause 18A to include additional safeguards, requiring the Minister to consider cancelling deportation liability where information is provided in the “good reasons” review that is relevant to New Zealand’s international obligations. The Minister would also be required to record the obligations cited and the relevant facts about the person’s circumstances.

Residence class visa holders who commit criminal offences

Clause 17 as introduced would amend section 161 of the Act to expand deportation liability settings for residence class visa holders who commit criminal offences. We recommend amending the related transitional provisions in clause 10 of new Part 5 of Schedule 1AA of the Act (see Schedule 1 of the bill). Our changes aim to ensure that the new settings would apply where offending occurred before commencement, but

the relevant conviction, guilty plea, or finding of guilt occurs after commencement. This would prevent unintended gaps or discrepancies arising.

We note that this proposed amendment represents a form of retrospective application, as it shifts the trigger for liability from the timing of offending to the timing of conviction. We also note that this may affect a small transitional cohort of cases that are under investigation, being prosecuted, or before the courts prior to commencement of the bill, as well as a small number of cases where offending has occurred but has not yet been reported or resulted in a complaint.

Introducing a grace period

Submitters pointed out that, because the bill would remove the ability to appeal to the IPT on humanitarian grounds, current and former visitor visa holders could be deported immediately on expiry of their visa. We consider that this may mean people do not have adequate time to organise departure, or to make a request under section 61 of the Act. We recommend amending clause 19A to introduce a grace period. This would provide that the first day a deportation order could be served on the person would be 15 days after the date on which their last visa expired or was cancelled.

Serving deportation liability notices and delivery timeframes

A High Court decision in 2015 established that the timing of when deportation liability notices are considered received should reflect the timing of actual delivery, where this is known. We recommend aligning the bill with the Court decision by inserting new clause 41A to replace section 386A(4) of the Act. Under our proposal, service by post would be deemed to have occurred on the earlier of:

- 7 days after the date it was sent (14 days for addresses outside New Zealand); or
- the date of deemed receipt based on the courier delivery records.

Immigration and Protection Tribunal

Jurisdiction to consider acts other than good faith

We propose enabling the IPT to consider acts of other than good faith (bad faith) at any point when deciding an appeal against a declined claim for recognition. Currently the IPT does not have the ability to consider such acts if they have not been previously considered by Immigration New Zealand, nor can the IPT consider acts that occur in the period between determination of a claim and a subsequent appeal to the IPT.

We recommend inserting clause 19F to replace section 197. New section 197(1)(b) would require that the Tribunal first determine whether the person has at any time acted “(i) otherwise than in good faith; and (ii) for a purpose of creating grounds for recognition under section 129”.

We note that while this would preclude the IPT determining that a person is a refugee, it would not preclude recognition as a protected person.

Second and subsequent claims

We also propose enabling the IPT to decline an appeal against a second or subsequent declined claim on the grounds that the claimant's circumstances have not significantly changed, even where an RPO has not considered the claimant's circumstances as part of their decision. Currently, the IPT can only decline an appeal on the basis that the claimant's circumstances have not changed where this was an explicit ground for the immigration decision. In some cases, a claim may have been declined on another ground and the absence of a significant change in circumstances has not been specifically cited.

Clause 19I would replace section 200. New section 200(1) would require that the Tribunal first determine "whether there has been a significant change in circumstances material to the appellant's claim since the previous claim was determined".

Late appeals

The IPT currently has discretion to hear late appeals. We heard from submitters that this is important from a procedural fairness viewpoint, as there may be legitimate reasons for a claimant failing to lodge an appeal within the 10-working-day timeframe. We consider it important to retain this discretion, but we propose establishing a higher legal test by increasing the threshold from "special" to "exceptional circumstances". To achieve this, we recommend replacing relevant wording in clauses 19D and 19E, amending sections 194 and 195 of the Act.

Consider seriousness of all relevant offending when determining humanitarian appeal

We propose changes to clause 23 of the bill, which amends section 207 of the Act. This section sets out the grounds for determining a humanitarian appeal against deportation liability.

As introduced, new section 207(2)(b) inserted by clause 23 of the bill may limit the IPT to considering only the seriousness of the offence from which the deportation liability arose. The IPT is currently able to take into account the seriousness of a person's wider offending, where relevant, when determining a humanitarian appeal. We think the bill should preserve that ability. We recommend an amendment to make explicit that the seriousness of all relevant offending may be considered.

Safeguards on powers where liability for deportation or turnaround is suspected

We heard a range of concerns from submitters about aspects of clause 26, which would replace section 280 of the Act. This sets out expanded powers for immigration officers to request information and documents, where liability for deportation or turnaround, or breach of visa conditions, is suspected. Submitters told us, and we agree, that this should be accompanied by robust safeguards to ensure proportionality and accountability.

We propose several amendments to this end. We recommend inserting:

- new subsection 280(4)(aa) to require immigration officers to inform the person of the basis for their suspicion
- new section 280(7) to require an immigration officer to record in writing a summary of the circumstances, including the basis for their suspicion
- new section 280A to set out additional matters that the ministry must include in its annual report for the purpose of comprehensive reporting to the House.

Information sharing agreements

In response to submissions, we propose several amendments to clause 29, which would insert new sections 294AAC to 294AAJ. These provisions relate to information sharing agreements between the ministry and third parties, such as non-government organisations, for defined purposes related to immigration and system integrity.

Disclosures to non-government organisations

We recommend replacing proposed new section 294AAG(d) to provide that if information is disclosed under an information sharing agreement with a non-government organisation to prevent information-related harm, the agreement must specify the types of relevant information-related harm (for example, identity theft) that disclosure is intended to prevent.

Reports to the Privacy Commissioner

We recommend enabling the Privacy Commissioner to specify the content of reports on information sharing agreements. Such reports may be required under section 294AAG(i) in the bill as introduced.

This would be achieved through:

- inserting new section 294AAHA to set out three criteria the Commissioner must have regard to when specifying matters for inclusion in the report
- inserting clause 42A, amending section 400 of the Act to create a new regulation-making power for prescribing matters that must be included in the report.

Consistency in penalties for migrant exploitation

One submitter identified an inconsistency regarding the proposed increased maximum penalty of 10 years' imprisonment for migrant exploitation in the bill as introduced, and the maximum penalty of 7 years for charging a premium for employment in section 351A of the current Act.

We recommend inserting clause 35A into the bill to insert new section 355(1AAA), which would provide that a person convicted of an offence under section 351A is also liable for a maximum penalty of 10 years. Penalties for both offences would then align.

Publication of statement on collection, storage, and use of information

Clause 40 of the bill as introduced would insert new section 383AA, requiring the ministry to publish and maintain a statement on how the department collects, stores, and uses information under the Act. We propose allowing a period of 3 months following commencement for this statement to be prepared, prior to publication. We recommend an amendment to clause 17 in new Part 5 of the Act's Schedule 1AA, inserted by Schedule 1 of the bill.

Other matters considered

We also considered the following matters on which we do not make any recommendations.

Unlimited deportation liability

Dr Parmjeet Parmar wrote to us on 26 March 2026 proposing unlimited deportation liability for residence class visa holders who commit serious offences.

The current Act takes the approach that the longer a person holds residence in New Zealand, the stronger the justification for deportation needs to be. Shifting to an indefinite liability period would be a significant departure from the long-standing graduated deportation liability framework in section 161.

We sought advice on this proposal and gave it careful consideration. We think that unlimited liability would raise valid questions of proportionality, and could be difficult to justify. It could lead to inconsistencies between current immigration settings and the balanced approach in the bill. On balance, we decided against including this in our recommendations.

Issues raised in public submissions

Submitters raised a range of issues and concerns about the bill. Some of these led us to recommend changes, that are discussed above. We discuss below some of the other matters raised with us. They include some areas where we consider that the regime can already respond to key concerns, and some areas that would benefit from further consideration by the Government.

Removal of humanitarian appeal pathway for certain temporary visa holders

We heard concerns from a range of submitters about the removal of the ability to appeal to the Immigration and Protection Tribunal on humanitarian grounds for visitor visa holders and all temporary visa holders who commit criminal offences.

Submitters were concerned about the implications of this change for fairness and natural justice. They also raised questions about the adequacy and equivalency of alternative review processes, which include the "good reasons" review process, complaints to the Office of the Ombudsman, Ministerial intervention, and judicial review.

We received advice that the broader framework of the Act continues to meet the requirements of natural justice under the New Zealand Bill of Rights Act 1990. We were also advised that although the alternative processes are different in nature, they do provide individuals with options for oversight and challenge.

Migrant exploitation

We heard a range of concerns from submitters related to migrant exploitation settings. These concerns included how to distinguish between deliberate exploitation and administrative non-compliance, and whether current settings are sufficient to protect victims and enable reporting of migrant exploitation. We appreciate the gravity of the issue. We were advised, however, that many of the matters raised extend beyond the policy intent of the bill, as they relate to the interaction of immigration settings with wider regulatory and operational frameworks. We encourage this and future Governments to take submitters' concerns seriously and consider these matters further.

Information sharing and privacy

We heard concerns from submitters about protection of claimant information in relation to information sharing provisions.

We were advised that strong protection is already provided for under section 151 of the Act, which places strict limits on the disclosure of information relating to refugee and protection claimants. Disclosure of claimant information can result in charges under section 354 of the Act, and is liable to imprisonment for up to 3 months, and/or a fine of up to \$10,000. The bill proposes no changes to these protections and penalties, and we consider that they are appropriate to respond to the seriousness of submitters' concerns.

ACT New Zealand differing view

ACT supports a strong immigration system, and that's what the Immigration (Enhanced Risk Management) Amendment Bill delivers. We're disappointed the committee declined to adopt ACT's proposal to increase for deportation liability from 10 years to an unlimited period of time for residence class visa holders who commit serious criminal offending and is sentenced to at least 10 years imprisonment.

ACT believes that when someone is granted a visa to live in New Zealand, it is based on an expectation that they will respect our laws, values, and way of life. That is the foundation of our immigration system. When that expectation is seriously breached, it calls into question whether that person should continue to have the privilege of remaining in New Zealand.

Green Party of Aotearoa New Zealand differing view

The Green Party does not support the Immigration (Enhanced Risk Management) Amendment Bill in its current form.

We acknowledge the bill includes some measures intended to respond to migrant exploitation, including stronger penalties for exploitative employers and new

infringement settings. Submitters such as Community Law Centres Aotearoa supported principled efforts to strengthen responses to exploitation. However, submitters such as the Migrant Workers Association also made clear that enforcement alone will not protect migrant workers while visas remain tied to single employers and workers fear immigration consequences if they report abuse.

We are particularly concerned by the bill's removal of humanitarian appeal rights for some temporary visa holders. Community Law Centres Aotearoa, Mana Mokopuna, the Office of the Ombudsman, and several refugee and migrant organisations raised serious concerns that this would remove an important independent safeguard. The Immigration and Protection Tribunal is able to consider humanitarian circumstances, including the best interests of children, and can make binding decisions. The Ombudsman noted that its office is not a direct substitute for the Tribunal, as its role is discretionary and its recommendations are not binding. While the Ombudsman may review whether INZ acted lawfully, reasonably, and fairly, this process cannot provide the same specialist, binding humanitarian assessment that the IPT currently provides.

Mana Mokopuna submitted that removing humanitarian appeal rights risks leaving children's rights, wellbeing, family connections, health, and education insufficiently considered in deportation decisions. We agree that children affected by deportation, including children with disabilities, Pacific children, and children born in New Zealand without citizenship, require strong and accessible safeguards.

We are also concerned by the proposed powers allowing immigration officers to request identity information and documents where they suspect a person may be liable for deportation or in breach of visa conditions. Submitters warned that these powers could lead to racial profiling, increase fear among migrant and refugee communities, and discourage people from accessing healthcare, reporting exploitation, or seeking help from public agencies. These concerns are especially serious given Aotearoa New Zealand's history of the Dawn Raids and the ongoing need to rebuild trust with migrant communities.

Submitters also opposed restrictions preventing people who withdraw asylum claims from applying for other visa pathways while in New Zealand. Community Law Centres Aotearoa noted that there was no clear evidence that this pathway is being abused, and that preventing people from moving onto genuine work, study, or partnership pathways may increase pressure on the asylum system rather than reduce it.

We share the concern raised by Migrants Against the Acceptable Standard of Health Aotearoa that administrative mistakes should not be treated as fraud. People navigating complex immigration processes, including disabled and neurodivergent migrants, asylum seekers, and those with English as an additional language, may make mistakes without any dishonest intent. The bill should not create pathways for people to be removed from New Zealand because of errors made in difficult and unsupported application processes.

The Green Party believes immigration law must protect system integrity without undermining natural justice, children's rights, refugee protection, and trust in public institutions. We recommend that the bill be amended to retain humanitarian appeal

rights, narrow and strengthen safeguards around identity and information-gathering powers, and ensure migrant exploitation measures are paired with secure reporting pathways and visa settings that reduce worker vulnerability.

New Zealand Labour Party differing view

The Labour Party opposes this bill. We support the objective of a robust, efficient, and well-managed immigration system that can maintain public confidence. This bill however sets out to address the operational pressures of increasing claim volumes by reducing access to procedural safeguards and judicial oversight, and expanding state power. The integrity of New Zealand's careful merits-based decision-making system is undermined in the name of administrative efficiency. Many of the bill's provisions are not supported by credible evidence.

We are especially concerned by the bill's removal of appeals to the Immigration and Protection Tribunal (IPT) against deportation on humanitarian grounds. This will restrict the ability of temporary and interim visa holders, including those on visitor, partner, and parent visas, and those with criminal convictions. Appeal to the IPT is a critical safeguard in the system. As submitters pointed out its abolition will disproportionately affect families in New Zealand with children, grandparents, aunts, uncles who need support, and disproportionately affect the Pacific communities.

The committee heard there was a 40 percent success rate for humanitarian appeals for visitor visas, and of those 41 percent were from migrants from Pacific countries. It is clear the alternatives proposed by the Minister (the High Court, Ombudsman, or the Associate Minister's discretion to intervene) are not genuine alternatives. The court is too expensive to be accessible. The Ombudsman review is discretionary and retrospective. The Associate Minister's interventions are entirely discretionary and lack transparency. None are substitutes for the independent statutory merits process provided by the IPT.

We note the concerns raised by submitters in relation to clause 26 which gives expanded powers to immigration officers to request identity documents from individuals suspected of deportation liability in homes and workplaces, with arrest and detention as consequences of non-compliance. A number of submitters raised the dangers of racial profiling, the implication that any migrant will have to always carry identification, and the clause's inconsistency with section 21 of the Bill of Rights Act which affirms everyone has the right to be secure against unreasonable search or seizure.

The committee has recommended several safeguards including requiring immigration officers to inform the person of the basis of their suspicion; a requirement the immigration officer records in writing a summary of the circumstances including the basis of their suspicion, and annual reporting of such cases. Labour believes other safeguards should be incorporated including clarification of what constitutes "good cause to suspect", clarifying in legislation what factors should guide the exercise of discretion, and a requirement that a person is first asked for their name and full details, and identification is only requested if there is good cause to suspect the person was deliberately misleading the officer.

Labour opposes clause 11 which in the case of withdrawal of a refugee claim limits individuals applying for other visas. This is typical of many of the petty and punitive provisions in the bill. It punishes people with legitimate changes in personal circumstances such as marrying a New Zealander or receiving a job offer, and perversely could discourage claimants from withdrawing weak claims rather than withdraw them responsibly.

Too much of the bill in our view is poorly thought through changes designed to achieve administrative efficiency and look tough on alleged wrong doers. In the press release accompanying the bill's first reading, the Minister of Immigration highlighted "migrant exploitation, serious criminals, and immigration breaches" among the key risks facing New Zealand's immigration system, conveying that criminality is as prevalent as migrant exploitation and immigration breaches. The bill is clearly designed to send a "get tough" message. However nowhere is any evidence provided that criminality is any more prevalent among visa holders and applicants than it is in the general community, nor that the existing system is in any way not coping with offending or rule-breaking.

The bill addresses operational pressures caused by increased numbers of claims by restricting the rights of claimants, tightening procedures, and increasing the powers of the immigration bureaucracy. Nowhere is it evident that operational improvements and system design have been properly considered as alternative approaches. In fact submitters argued convincingly that many of the bill's provisions will reduce operational efficiency.

Appendix

Committee process

The Immigration (Enhanced Risk Management) Amendment Bill was referred to this committee on 26 March 2026. We invited the Minister of Immigration to provide an oral submission on the bill. She did so on 13 May 2026.

We called for submissions on the bill with a closing date of 29 April 2026. We received and considered submissions from 196 interested groups and individuals. We heard oral evidence from 26 submitters. We wish to acknowledge the efforts of all submitters and thank them for their engagement.

Advice on the bill was provided by the Ministry of Business, Innovation and Employment. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting. The Regulations Review Committee reported to us on the powers contained in clause 10 of the bill as introduced. The Legislation Design and Advisory Committee (LDAC) was consulted on the amendments arising from matters raised in the paper *Proposed policy additions to the Immigration (Enhanced Risk Management) Amendment Bill J.24*.

Committee membership

Katie Nimon (Chairperson)

Hon Ginny Andersen

Carl Bates

Shanan Halbert

Grant McCallum

Dr Parmjeet Parmar

Hon Phil Twyford

Dr Vanessa Weenink

Dr Lawrence Xu-Nan

Ricardo Menéndez March participated in our consideration of this bill.

Related resources

The documents we received as advice and evidence are available on the Parliament website.

**Immigration (Enhanced Risk Management)
Amendment Bill**

Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

~~text deleted by a majority~~

Hon Erica Stanford

Immigration (Enhanced Risk Management) Amendment Bill

Government Bill

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Part 1

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Immigration (Enhanced Risk Management) Amendment Act **2026**.

2 Commencement

- (1) This Act comes into force on the day after Royal assent.
- (2) However,—
- (a) **sections 4(2), 16, 18, 20, and 21, and 38** come into force 3 months after Royal assent; and
- (b) ~~sections 38 and 39 come~~ **section 39** comes into force ~~12~~ **6** months after Royal assent.

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3 Principal Act~~This Act amends the Immigration Act 2009.~~**Part 1**

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Amendments to ~~principal Act~~ Immigration Act 2009**3 Principal Act**This Part amends the Immigration Act 2009.**4 Section 4 amended (Interpretation)**

- (1) In section 4, definition of **claimant**, replace paragraph (b) with:
- (b) does not include a person whose claim has been—
- (i) withdrawn; or
- (ii) finally determined (within the meaning of section 128)
- (2) In section 4, insert in its appropriate alphabetical order:
- immigration matter—**
- (a) means any matter arising under or concerning the application of this Act (including any regulations or immigration instructions made under it); and
- (b) includes—
- (i) an application or purported application for a residence class visa, temporary entry class visa, or transit visa;
- (ii) an expression of interest under section 92;
- (iii) a request for a special direction;
- (iv) a claim for recognition as a refugee or a protected person, and any related appeal or matter;
- (v) a matter relating to immigration sponsorship;
- (vi) a matter relating to an immigration obligation;
- (vii) a matter relating to a person's liability for deportation;
- (viii) an appeal in relation to any matter described in **paragraph (a)**

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(3) In section 4, insert in their appropriate alphabetical order:

remote work means work that—

(a) is not for—

(i) a New Zealand resident (as defined in section YA 1 of the Income Tax Act 2007); or 5

(ii) a New Zealand branch of a non-resident (as defined in section YA 1 of the Income Tax Act 2007); and

(b) does not involve offering goods or services in New Zealand to persons or businesses in New Zealand; and

(c) does not require the person performing the work to be physically present in New Zealand or in the exclusive economic zone of New Zealand 10

specified temporary or interim visa means a visa that—

(a) is a temporary visa or an interim visa; and

(b) is subject to conditions that—

(i) either— 15

(A) do not allow the holder to work in New Zealand or in the exclusive economic zone of New Zealand; or

(B) allow the holder to undertake remote work (but not any other work) in New Zealand or in the exclusive economic zone of New Zealand; and 20

(ii) either—

(A) allow the holder to study in New Zealand for a period not exceeding 3 months in total in any 12-month period; or

(B) allow the holder to study in New Zealand at a primary school, intermediate school, secondary school, or composite school (within the meaning of the Education and Training Act 2020) for a single period not exceeding 3 months in any calendar year 25

5 **Section 8 amended (Meaning of granting visa or entry permission as result of administrative error)** 30

(1) Repeal section 8(1)(a).

(2) After section 8(1)(b), insert:

(ba) it is granted to a person—

(i) by an immigration officer; and

(ii) after a refugee and protection officer has determined under section 137(2) that there are serious reasons for considering that the person has committed a crime or been guilty of any act described in that subsection; or 35

- (bb) it is granted to a person—
 - (i) who, by virtue of immigration instructions, is of a class or category of person that may apply for a visa of that class or type only if invited to do so by the Minister or an immigration officer; and
 - (ii) who has not been invited to do so, or whose invitation to do so has been revoked, by the Minister or an immigration officer; or

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(3) After section 8(1), insert:

- (1A) In this Act, a visa is also granted as a result of an administrative error if,—
- (a) in the case of a residence class visa, it is granted to a person who—
 - (i) holds a limited visa or a transit visa; or
 - (ii) holds an interim visa that was not granted to the person while an application by the person for a residence class visa was being considered; or
 - (iii) is liable for deportation (unless the Minister or an immigration officer granted it to the person under section 169(2)); or
 - (b) in the case of a temporary visa, it is granted to a person who holds—
 - (i) a limited visa or a transit visa; or
 - (ii) an interim visa that was not granted to the person while an application by the person for a temporary entry class visa was being considered.

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6 New section 62A inserted (Visas that are void from time of grant)

After section 62, insert:

62A Visas that are void from time of grant

- (1) The following visas are void from the time at which they are granted:
 - (a) a visa granted to a New Zealand citizen (other than a New Zealand citizen described in section 13(4)(b));
 - (b) a visa granted under section 61 to a person in respect of whom a deportation order or removal order is in force.
- (2) *See also section 79A* (which provides that a temporary visa granted to a residence class visa holder is void from the time at which it is granted).

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7 Section 72 amended (Decisions on applications for residence class visa)

~~After~~ Replace section 72(1) ~~with;~~ insert:

- (1) The Minister or an immigration officer must decide an application for a residence class visa in accordance with—
 - (a) this Act and any other Act that affects whether a residence class visa may be granted; and

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- (b) the residence instructions applicable at the time the application was made, to the extent that they are not inconsistent with this Act or any other Act that affects whether a residence class visa may be granted.
- (1A) However, if, before a decision is made in respect of a person's application for a residence class visa, the Minister certifies new immigration instructions relating to residence class visas, the applicant may, if permitted by those new instructions, request that the decision be made under those new instructions. 5
- (1B) If an applicant makes a request under **subsection (1A)**, ~~the immigration officer or the Minister or the immigration officer~~ must, on or after the date on which the new instructions come into effect, decide the application in accordance with ~~the new instructions.~~ 10
- (a) this Act and any other Act that affects whether a residence class visa may be granted; and
- (b) the new instructions, to the extent that they are not inconsistent with this Act or any other Act that affects whether a residence class visa may be granted. 15
- (1C) **Subsections (1A) and (1B)** do not apply to an application that has lapsed in accordance with rules or criteria certified by the Minister under section 24.

8 New section 79A inserted (Temporary visa granted to residence class visa holder void from time of grant) 20

After section 79, insert:

- 79A Temporary visa granted to residence class visa holder void from time of grant**
- (1) If a temporary visa is granted to a person who holds a residence class visa, the temporary visa is void from the time at which it is granted. 25
- (2) **Subsection (1)** does not apply to a temporary visa granted under section 68.

9 Section 93 amended (Obligation to inform of all relevant facts, including changed circumstances)

After section 93(6), insert:

- (7) If a person is invited to apply for a visa, it is sufficient ground for the Minister or an immigration officer to decline to grant the visa to the person if the Minister or officer is satisfied that the person,— 30
- (a) whether personally or through an agent, in expressing their interest in obtaining an invitation to apply for the relevant visa, submitted false or misleading information or withheld relevant information that was potentially prejudicial to the issue of the invitation; or 35
- (b) did not ensure that an immigration officer was informed of any material change in circumstances between the time of expressing interest and the time of the person's application for the relevant visa.

10 New section 113A inserted (Revocation of deemed entry permission)

After section 113, insert:

113A Revocation of deemed entry permission

- (1) This section applies if a person's entry permission is deemed to have been granted under regulations made under this Act. 5
- (2) An immigration officer may revoke the entry permission if permitted or required by, and only in accordance with, immigration instructions relating to entry permission.
- (3) **Subsection (2)** applies despite anything in the regulations under which entry permission is deemed to have been granted or in any other provision of this Act. 10
- (4) If the person arrives at an immigration control area, entry permission may be revoked at any time before the person leaves the immigration control area.
- (5) If the person arrives in New Zealand at a place other than at an immigration control area, entry permission may be revoked within 72 hours of the person first arriving in New Zealand. 15
- (6) A revocation under this section is made by entry on the records of the Department and takes effect immediately.
- (7) Without limiting the generality of section 22, immigration instructions relating to entry permission may provide for the revocation of entry permission that is deemed to have been granted under regulations made under this Act. 20

10A Section 134 amended (Whether to accept claim for consideration)

Repeal section 134(1)(c), (3), and (4).

10B Section 137 amended (Matters to be determined by refugee and protection officer)

- (1) Replace section 137(1) with: 25
- (1) For each claim accepted for consideration, a refugee and protection officer must first determine whether 1 or more of the circumstances relating to the claim were brought about by the claimant—
 - (a) acting otherwise than in good faith; and 30
 - (b) for a purpose of creating grounds for recognition under section 129.
- (1A) For the purposes of determining the matter in **subsection (1)**, the refugee and protection officer must not treat the actions of any other person in relation to the claim or the claimant as a mitigating factor.
- (1B) **Subsection (1C)** applies if the refugee and protection officer is satisfied that 35
 - 1 or more of the circumstances relating to the claim were brought about by the claimant—
 - (a) acting otherwise than in good faith; and

	(b) <u>for a purpose of creating grounds for recognition under section 129.</u>	
(1C)	<u>If this subsection applies, the refugee and protection officer must determine, in the following order:</u>	
	(a) <u>whether to recognise the claimant as a protected person on the ground set out in section 130; and</u>	5
	(b) <u>whether to recognise the claimant as a protected person on the ground set out in section 131.</u>	
(1D)	<u>If subsection (1C) does not apply, the refugee and protection officer must determine, in the following order:</u>	
	(a) <u>whether to recognise the claimant as a refugee on the ground set out in section 129; and</u>	10
	(b) <u>whether to recognise the claimant as a protected person on the ground set out in section 130; and</u>	
	(c) <u>whether to recognise the claimant as a protected person on the ground set out in section 131.</u>	15
(2)	<u>In section 137(2),—</u>	
	(a) <u>replace “subsection 1(b) or (c)” with “subsection (1C)(a) or (b) or (1D)(b) or (c)”; and</u>	
	(b) <u>paragraph (b), delete “outside New Zealand before entering New Zealand”.</u>	20
10C	<u>Section 138 amended (Decision on claim)</u>	
(1)	<u>After section 138(1), insert:</u>	
(1A)	<u>Despite subsection (1), a refugee and protection officer must refuse to recognise a person as a refugee if they are satisfied that 1 or more of the circumstances relating to the person’s claim were brought about by the person—</u>	25
	(a) <u>acting otherwise than in good faith; and</u>	
	(b) <u>for a purpose of creating grounds for recognition under section 129.</u>	
(2)	<u>In section 138(2), replace “Despite” with “Also, despite”.</u>	
10D	<u>Section 139 replaced (Minister to decide immigration status of protected person who may have committed certain crimes or been guilty of certain acts)</u>	30
	<u>Replace section 139 with:</u>	
139	<u>Minister to decide immigration status of certain protected persons</u>	
	<u>The Minister must make any decision about a protected person’s immigration status if—</u>	35

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- (a) a refugee and protection officer has determined under **section 137(1)** that 1 or more of the circumstances relating to the person's claim were brought about by the person—
- (i) acting otherwise than in good faith; and
- (ii) for a purpose of creating grounds for recognition under section 129; or
- (b) a refugee and protection officer has determined under section 137(2) that there are serious reasons for considering that the person has committed a crime or been guilty of any act described in that subsection.

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10E Section 140 amended (Limitation on subsequent claims)

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(1) Replace section 140(1) with:

(1) A refugee and protection officer must not consider a subsequent claim for recognition as a refugee or a protected person unless the officer is satisfied that there has been a significant change in circumstances material to the claim since the previous claim was determined.

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(2) Repeal section 140(2).

10F New section 141A inserted (Withdrawal of claim)

After section 141, insert:

141A Withdrawal of claim

- (1) A claimant may withdraw their claim at any time before a refugee and protection officer makes a decision to accept, or to decline to accept, it for consideration.
- (2) A claimant whose claim is accepted for consideration may withdraw their claim at any time before a refugee and protection officer makes a decision on it under section 138.

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10G Section 149 amended (Powers of refugee and protection officers)

After section 149(2), insert:

(2A) If a person who is required to allow biometric information to be collected from them under subsection (1)(e) refuses or fails to allow the information to be collected, the refugee and protection officer may determine the claim or matter without collecting the information.

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11 Section 150 amended (Special provision relating to claimants granted temporary visas)

(1) Replace section 150(1)(b) with:

- (b) having been a person to whom paragraph (a) applies, ceases to be a claimant by virtue of—
- (i) their claim being withdrawn; or

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- (ii) their claim being finally determined (within the meaning of section 128) if, upon their claim being finally determined, the person is not recognised as a refugee or a protected person.

(2) In section 150(2)(b), after “section 61”, insert “or 61A”.

12 Section 154 replaced (Deportation liability if person unlawfully in New Zealand) 5

Replace section 154 with:

154 Deportation liability of person unlawfully in New Zealand

- (1) A person who is unlawfully in New Zealand is liable for deportation.
- (2) A person who is unlawfully in New Zealand may appeal on humanitarian grounds against their liability for deportation not later than 42 days after they became unlawfully in New Zealand. 10
- (3) However, if a person is unlawfully in New Zealand following an unsuccessful reconsideration under section 185 of a decision to decline their visa application, the person may appeal on humanitarian grounds against their liability for deportation not later than 42 days after the later of the following days: 15
 - (a) the day on which the person became unlawfully in New Zealand;
 - (b) the day on which the person received confirmation of the decision to decline their visa application.
- (4) Despite **subsections (2) and (3)**, a person who is unlawfully in New Zealand is not entitled to appeal on humanitarian grounds against their liability for deportation if— 20
 - (a) the person is unlawfully in New Zealand following the cancellation of the person’s visa under section 64(1)(ab); or
 - (b) the person has already had an opportunity (whether exercised or not) to appeal against their liability for deportation. 25
- (5) Also, despite **subsections (2) and (3)**, a person who is unlawfully in New Zealand and who has previously held a visa is not entitled to appeal on humanitarian grounds against their liability for deportation if— 30
 - ~~(a) the last visa that the person held was a temporary visa, or an interim visa, that was subject to conditions that did not allow the holder to do each of the following things: 30~~
 - ~~(i) work in New Zealand;~~
 - ~~(ii) work in the exclusive economic zone of New Zealand;~~
 - ~~(iii) study in New Zealand; or~~ 35
 - (a) the last visa that the person held was a specified temporary or interim visa; or

- (b) the person has been convicted or found guilty of, or pleaded guilty to, an offence (whether in New Zealand or elsewhere) that was committed after they were granted the last visa that they held and the last visa that they held was—
 - (i) a temporary visa; or
 - (ii) an interim visa that was granted to them when they held a temporary visa.

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13 Section 155 amended (Deportation liability if person's visa granted in error)

Replace section 155(5) with:

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- (5) However, subsection (4) does not apply if—
 - (a) the person is liable for deportation under this section because they re-entered New Zealand while they were subject to a period of prohibition on entry; or
 - ~~(b) the person is the holder of a temporary visa, or an interim visa, that is subject to conditions that do not allow them to do each of the following things:~~
 - ~~(i) work in New Zealand;~~
 - ~~(ii) work in the exclusive economic zone of New Zealand;~~
 - ~~(iii) study in New Zealand; or~~
 - (b) the person is the holder of a specified temporary or interim visa; or
 - (c) the person—
 - (i) is the holder of a temporary visa or an interim visa; and
 - (ii) has been convicted or found guilty of, or pleaded guilty to, an offence (whether in New Zealand or elsewhere) that was committed after that visa was granted.

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14 Section 156 amended (Deportation liability if visa held under false identity)

Replace section 156(2) with:

- (2) If a person is liable for deportation under subsection (1)(b) and the visa is a temporary visa or an interim visa, the person—
 - (a) may appeal to the Tribunal on humanitarian grounds not later than 42 days after first becoming unlawfully in New Zealand; and
 - (b) has 14 days from the date of service of a deportation liability notice to give good reason why the deportation should not proceed.
- (2A) However, **subsection (2)(a)** does not apply if—
 - ~~(a) the temporary visa or the interim visa is subject to conditions that do not allow the holder to do each of the following things:~~

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- ~~(i) work in New Zealand;~~
- ~~(ii) work in the exclusive economic zone of New Zealand;~~
- ~~(iii) study in New Zealand; or~~
- (a) the visa is a specified temporary or interim visa; or
- (b) the person has been convicted or found guilty of, or pleaded guilty to, an offence (whether in New Zealand or elsewhere) that was committed after the temporary visa or the interim visa was granted.

15 Section 157 amended (Deportation liability of temporary entry class visa holder for cause)

After section 157(4), insert:

(4A) Subsection (4) does not apply if—

- ~~(a) the visa of the temporary visa holder or interim visa holder is subject to conditions that do not allow the holder to do each of the following things:~~
 - ~~(i) work in New Zealand;~~
 - ~~(ii) work in the exclusive economic zone of New Zealand;~~
 - ~~(iii) study in New Zealand; or~~
- (a) the visa of the temporary visa holder or interim visa holder is a specified temporary or interim visa; or
- (b) the temporary visa holder or interim visa holder has been convicted or found guilty of, or pleaded guilty to, an offence (whether in New Zealand or elsewhere) that was committed after their visa was granted.

16 ~~Section 158 amended (Deportation liability of residence class visa holder due to fraud, forgery, etc)~~

~~(1) After section 158(1A), insert:~~

~~(1B) A residence class visa holder is also liable for deportation if—~~

- ~~(a) the person is convicted or found guilty of, or pleads guilty to, an offence where it is established that the person, whether personally or through an agent, in relation to an immigration matter other than an application, or purported application, referred to in subsection (1),—~~
 - ~~(i) provided fraudulent, forged, false, or misleading information; or~~
 - ~~(ii) concealed relevant information; or~~
- ~~(b) the Minister determines that the person, whether personally or through an agent, in relation to an immigration matter other than an application, or purported application, referred to in subsection (1),—~~
 - ~~(i) provided fraudulent, forged, false, or misleading information; or~~
 - ~~(ii) concealed relevant information.~~

~~(1C) **Subsection (1B)** applies whether or not the person holding the residence class visa was a residence class visa holder at the time that they —~~

- ~~(a) provided the information that is established or determined to be fraudulent, forged, false, or misleading; or~~
- ~~(b) concealed the relevant information that is established or determined to have been concealed.~~

~~(2) In section 158(3)(a), replace “subsection (1)(a) or (2)” with “subsection (1)(a), **(1B)(a)**, or (2)”.~~

~~(3) In section 158(3)(b), replace “subsection (1)(b)” with “subsection (1)(b) or **(1B)(b)**”.~~

16 Section 158 amended (Deportation liability of residence class visa holder due to fraud, forgery, etc)

(1) Replace section 158(1) and (1A) with:

(1) A residence class visa holder (**R**) is liable for deportation if—

(a) R is convicted or found guilty of, or pleads guilty to, an offence where it is established that—

(i) fraudulent, forged, false, or misleading information was provided (whether or not by R), or that relevant information was concealed (whether or not by R), in relation to an immigration matter that concerns R; or

(ii) R, whether personally or through an agent, provided fraudulent, forged, false, or misleading information, or concealed relevant information, in relation to an immigration matter that does not concern R; or

(iii) R benefited from another person providing fraudulent, forged, false, or misleading information, or concealing relevant information, in relation to an immigration matter that does not concern R; or

(b) the Minister determines that—

(i) fraudulent, forged, false, or misleading information was provided (whether or not by R), or that relevant information was concealed (whether or not by R), in relation to an immigration matter that concerns R; or

(ii) R, whether personally or through an agent, provided fraudulent, forged, false, or misleading information, or concealed relevant information, in relation to an immigration matter that does not concern R; or

(iii) R benefited from another person providing fraudulent, forged, false, or misleading information, or concealing relevant information, in relation to an immigration matter that does not concern R.

- (1A) **Subsection (1)** applies whether or not R was a residence class visa holder when—
- (a) the information that is established or determined to be fraudulent, forged, false, or misleading was provided; or
 - (b) the relevant information that is established or determined to have been concealed was concealed. 5
- (2) After section 158(4), insert:
- (5) For the purposes of this section, an application or purported application for a visa or permit under the former Act is treated as being an immigration matter.
- 17 Section 161 amended (Deportation liability of residence class visa holder convicted or guilty of criminal offence) 10**
- (1) Before section 161(1)(a), insert:
- (aaa) ~~of~~ an offence committed outside New Zealand before the person was first granted any visa; or
- (1A) In section 161(1)(a)(ii), after “visa”, insert “or a temporary permit granted under the former Act”. 15
- (2) In section 161(1)(a)(iii), replace “2 years” with “5 years”.
- (3) In section 161(1)(b), replace “5 years” with “10 years”.
- (4) In section 161(1)(c), replace “10 years” with “15 years”.
- (5) After section 161(1)(c), insert: 20
- (ca) ~~of~~ an offence and sentenced to imprisonment for a term of 10 years or more (or for an indeterminate period capable of running for 10 years or more), if the offence was committed not later than 20 years after the person first held a residence class visa; or
- (6) In section 161(3), replace “and (d), the periods of 2 years, 5 years, and 10 years” with “**(ca)**, and (d), the periods of 5 years, 10 years, 15 years, and 20 years”. 25
- (7) In section 161(4), after “Subsection (1)(c)”, insert “and **(ca)**”.
- (8) In section 161(5)(c), delete “as the holder of a residence class visa”.
- (9) After section 161(7), insert: 30
- (8) **Subsection (9)** applies to a person if they were granted a residence permit under the former Act.
- (9) Despite section 434(2), for the purposes of this section, the person first holds a residence class visa—
- (a) on the date on which the person was first granted a residence permit under the former Act; or 35
 - (b) on the date on which the person was last granted a residence permit under the former Act, or entry permission as the holder of a residence

class visa, following a continuous period of absence from New Zealand of at least 5 years.

18 Section 170 amended (Deportation liability notice)

After section 170(3), insert:

- (4) ~~A deportation liability notice may be served on a person who does not have a physical address that is known to the Department by sending it by electronic means to an electronic address that is the person's contact address.~~

18 Section 170 amended (Deportation liability notice)

Replace section 170(3) with:

- (3) A deportation liability notice must be served by—
- (a) personal service on the person; or
 - (b) sending it by registered post to the person's address for service; or
 - (c) sending it by electronic means to an electronic address that is the person's contact address.
- (4) However,—
- (a) if a deportation liability notice is served by way of personal service, it may be served only by an immigration officer or by another person on behalf of an immigration officer; and
 - (b) if a deportation liability notice is sent by registered post to the person's address for service and that address is the address of a lawyer or agent, service is effected only if the lawyer or agent signs a memorandum stating that they accept service of the notice on behalf of the person; and
 - (c) a deportation liability notice may be served by the method specified in **subsection (3)(c)** only if the person does not have a physical address that is known to the Department.
- (5) A deportation liability notice served by the method specified in **subsection (3)(c)** is deemed to be received by the person to whom it is addressed on the earlier of the following dates:
- (a) the date that is 3 working days after the date on which it was sent;
 - (b) the date on which they inform an immigration officer that they have received the notice.

18A Section 172 amended (Minister may cancel or suspend liability for deportation)

After section 172(5), insert:

- (5A) However, the Minister must consider cancelling a person's liability for deportation if the person—

- (a) has a right to give good reason as to why they should not be deported; and
- (b) has, in providing submissions as to good reason why they should not be deported, provided information—
- (i) concerning their personal circumstances; and
- (ii) that is relevant to New Zealand’s international obligations.
- (5B) If, for any reason, the Minister considers cancelling a person’s liability for deportation, the Minister must have regard to any relevant international obligations, but otherwise—
- (a) may make a decision as they think fit; and
- (b) in doing so, is not under any obligation, whether by implication or otherwise,—
- (i) to apply any test or any particular test (including the test set out in section 207); or
- (ii) to inquire into the circumstances of, or to make any further inquiry in respect of the information provided by or in respect of, the person who is liable for deportation or any other person.
- (5C) Whether or not the Minister considers cancelling a person’s liability for deportation,—
- (a) the Minister is not obliged to give reasons for any decision, other than the reason that this subsection applies; and
- (b) information privacy principle 6 (which relates to access to personal information and is set out in section 22 of the Privacy Act 2020) does not apply to any reasons for any decision relating to the purported application (if any); and
- (c) section 23 of the Official Information Act 1982 does not apply in respect of the decision.
- (5D) However, to the extent that the Minister has regard to international obligations when considering cancelling a person’s liability for deportation, the Minister must record—
- (a) a description of the international obligations; and
- (b) the facts about the person’s personal circumstances.

19 Section 173 amended (Right of victims to make submissions on suspension or cancellation of liability for deportation)

Replace section 173(1) with:

- (1) In determining whether to cancel or suspend a person’s liability for deportation, the Minister must have regard to any written submissions made by a victim of an offence or offences if the person who is liable for deportation—
- (a) has been convicted of the offence or offences; or

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- (b) has been found guilty of the offence or offences; or
- (c) has pleaded guilty to the offence or offences.

19A Section 175A amended (Time when deportation order may be served)

Before section 175A(1), insert:

(1AAA) Where a person who is unlawfully in New Zealand does not have a right to appeal under this Act against liability for deportation because **section 154(5)(a)** applies, the first day on which a deportation order may be served on the person is the day that is 15 days after the date on which their last visa expired or was cancelled.

19B Section 187 amended (Rights of appeal in relation to decisions concerning residence class visas)

(1) Before section 187(2)(a), insert:

(aaa) a decision of an immigration officer to decline to grant a residence class visa under section 58(6); or

(aab) a decision of an immigration officer to decline to grant a residence class visa in accordance with a requirement of any other Act; or

(2) In section 187(4)(a), replace “applicable at the time the relevant application for the visa was made” with “in accordance with which the relevant application for the visa was required to be decided”.

19C Section 188 amended (Determination of appeal in relation to residence class visa)

Replace section 188(1) with:

(1) In determining an appeal under section 187, the Tribunal may—

(a) confirm the decision appealed against as having been correct in terms of the residence instructions in accordance with which the application for the visa was required to be decided (the **applicable residence instructions**); or

(b) reverse the decision as having been incorrect in terms of the applicable residence instructions; or

(c) note the correctness of the original decision in terms of the applicable residence instructions on the basis of the information provided to the Minister or the immigration officer before the time of the decision, but reverse that decision on the basis of any information properly made available to the Tribunal that reveals that the grant of the visa would have been correct in terms of those instructions; or

(d) note the correctness of the original decision in terms of the applicable residence instructions on the basis of the information provided to the Minister or the immigration officer before the time of the decision, but determine the appeal by cancelling the decision and referring the matter

	<u>back to the Minister, if they made the decision, or the chief executive, in any other case, for consideration under those instructions as if a new visa application had been made that included any additional information properly provided to the Tribunal; or</u>	
(e)	<u>determine the appeal by cancelling the decision and referring the application back to the Minister, if they made the decision, or the chief executive, in any other case, for correct assessment in terms of the applicable residence instructions, if the Tribunal—</u>	5
(i)	<u>considers that the decision appealed against was made on the basis of an incorrect assessment in terms of those instructions; but</u>	10
(ii)	<u>is not satisfied that the appellant would, but for that incorrect assessment, have been entitled in terms of those instructions to the visa or entry permission; or</u>	
(f)	<u>confirm the decision as having been correct in terms of the applicable residence instructions, but recommend that the special circumstances of the applicant are such as to warrant consideration by the Minister as an exception to those instructions.</u>	15

19D Section 194 amended (Right of appeal in relation to decisions concerning refugee or protection status (other than subsequent claims))

(1)	<u>Repeal section 194(1)(b).</u>	20
(2)	<u>In section 194(3), replace “special” with “exceptional”.</u>	
(3)	<u>Replace section 194(4) with:</u>	
(4)	<u>To avoid doubt, an appeal right arises under subsection (1)(c) if a person’s claim is declined on the grounds that—</u>	
(a)	<u>1 or more of the circumstances relating to the person’s claim were brought about by the person—</u>	25
(i)	<u>acting otherwise than in good faith; and</u>	
(ii)	<u>for a purpose of creating grounds for recognition under section 129; or</u>	
(b)	<u>the person has the protection of another country or has been recognised as a refugee by another country and can be received back and protected there without risk of being returned to a country where he or she would be at risk of circumstances that would give rise to grounds for his or her recognition as a refugee or a protected person in New Zealand.</u>	30
(4)	<u>In section 194(5), replace “subsection (1)(a), (b), or (c)” with “subsection (1)(a) or (c)”.</u>	35
(5)	<u>In section 194(6A), delete “or (b)”.</u>	

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19E	<u>Section 195 amended (Right of appeal in relation to subsequent claims for refugee or protection status)</u> <u>In section 195(4), replace “special” with “exceptional”.</u>	
19F	<u>Section 197 replaced (Determination of appeal against decision declining to accept for consideration certain claims for recognition as refugee)</u> <u>Replace section 197 with:</u>	5
197	<u>Determination of appeal against declining of claim for recognition</u>	
(1)	<u>Where an appeal is brought under section 194(1)(c), the Tribunal must—</u>	
(a)	<u>determine the matter de novo; and</u>	
(b)	<u>first determine whether the person has at any time acted—</u>	10
(i)	<u>otherwise than in good faith; and</u>	
(ii)	<u>for a purpose of creating grounds for recognition under section 129.</u>	
(2)	<u>For the purposes of determining the matter in subsection (1)(b), the Tribunal must not treat the actions of any other person in relation to the claim or the claimant as a mitigating factor.</u>	15
(3)	<u>Subsection (4) applies if the Tribunal finds that the person has at any time acted—</u>	
(a)	<u>otherwise than in good faith; and</u>	
(b)	<u>for a purpose of creating grounds for recognition under section 129.</u>	20
(4)	<u>If this subsection applies, the Tribunal—</u>	
(a)	<u>may not determine that the person is a refugee; and</u>	
(b)	<u>must determine, in the following order:</u>	
(i)	<u>whether to recognise the person as a protected person on the ground set out in section 130; and</u>	25
(ii)	<u>whether to recognise the person as a protected person on the ground set out in section 131.</u>	
(5)	<u>If subsection (4) does not apply, the Tribunal must determine, in the following order:</u>	
(a)	<u>whether to recognise the person as a refugee on the ground set out in section 129; and</u>	30
(b)	<u>whether to recognise the person as a protected person on the ground set out in section 130; and</u>	
(c)	<u>whether to recognise the person as a protected person on the ground set out in section 131.</u>	35

- (6) The Tribunal must, in relation to the matters in **subsections (4)(b)(i) and (ii) and (5)(b) and (c)**, determine whether there are serious reasons for considering that the person has—
- (a) committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; or 5
 - (b) committed a serious non-political crime; or
 - (c) been guilty of acts contrary to the purposes and principles of the United Nations.
- (7) The Tribunal may dismiss or allow the appeal, but may not refer the claim back to a refugee and protection officer for reconsideration. 10
- (8) If the Tribunal allows an appeal in relation to a person to whom section 194(5) applies, the Tribunal must dispense with its consideration of any humanitarian appeal lodged by the person in accordance with section 194(6)(a).
- (9) To avoid doubt, nothing in **subsection (1), (4), (5), or (6)** requires the Tribunal to seek any information, evidence, or submissions further to those provided by the appellant. 15

19G Section 198 amended (Determination of appeal against declining of claim for recognition, cancellation of recognition, or cessation of recognition)

- (1) Replace the heading to section 198 with “**Determination of appeal against cessation or cancellation of recognition**”. 20
- (2) In section 198(1),—
- (a) replace “section 194(1)(c), (d), or (e)” with “section 194(1)(d) or (e)”;
 - and
 - (b) paragraph (c)(ii), delete “outside New Zealand before coming to New Zealand”. 25

19H Section 199 replaced (After successful appeal, Minister to decide immigration status of protected person who may have committed certain crimes or been guilty of certain acts)

Replace section 199 with: 30

199 After successful appeal, Minister to decide immigration status of certain protected persons

The Minister must make any decision about a person’s immigration status if the Tribunal has determined that the person is a protected person and has found that— 35

- (a) the person has at any time acted—
 - (i) otherwise than in good faith; and

- (ii) for a purpose of creating grounds for recognition under section 129; or
- (b) there are serious reasons under **section 197(6)** or 198(1)(c) for considering that the person has committed a crime, or been guilty of any act, described in that provision.

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19I Section 200 replaced (Determination of appeal against refusal or declining of subsequent claim for recognition as refugee or protected person)

Replace section 200 with:

200 Determination of appeal against refusal or declining of subsequent claim for recognition as refugee or protected person (other than where previous claim declined under former Act)

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- (1) Where an appeal is brought under section 195(1)(a) or (2), the Tribunal must first determine whether there has been a significant change in circumstances material to the appellant's claim since the previous claim was determined.
- (2) The Tribunal must dismiss the appeal if it finds that there has not been a significant change in circumstances.
- (3) The Tribunal must determine the claim for recognition in accordance with **section 197** if it finds that there has been a significant change in circumstances.
- (4) If the Tribunal reverses a decision in relation to a person to whom section 195(6) applies, the Tribunal must dispense with its consideration of any humanitarian appeal lodged in accordance with section 195(7)(a) by the person.

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200A Determination of appeal against refusal of subsequent claim for recognition as refugee or protected person: where previous claim declined under former Act

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- (1) Where an appeal is brought under section 195(1)(b), the Tribunal must first determine whether the subsequent claim is manifestly unfounded or clearly abusive, or repeats a previous claim.
- (2) The Tribunal must dismiss the appeal if it finds that the subsequent claim is manifestly unfounded or clearly abusive, or repeats a previous claim.
- (3) The Tribunal must determine the subsequent claim for recognition in accordance with **section 197** if it does not find that the subsequent claim is manifestly unfounded or clearly abusive, or repeats a previous claim.
- (4) If the Tribunal reverses a decision in relation to a person to whom section 195(6) applies, the Tribunal must dispense with its consideration of any humanitarian appeal lodged in accordance with section 195(7)(a) by the person.

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20 Section 201 amended (Persons who may appeal to Tribunal on facts)

- (1) ~~In section 201(1)(a) and (b), replace “158(1)(b)” with “158(1)(b) or **(1B)(b)**”.~~
(2) ~~In section 201(2)(a), replace “158(1)(a)” with “158(1)(a) or **(1B)(a)**”.~~

21 Section 202 amended (Grounds for determining appeal on facts)

~~After section 202(ca), insert:~~

- ~~(eb) in the case of an appellant liable for deportation under **section 158(1B)(b)**, the Tribunal is satisfied, on the balance of probabilities, that the person did not, personally or through an agent, provide fraudulent, forged, false, or misleading information, or conceal relevant information, in relation to the immigration matter:~~

21 Section 202 amended (Grounds for determining appeal on facts)

Replace section 202(c) and (ca) with:

- (c) in the case of an appellant liable for deportation under **section 158(1)(b)(i)**, the Tribunal is satisfied, on the balance of probabilities, that no fraudulent, forged, false, or misleading information was provided, and that no relevant information was concealed, in relation to the immigration matter:
- (ca) in the case of an appellant liable for deportation under **section 158(1)(b)(ii)**, the Tribunal is satisfied, on the balance of probabilities, that the appellant did not, personally or through an agent, provide fraudulent, forged, false, or misleading information, or conceal relevant information, in relation to the immigration matter:
- (cb) in the case of an appellant liable for deportation under **section 158(1)(b)(iii)**, the Tribunal is satisfied, on the balance of probabilities, that the appellant did not benefit from another person providing fraudulent, forged, false, or misleading information, or concealing relevant information, in relation to the immigration matter:

22 Section 206 amended (Who may appeal to Tribunal on humanitarian grounds)

Replace section 206(2) and (3) with:

- (2) Despite subsection (1), the following persons may not appeal to the Tribunal on humanitarian grounds against their liability for deportation:
- (a) a person to whom section 115, **154(4) or (5)**, 210(2), or 216(2) applies:
- (b) a limited visa holder who is liable for deportation under section 155, 156, or 157:
- (c) a person—
- (i) who is liable for deportation under section 155; and
- (ii) to whom **section 155(5)** applies:

	(d)	a temporary visa holder or interim visa holder whose liability for deportation arises under section 156(1)(a):	
	(e)	a person whose liability for deportation arises under section 156(1)(b) and—	
	(i)	who holds a temporary visa or interim visa to which section 156(2A)(a) applies; or	5
	(ii)	to whom section 156(2A)(b) applies:	
	(f)	a temporary visa holder or interim visa holder—	
	(i)	who is liable for deportation under section 157; and	
	(ii)	to whom section 157(4A) applies:	10
	(g)	a person whose liability for deportation arises by way of a deportation order under section 163:	
	(h)	a person whose liability for deportation arises from the expiry or cancellation of a limited visa:	
	(i)	a person who failed to lodge a humanitarian appeal at the same time as lodging an appeal in relation to a claim or a subsequent claim, if they are required to do so under this Act:	15
	(j)	a person who has had a humanitarian appeal heard by the Tribunal in relation to a claim or a subsequent claim.	
23	Section 207 amended (Grounds for determining humanitarian appeal)		20
	Replace section 207(2) with:		
(2)	In determining whether it would be unjust or unduly harsh to deport from New Zealand an appellant who became liable for deportation under section 161, and whether it would be contrary to the public interest to allow the appellant to remain in New Zealand, the Tribunal must have regard to—		25
	(a)	any submissions of a victim made in accordance with section 208; and	
	(b)	the nature and seriousness of the offence or offences—	
	(i)	that the appellant—	
		(A) has been convicted of; or	
		(B) has been found guilty of; or	30
		(C) has pleaded guilty to; and	
	(ii)	from which the liability for deportation arose; and	
	(c)	any information available to the Tribunal on the views of a victim of that offence or any of those offences about whether the appellant should be allowed to remain in New Zealand.	35
(2A)	Subsection (2) does not prevent the Tribunal from having regard to the nature and seriousness of any other offence that the appellant—		

	(a) <u>has been convicted of; or</u> (b) <u>has been found guilty of; or</u> (c) <u>has pleaded guilty to.</u>	
(3)	In this section, victim means a victim of an offence of a kind referred to in section 29 of the Victims' Rights Act 2002.	5
24	Section 208 amended (Right of victims to make submission on appeal) Replace section 208(1)(a) with:	
	(a) any written submissions made to it by a victim of an offence or offences if the person who is liable for deportation— (i) has been convicted of the offence or offences; or (ii) has been found guilty of the offence or offences; or (iii) has pleaded guilty to the offence or offences; and	10
25	Section 272 amended (Purpose of Part) Replace section 272(c)(i) and (ii) with:	
	(i) the persons and agencies to— (A) effectively administer and comply with certain legislation: (B) effectively manage risks to New Zealand's national interests: (C) effectively prevent information-related harm: (D) check a person's eligibility for benefits or publicly funded services: (E) effectively carry out certain other functions; and (ii) the Department to effectively administer this Act and carry out certain other functions:	15
26	Section 280 replaced (Power of immigration officer to request information and documents where liability for deportation or turnaround suspected) Replace section 280 with:	25
280	Power of immigration officer to request <u>require</u> information and documents where liability for deportation or turnaround, or breach of visa conditions, suspected	30
(1)	Subsections (2) and (3) apply if an immigration officer has good cause to suspect that a person—	
	(a) is or may be liable for deportation or turnaround; or (b) is or may be breaching, or has or may have breached, the conditions of the person's visa.	35

- (2) The immigration officer may require the person to do 1 or more of the things listed in **subsection (3)** for the purpose of establishing whether the person—
- (a) is or may be liable for deportation or turnaround; or
 - (b) is breaching, or has breached, the conditions of the person’s visa.
- (3) The things are as follows: 5
- (a) supply the person’s full name (or names, if the person is known by more than 1 name), date of birth, country of birth, nationality, and residential address:
 - (b) produce any identity documents for inspection:
 - (c) if the person does not currently have in their possession an identity document requested by the immigration officer, give details to the officer of where it can be found or who is holding it. 10
- (4) Before acting under **subsection (2)**, the immigration officer must—
- (a) inform the person—
 - (i) that they suspect that the person is or may be liable for deportation or turnaround; or 15
 - (ii) that they suspect that the person is or may be breaching, or has or may have breached, the conditions of the person’s visa; and
 - (aa) inform the person of the basis for that suspicion; and
 - (b) warn the person that, if the person fails without reasonable excuse to comply with their request, the person is liable to arrest and detention under this Act. 20
- (5) If an immigration officer has good cause to suspect that a person is liable for deportation or turnaround, the immigration officer may also require the person to surrender any identity document produced under **subsection (3)(b)**. 25
- (6) Before acting under **subsection (5)**, the immigration officer must inform the person that they suspect that the person is liable for deportation or turnaround.
- (7) An immigration officer who exercises a power under this section must, as soon as practicable after doing so, record in writing—
- (a) a summary of the circumstances surrounding the exercise of the power; and 30
 - (b) their basis for holding the suspicion required for the exercise of the power.
- 280A Departmental annual report to record exercise of power to require information and documents under section 280** 35
- The chief executive must include in every annual report prepared by the chief executive for the purposes of section 43 of the Public Finance Act 1989 the following information in respect of the financial year that is being reported on:

- (a) in respect of each of the following powers, the number of occasions on which immigration officers exercised the power:
 - (i) the power conferred by **section 280(2)**:
 - (ii) the power conferred by **section 280(5)**; and
- (b) a breakdown by nationality, gender, and age range of the persons who were required by immigration officers to do any of the things in **section 280(3) and (5)**; and 5
- (c) in respect of each of the following actions, the number of occasions that the action was taken as a result of the exercise of either or both of the powers referred to in **paragraph (a)**: 10
 - (i) a deportation liability notice was served:
 - (ii) a deportation order was served:
 - (iii) an investigation was commenced by the Department:
 - (iv) a warning was issued by an immigration officer:
 - (v) an infringement notice was issued under section 362: 15
 - (vi) a charging document was filed under section 14 of the Criminal Procedure Act 2011 by an immigration officer; and
- (d) the number of complaints relating to the exercise of either or both of the powers referred to in **paragraph (a)** received by the Department; and
- (e) a breakdown of the outcomes of those complaints. 20

27 Section 281 amended (Power to require information from person liable for deportation or turnaround)

In section 281(a), replace “section 280(1)” with “**section 280(3) and (5)**”.

28 Section 294AAB amended (Information sharing)

Replace the heading to section 294AAB with “**Information sharing with regulatory agencies to assist in performance or exercise of certain functions, duties, or powers**”. 25

29 New sections 294AAC to 294AAJ inserted

After section 294AAB, insert:

294AAC Information sharing agreements: definitions 30

In this section and **sections 294AAD to 294AAH**,—

authenticator means information or another thing (for example, a password or a fingerprint) that—

- (a) is known to, or is possessed or controlled by, a person; and
- (b) is securely linked to the person during an interaction with a service; and 35

(c)	can be used by the person during subsequent interactions with the service to prove that they are the same person	
	database , in relation to a government agency or non-government organisation, means any information recording system or facility used by the government agency or non-government organisation to store or process information	5
	digital credential means a digital record that—	
(a)	combines an authenticator and securely linked personal or organisational information; and	
(b)	a relying party or another person can rely on without verifying the information	10
	direct access , in relation to a database, means to do either or both of the following (whether remotely or otherwise):	
(a)	search the database:	
(b)	copy any information stored in the database	
	New Zealand private sector agency has the meaning given to it by section 7(1) of the Privacy Act 2020	15
	non-government organisation means an incorporated or unincorporated body that is—	
(a)	a New Zealand private sector agency; or	
(b)	an overseas agency that carries on business in New Zealand (within the meaning of section 4(3) of the Privacy Act 2020)	20
	overseas agency has the meaning given to it by section 9 of the Privacy Act 2020	
	personal or organisational information has the meaning given to it by section 5 of the Digital Identity Services Trust Framework Act 2023	25
	relying party has the meaning given to it by section 5 of the Digital Identity Services Trust Framework Act 2023	
	securely linked , in relation to information or another thing, means linked securely to the correct person by means of 1 or more checks that the information or other thing relates to that particular person	30
	service includes a product.	
294AAD Information sharing agreements: purpose of sections 294AAE to 294AAI		
	The purpose of sections 294AAE to 294AAI is to facilitate—	
(a)	the disclosure of information by the Department to—	35
(i)	another government agency; or	
(ii)	a New Zealand court or New Zealand tribunal; or	
(iii)	a non-government organisation; and	

- (b) the disclosure of information to the Department by—
 - (i) another government agency; or
 - (ii) a non-government organisation.

294AAE Information sharing agreements: authorised disclosures of information

- (1) The chief executive of the Department may disclose information, in accordance with a written information sharing agreement entered into under **section 294AAF** (as varied under **section 294AAI**, if applicable), to—
 - (a) the chief executive of another government agency; or
 - (b) a New Zealand court or New Zealand tribunal; or
 - (c) a non-government organisation.
- (2) Any of the following may, in accordance with a written information sharing agreement entered into under **section 294AAF** (as varied under **section 294AAI**, if applicable), disclose information to the chief executive of the Department:
 - (a) the chief executive of a government agency (other than the Department):
 - (b) a non-government organisation.

294AAF Information sharing agreements: making

- (1) The chief executive of the Department may enter into a written information sharing agreement with—
 - (a) the chief executive of another government agency; or
 - (b) a New Zealand court or New Zealand tribunal; or
 - (c) a non-government organisation.
- (2) Before entering into an information sharing agreement under this section, the chief executive of the Department must consult the Privacy Commissioner on the proposed agreement.

294AAG Information sharing agreements: contents

An information sharing agreement entered into under **section 294AAF** (as varied under **section 294AAI**, if applicable)—

- (a) must, for each party to the agreement,—
 - (i) state the classes or types of information that may be disclosed under the agreement by the party to the other party; and
 - (ii) state the use that the party may make of information disclosed to it under the agreement; and
 - (iii) state the requirements relating to storage, retention, and disposal of information disclosed to the party under the agreement, including any such requirements imposed by or under any Act or rule of law; and

- (iv) state the persons or classes of persons who may access information disclosed to the party under the agreement; and
- (v) either—
 - (A) state that the party must not disclose information disclosed to it under the agreement to any other agencies, bodies, or persons; or 5
 - (B) state the other agencies, bodies, or persons to which the party may disclose information disclosed to it under the agreement, the extent to which the party may disclose the information, and the conditions subject to which the party may disclose the information; or 10
 - (C) state that the party may disclose information disclosed to it under the agreement to other agencies, bodies, or persons in accordance with information privacy principle 11 set out in section 22 of the Privacy Act 2020 (as modified by any relevant code of practice issued under section 32 of that Act); 15
- (b) must, for each class or type of information that may be disclosed under the agreement to the chief executive of the Department by the other party to the agreement,— 20
 - (i) specify the purpose or purposes, which must be listed in **section 294AAH**, for which the other party may disclose information of that class or type to the chief executive of the Department under the agreement; and
 - (ii) provide that the other party may disclose information of that class or type to the chief executive of the Department under the agreement only if the disclosure is for that specified purpose or 1 or more of those specified purposes: 25
- (c) must, if the chief executive of a government agency (other than the Department) or a New Zealand court or New Zealand tribunal is a party to the agreement, for each class or type of information that may be disclosed under the agreement by the chief executive of the Department to the other party,— 30
 - (i) specify the purpose or purposes, which must be listed in **section 294AAH**, for which the chief executive of the Department may disclose information of that class or type to the other party under the agreement; and 35
 - (ii) provide that the chief executive of the Department may disclose information of that class or type to the other party under the agreement only if the disclosure is for that specified purpose or 1 or more of those specified purposes: 40

~~(d) must, if it is between the chief executive of the Department and a non-government organisation, provide that information may be disclosed under the agreement by the chief executive of the Department to the non-government organisation only if the disclosure is for either or both of the following purposes:~~

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~~(i) assisting the non-government organisation to manage risks to New Zealand's national interests;~~

~~(ii) assisting the non-government organisation to prevent information-related harm;~~

(d) must, if it is between the chief executive of the Department and a non-government organisation,—

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(i) specify the types of information-related harm (if any) (for example, identity theft and identity fraud) that disclosure of information under the agreement by the chief executive of the Department to the non-government organisation is intended to prevent; and

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(ii) provide that information may be disclosed under the agreement by the chief executive of the Department to the non-government organisation only if the disclosure is for either or both of the following purposes:

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(A) assisting the non-government organisation to manage risks to New Zealand's national interests;

(B) assisting the non-government organisation to prevent information-related harm of a type specified under **subparagraph (i)**:

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(e) may state the form in which information may be disclosed under the agreement by a party to the agreement to the other party:

(f) may state the method by which information may be disclosed under the agreement by a party to the agreement (the **holder**) to the other party, which may be by direct access to a database or databases of the holder:

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(g) must, if it permits direct access by a party to the agreement to a database of the other party,—

(i) require that a record be kept of—

(A) every occasion on which persons directly access the database under the agreement; and

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(B) the identity of each person who directly accessed the database under the agreement; and

(C) the information obtained by direct access to the database under the agreement; and

- (ii) state the consequences or possible consequences of non-compliance with the agreement:
- (h) must provide for the agreement to be reviewed and specify details relating to the review of the agreement:
- (i) must, if the Privacy Commissioner requires, provide that the agreement, and the arrangements for disclosure under it, be the subject of reports to the Privacy Commissioner by the chief executive of the Department at intervals of no less than 12 months.

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294AAH Information sharing agreements: authorised purposes for disclosure

The purposes that may be specified under **section 294AAG(b)(i) or (c)(i)** are as follows:

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- (a) assisting the recipient to establish or verify the identity of a person in accordance with the recipient's functions:
- (b) assisting the recipient to check matters relating to the character of a person in accordance with the recipient's functions:
- (c) assisting the recipient to issue digital credentials:
- (d) assisting the recipient to carry out its functions related to, or involving, the processing of international passengers:
- (e) assisting the recipient to carry out its functions related to, or involving, the protection of border security:
- (f) assisting the recipient to carry out its functions related to, or involving, the protection of national security:
- (g) assisting the recipient to carry out its functions related to, or involving, the protection of public revenue:
- (h) assisting the recipient to carry out its functions related to, or involving, the protection of public health and safety:
- (i) assisting the recipient to carry out its functions related to, or involving, the prevention, detection, investigation, prosecution, or punishment of offences:
- (j) assisting the recipient to carry out its functions related to, or involving, the prevention, detection, or investigation of any potential, suspected, or actual—
 - (i) terrorist act; or
 - (ii) facilitation of a terrorist act.

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294AAHA Information sharing agreements: contents of reports to Privacy Commissioner

A report referred to in **section 294AAG(i)** must include the matters prescribed in regulations made under **section 400(1)(kb)** that the Privacy Commissioner specifies after having regard to—

- (a) the costs of reporting; and
- (b) the degree of public interest in information about the matters prescribed in those regulations; and
- (c) the significance of the privacy implications of the agreement.

294AAI Information sharing agreements: varying

- (1) An information sharing agreement entered into under **section 294AAF** may be varied by written agreement between the chief executive of the Department and the other party to the agreement.
- (2) Before varying the agreement, the chief executive of the Department must consult the Privacy Commissioner on the proposed variation.
- (3) A variation of an information sharing agreement entered into under **section 294AAF** must be in writing.

294AAJ Information sharing agreements: publication

- (1) This section applies to an information sharing agreement entered into under **section 294AAF**.
- (2) The agreement, and all variations of the agreement, must be published on an Internet site operated by the Department.
- (3) However, **subsection (2)** does not apply to—
 - (a) an agreement or a variation of an agreement that could properly be withheld in accordance with the provisions of the Official Information Act 1982, were a request to be made for it under that Act;
 - (b) a part of an agreement or a variation of an agreement that could properly be withheld in accordance with the provisions of the Official Information Act 1982, were a request to be made for it under that Act.
- (4) If, in reliance on **subsection (3)(a)**, the agreement or a variation of the agreement is not published, a summary of the agreement or variation must be published on an Internet site operated by the Department.
- (5) If, in reliance on **subsection (3)(b)**, a part of the agreement or a variation of the agreement is not published, a summary of the part must be published on an Internet site operated by the Department.

30 Section 301 amended (Disclosure of immigration information to verify eligibility for publicly funded services)

- (1) In the heading to section 301, after “for”, insert “benefit or”.

Part 1 cl 31	Immigration (Enhanced Risk Management) Amendment Bill	
(2)	Replace section 301(1) with:	
(1)	The purpose of this section is to facilitate the disclosure of information by the Department to a provider of any benefit or publicly funded service to enable the provider to determine,— (a) in the case of a benefit, a person’s eligibility to receive the benefit: (b) in the case of a publicly funded service,— (i) a person’s eligibility for access to the publicly funded service; or (ii) if a person is being or has been provided with the publicly funded service, the person’s liability to pay for the service provided.	5
(3)	Replace section 301(2)(a) to (c) with:	10
(a)	a person who seeks— (i) access to a publicly funded service; or (ii) to receive a benefit; or	
(b)	a person for whom— (i) access to a publicly funded service is sought; or (ii) receipt of a benefit is sought; or	15
(c)	a person who is receiving or has received a benefit or publicly funded service.	
(4)	In section 301(3)(g), (4), (5)(c), (7), (8), (9), and (10), delete “service” in each place.	20
(5)	In section 301(11), definition of authorised officer , delete “service” in each place.	
(6)	In section 301(11), insert in their appropriate alphabetical order:	
	benefit means a payment where eligibility to receive the payment is—	
(a)	determined by or under legislation; and	25
(b)	related to, or affected by, a person’s immigration status	
	provider ,—	
(a)	in relation to a benefit, means a person, including a government agency, responsible for determining eligibility to receive the benefit:	
(b)	in relation to a publicly funded service, means a person, including a government agency, providing, or arranging the provision of, the publicly funded service	30
(7)	In section 301(11), repeal the definition of service provider .	
31	Sections 302 to 303C repealed	
	Repeal sections 302 to 303C.	35

32 Section 309 amended (Persons liable to arrest and detention)

Replace section 309(1)(c) with:

- (c) persons who—
 - (i) an immigration officer or a constable suspects—
 - (A) are or may be liable for deportation or turnaround; or
 - (B) are or may be breaching, or have or may have breached, the conditions of their visa; and
 - (ii) fail to supply satisfactory evidence of their identity when ~~requested~~ required under **section 280**:

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33 Section 310 amended (Purpose for which arrest and detention powers may be exercised)

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Replace section 310(c) with:

- (c) in the case of a person who an immigration officer or a constable suspects is or may be liable for deportation or turnaround, and who fails to supply satisfactory evidence of their identity when ~~requested~~ required under **section 280**, to detain the person pending satisfactory establishment of the person's identity:
- (ca) in the case of a person who an immigration officer or a constable suspects is or may be breaching, or has or may have breached, the conditions of their visa, and who fails to supply satisfactory evidence of their identity when ~~requested~~ required under **section 280**, to detain the person pending satisfactory establishment of the person's identity:

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34 Section 315 amended (Person may instead agree to residence and reporting requirements)

- (1) Repeal section 315(2).

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- (2) In section 315(5), delete “, in the officer's absolute discretion, decide to”.

35 Section 342 amended (Provision of false or misleading information)

- (1) In section 342(1), after “who”, insert “, whether in or outside New Zealand,”.

- (2) After section 342(1)(a)(iii), insert:

- (iv) any other application or request made under regulations made under this Act or immigration instructions; or

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35A Section 355 amended (Penalties: general)

- (1) Before section 355(1), insert:

(1AAA) A person convicted of an offence against section 351A is liable to imprisonment for a term not exceeding 10 years, a fine not exceeding \$100,000, or both.

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- (2) In section 355(1), replace “348, or 351A” with “or 348”.

36 Section 357 replaced (Penalties: employers)

Replace section 357 with:

357 Penalties: employers

- (1) An employer convicted of an offence against section 350 is liable to a fine not exceeding \$50,000.
- (2) An employer convicted of an offence against section 351 is liable to imprisonment for a term not exceeding 10 years or to a fine not exceeding \$100,000 (or both).

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37 Section 359 amended (Interpretation)

In section 359, definition of **infringement fee**, paragraph (a), replace “section 359A(2)” with “section 359A”.

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38 Section 359A amended (Employment infringement offence)

- (1) After section 359A(1)(b), insert:

- (ba) provide incorrect or incomplete information to an immigration officer—
 - (i) in support of any application or request made under this Act; or
 - (ii) in response to any request for information made under this Act:

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- (2) After section 359A(1)(c), insert:

- (d) fail to comply with a requirement made under section 277.

- (3) In section 359A(3), replace “subsection (1)(c)” with “subsection (1)(**ba**), (c), or (**d**)”.

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39 Section 360 amended (Infringement offences)

After section 360(3), insert:

- (4) However, if an infringement notice is issued in respect of an infringement offence against section 359A of this Act for a contravention of subsection (1)(a), (b), or (**ba**) of that section, section 21 of the Summary Proceedings Act 1957 applies with any necessary modifications as if the references in subsections (5)(a) and (8)(d) of that section to 6 months were references to 6 years.

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40 New section 383AA inserted (Publication of statement on collection, storage, and use of information)

After section 383, insert:

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383AA Publication of statement on collection, storage, and use of information

- (1) The chief executive must publish and maintain, on an Internet site operated by the Department, an up-to-date statement that describes how the Department—
 - (a) collects information under this Act; and
 - (b) stores information collected under this Act; and

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(c) uses information collected under this Act. (2) The chief executive must ensure that copies of the current statement are available or readily obtainable for inspection, free of charge, at— (a) offices of the Department; and (b) New Zealand government offices overseas that deal with immigration matters. (3) Nothing in this section requires the making available of information that could properly be withheld in accordance with the provisions of the Official Information Act 1982, were a request to be made for the information under that Act.	
41 Cross-heading above section 386 replaced Replace the cross-heading above section 386 with: <i>Communications: notice requirements, addresses, etc</i>	10
<u>41A Section 386A amended (Serving and giving notices, etc, to other people)</u> Replace section 386A(4) with: (4) <u>A notice or document served or sent by registered post is deemed to be received by the person to whom it is addressed on the earlier of the date on which its delivery to the address is recorded to have occurred by the postal or courier service provider that delivered it and,—</u> (a) <u>if the address is in New Zealand, the date that is 7 days after the date on which it was sent; and</u> (b) <u>if the address is outside New Zealand, the date that is 14 days after the date on which it was sent.</u>	15 20
42 New section 387C inserted (Treatment of communication with electronic system used by Department to deal with immigration matter) After section 387B, insert: 387C Treatment of communication with electronic system used by Department to deal with immigration matter For the purposes of this Act, communicating with an electronic system that is used by the Department to deal with an immigration matter is treated as providing information to an immigration officer.	25 30
<u>42A Section 400 amended (Regulations generally)</u> After section 400(1)(ka), insert: (kb) <u>prescribing the matters that the Privacy Commissioner may specify to the chief executive of the Department as matters that are to be included in a report referred to in section 294AAG(i):</u>	35

Part 2

~~Transitional provisions and consequential amendment~~

43 Schedule 1AA amended

- (1) In Schedule 1AA, repeal clause 2.
- (2) In Schedule 1AA,— 5
 - (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and
 - (b) make all necessary consequential amendments.

Consequential amendment

44 Consequential amendment

Amend the legislation specified in **Schedule 2** as set out in that schedule. 10

Part 2

Amendments to Immigration (Refugee and Protection Status Processing) Regulations 2010

45 Principal regulations

This Part amends the Immigration (Refugee and Protection Status Processing) Regulations 2010. 15

46 New regulation 5A inserted (Obligation to inform claimant of consequences of withdrawing claim)

After regulation 5, insert:

- 5A Obligation to inform claimant of consequences of withdrawing claim** 20
- When a claim reaches a refugee and protection officer, that officer must inform the claimant of the consequences of withdrawing the claim.

47 New regulation 6A inserted (Manner of withdrawal)

After regulation 6, insert:

- 6A Manner of withdrawal** 25
- (1) A claimant who under **section 141A** of the Act may withdraw their claim may do so by giving notice to a refugee and protection officer.
 - (2) A notice under **subclause (1)**—
 - (a) must be in writing; and
 - (b) must be given by— 30
 - (i) a method of communication set out in regulation 11(1)(a) to (c);
 - or

(ii) <u>electronic means.</u> (3) <u>A notice that purports to withdraw a claim has no effect if the refugee and protection officer to whom it is given is satisfied that it was given as a result of coercion or duress.</u>	
<u>48 New regulations 10A and 10B inserted</u> <u>After regulation 10, insert:</u>	5
<u>10A Notification of consequences of refusing or failing to allow biometric information to be collected</u> (1) <u>This regulation applies if a refugee and protection officer requires a person to allow biometric information to be collected from them under section 149(1)(e) of the Act.</u> (2) <u>The refugee and protection officer must notify the person in writing of the consequences of refusing or failing to allow the biometric information to be collected.</u>	10
<u>10B Notification of consequences of failing to attend interview</u> (1) <u>This regulation applies if a refugee and protection officer requires a person to attend an interview under section 149(1)(f) of the Act.</u> (2) <u>The refugee and protection officer must notify the person in writing of the consequences of failing to attend the interview at the appointed time and place.</u>	15

Schedule 1
New Part 5 inserted into Schedule 1AA

s 43(2)

Part 5	
Provisions relating to Immigration (Enhanced Risk Management) Amendment Act 2026	
7	Interpretation
	In this Part,—
	amendment Act means the Immigration (Enhanced Risk Management) Amendment Act 2026
	commencement date means the date on which this Part comes into force
	old , in relation to a provision of this Act, means the provision as in force before its repeal by the amendment Act.
8	Application of amendment relating to decisions on applications for residence class visa
(1)	The amendment made to section 72 of this Act by section 7 of the amendment Act applies to an application for a residence class visa made before the commencement date if no decision has been made in respect of the application before the commencement date.
(2)	However, an applicant for a residence class visa may only make a request under section 72(1A) in respect of new immigration instructions that are certified on or after the commencement date.
9	Application of amendments affecting deportation liability of residence class visa holder due to fraud, forgery, etc
	The amendments made to section 158 of this Act by section 16 of the amendment Act apply to a residence class visa holder regardless of whether their residence class visa was granted before, on, or after the date on which section 16 of the amendment Act comes into force.
10	Application of amendments affecting deportation liability of residence class visa holder convicted or guilty of criminal offence
(1)	The amendment <u>amendments</u> made to section 161 of this Act by section 17(4) of the amendment Act applies <u>apply</u> to a residence class visa holder—
(a)	regardless of whether their residence class visa was granted before, on, or after the commencement date; and
(b)	in relation to an offence of which that <u>of which the residence class visa holder is convicted or found guilty of, or pleads guilty to,</u> on or after the com-

	mencement date regardless of whether the offence was committed before, on, or after the commencement date.	
(2)	<u>However, the amendment made to section 161 by section 17(8) of the amendment Act applies to a residence class visa holder in relation to their first re-entry to New Zealand after a continuous period of absence from New Zealand of at least 5 years only if the re-entry occurs on or after the commencement date.</u>	5
(2)	The amendments made to section 161 of this Act by section 17(2) to (8) of the amendment Act apply to a residence class visa holder regardless of whether their residence class visa was granted before, on, or after the commencement date.	10
(3)	However,—	
(a)	the amendments made to section 161 of this Act by section 17(2) to (7) of the amendment Act apply only in relation to offences committed on or after the commencement date; and	15
(b)	the amendment made to section 161 by section 17(8) of the amendment Act applies to a residence class visa holder in relation to their first re-entry to New Zealand after a continuous period of absence from New Zealand of at least 5 years only if the re-entry occurs on or after the commencement date.	20
11	Application of amendment relating to ending of agreement as to residence and reporting requirements	
	The amendment made to section 315(5) of this Act by section 34(2) of the amendment Act applies to an agreement made under section 315(1) of this Act regardless of whether the agreement was made before, on, or after the commencement date.	25
	<i>Disclosure of information under existing agreements entered into under old section 302, 303, 303A, or 303B</i>	
12	Existing agreements continued in force	
(1)	Subclause (2) applies to an agreement—	30
(a)	entered into under old section 302, 303, 303A, or 303B; and	
(b)	that is in force immediately before the commencement date.	
(2)	The agreement continues in force on and after the commencement date.	
(3)	Old section 302(6) continues to apply on and after the commencement date in relation to an agreement—	35
(a)	entered into under old section 302; and	
(b)	that is continued in force by subclause (2) .	

- (4) Old section 303B(3) continues to apply on and after the commencement date in relation to an agreement—
- (a) entered into under old section 303B; and
 - (b) that is continued in force by **subclause (2)**.
- (5) Old section 303C(2) continues to apply on and after the commencement date in relation to an agreement—
- (a) entered into under old section 303, 303A, or 303B; and
 - (b) that is continued in force by **subclause (2)**.
- 13 Disclosure of information under existing agreements to enable Department to check identity, character, and status**
- (1) The purpose of this clause is to facilitate the disclosure of information by a specified agency to the Department to enable the Department to—
- (a) establish or verify a person’s identity:
 - (b) check matters relating to a person’s character:
 - (c) ascertain whether a person is an excluded person.
- (2) For the purposes of this clause, the chief executive of the Department may supply identifying information about the following persons to the chief executive of the specified agency:
- (a) a person who holds a visa:
 - (b) a person to whom a visa waiver applies:
 - (c) a person who applies for a visa:
 - (d) a person who applies for entry permission:
 - (e) a person who is deemed to have been granted entry permission:
 - (f) a person who travels to New Zealand, including as a member of the crew of a craft, and who does not enter New Zealand as a New Zealand citizen:
 - (g) a person about whom the chief executive has received and retained information under section 96 or 102 and who does not enter New Zealand as a New Zealand citizen:
 - (h) a person liable for turnaround or who the chief executive of the Department suspects is liable for turnaround:
 - (i) a person who the chief executive of the Department believes is unlawfully in New Zealand:
 - (j) a person who may be, or may become as a result of investigations, liable for deportation.
- (3) The chief executive of the specified agency may compare the information they receive with information that the specified agency holds about the person.

- (4) If the specified agency holds information about the person, the chief executive of the specified agency may supply the information described in **subclause (5)** to an authorised officer under an agreement entered into under old section 302 and that is continued in force by **clause 12(2)**.
- (5) The information is— 5
- (a) the person’s identifying information:
 - (b) the person’s previous convictions:
 - (c) the person’s modus operandi:
 - (d) details of the person’s known or suspected involvement in illegal activities: 10
 - (e) details of the person’s known currency and other financial transactions of relevant interest, including known or suspected involvement in money laundering:
 - (f) intelligence analysis assessments of, and reports about, the person:
 - (g) details of communications interceptions involving the person: 15
 - (h) the person’s general history known to the specified agency (which may include information about associates and networks):
 - (i) the person’s past travel movements.
- (6) The chief executive of the Department must ensure that each annual report of the Department includes information about agreements between the chief executive of the Department and the chief executive of the specified agency entered into under old section 302 and that are continued in force under **clause 12(2)**, including— 20
- (a) the number of agreements; and
 - (b) an outline of each agreement; and 25
 - (c) the number of cases in which the accuracy of the information disclosed by the chief executive of the specified agency was challenged.
- (7) In this clause,—
- authorised officer** means an officer, employee, or agent of the Department who is authorised by the chief executive of the Department to receive information from the chief executive of the specified agency in accordance with this clause 30
- chief executive of the specified agency** includes the Commissioner of Police
- identifying information** means a person’s— 35
- (a) full name:
 - (b) date and place of birth:
 - (c) gender:
 - (d) unique identifying number used by the Department:

(e)	unique identifying number used by the specified agency:	
(f)	biometric information:	
(g)	alias or aliases:	
(h)	address:	
(i)	distinguishing features:	5
(j)	details of travel documents:	
(k)	details of identity documents:	
(l)	citizenship:	
(m)	nationality	
	specified agency means—	10
(a)	the New Zealand Police:	
(b)	the Ministry of Justice:	
(c)	the department of State responsible for the administration of the Bio-security Act 1993:	
(d)	the department of State responsible for the administration of the Corrections Act 2004:	15
(e)	the department of State responsible for the administration of the Customs and Excise Act 2018.	
14	Disclosure of information under existing agreements to enable specified agencies to check identity and character	20
(1)	The purpose of this clause is to facilitate the disclosure of information by the Department to a specified agency to enable the specified agency to—	
(a)	establish or verify a person's identity:	
(b)	check matters relating to a person's character.	
(2)	For the purposes of this clause, the chief executive of the specified agency may supply identifying information about the following persons to the chief executive of the Department:	25
(a)	a person in New Zealand who the chief executive of the specified agency believes is not a New Zealand citizen:	
(b)	a person outside New Zealand who the chief executive of the specified agency believes—	30
(i)	is not a New Zealand citizen; and	
(ii)	is intending to board a craft for the purpose of travelling to New Zealand:	
(c)	a person outside New Zealand who the chief executive of the specified agency believes—	35
(i)	is not a New Zealand citizen; and	

- (ii) has previously travelled to New Zealand.
- (3) The chief executive of the Department may compare the information they receive with information that the Department holds about the person.
- (4) If the Department holds immigration information about the person, the chief executive of the Department may supply the information described in **sub-clause (5)** to an authorised officer under an agreement entered into under old section 303 and that is continued in force by **clause 12(2)**. 5
- (5) The information is—
- (a) the person’s identifying information:
 - (b) the person’s previous convictions: 10
 - (c) the person’s modus operandi:
 - (d) details of the person’s known or suspected involvement in illegal activities:
 - (e) details of the person’s known currency and other financial transactions of relevant interest, including known or suspected involvement in money laundering: 15
 - (f) intelligence analysis assessments of, and reports about, the person:
 - (g) details of communications interceptions involving the person:
 - (h) the person’s general history known to the Department (which may include information about associates and networks): 20
 - (i) the person’s past travel movements:
 - (j) details of a visa held by the person.
- (6) The chief executive of the specified agency must ensure that each annual report of the specified agency includes information about agreements between the chief executive of the specified agency and the chief executive of the Department entered into under old section 303 and that are continued in force under **clause 12(2)**, including— 25
- (a) the number of agreements; and
 - (b) an outline of each agreement; and
 - (c) the number of cases in which the accuracy of the information disclosed by the chief executive of the Department was challenged. 30
- (7) In this clause,—
- authorised officer** means an officer, employee, or agent of the specified agency who is authorised by the chief executive of the specified agency to receive information from the chief executive of the Department in accordance with this clause 35
- chief executive of the specified agency** includes the Commissioner of Police

identifying information means a person's—	
(a) full name:	
(b) date and place of birth:	
(c) gender:	
(d) unique identifying number used by the specified agency:	5
(e) unique identifying number used by the Department:	
(f) biometric information:	
(g) alias or aliases:	
(h) address:	
(i) distinguishing features:	10
(j) details of travel documents:	
(k) details of identity documents:	
(l) citizenship:	
(m) nationality	
specified agency means—	
(a) the New Zealand Police:	15
(b) the Ministry of Justice:	
(c) the department of State responsible for the administration of the Bio-security Act 1993:	
(d) the department of State responsible for the administration of the Corrections Act 2004:	20
(e) the department of State responsible for the administration of the Customs and Excise Act 2018.	
15 Disclosure of information under existing agreements to specified agencies for purposes of law enforcement, counter-terrorism, and security	25
(1) The purpose of this clause is to enable the disclosure of information by the Department to a specified agency to allow that agency a longer period of time to—	
(a) identify any person of interest who is intending to board a craft for the purpose of travelling from New Zealand; and	30
(b) perform any of its functions, or exercise any of its powers, in relation to an identified person of interest before that person departs from New Zealand.	
(2) For the purpose of this clause, the chief executive of a specified agency may supply to the chief executive of the Department personal information about a person of interest.	35

- (3) The chief executive of the Department may compare the information received under **subclause (2)** about a person of interest with APP information that they hold.
- (4) If the chief executive of the Department holds APP information about the person of interest, they may, under an agreement entered into under old section 303A and that is continued in force by **clause 12(2)**,— 5
- (a) notify the chief executive of the specified agency that the person of interest intends to board a craft for the purpose of travelling from New Zealand; and
 - (b) disclose to that chief executive— 10
 - (i) the APP information held by the chief executive of the Department about the person of interest; and
 - (ii) any other information held by the chief executive of the Department about the person's intended travel (for example, when and where the person checked in). 15
- (5) In this clause,—
- APP information** means advance passenger processing information that the chief executive of the Department has received under section 96(2) about persons intending to board a craft for the purpose of travelling from New Zealand
- chief executive of a specified agency** means the head of that specified agency 20
- person of interest** means a person of interest to the chief executive of a specified agency because the chief executive believes on reasonable grounds that the person may attempt to leave New Zealand and that the person—
- (a) poses a threat or risk to the security of New Zealand or another country because the person intends to— 25
 - (i) carry out, or facilitate, a terrorist act (within the meanings of those terms or expressions in sections 5 and 5A of the Terrorism Suppression Act 2002); or
 - (ii) engage in, or facilitate, the proliferation of weapons of mass destruction; or 30
 - (iii) engage in, or facilitate, any other unlawful activity designed or likely to cause serious economic damage to New Zealand, carried out for the purpose of commercial or economic gain; or
 - (b) is— 35
 - (i) a person under control or supervision (as defined in section 3(1) of the Corrections Act 2004); or
 - (ii) on bail with an electronic monitoring condition granted under section 30B of the Bail Act 2000; or
 - (iii) liable to be arrested (with or without a warrant) by an employee or agent of a specified agency; or 40

Schedule 1	Immigration (Enhanced Risk Management) Amendment Bill	
	(iv) suspected of escaping from lawful custody; or (v) suspected of being a perpetrator or victim of an offence under section 98D of the Crimes Act 1961 (trafficking in persons); or (vi) suspected of being involved in the unlawful movement of illegal goods; or (vii) a person who poses a risk, for any reason, to the safety of other passengers, the crew, or craft	5
	personal information, in relation to a person of interest, includes the following information:	10
	(a) the person's— (i) full name; and (ii) date of birth; and (iii) place of birth; and (iv) nationality; and (v) gender; and	15
	(b) the details specified in the person's passport or certificate of identity, if known, including— (i) the passport or certificate of identity number; and (ii) the expiry date; and (iii) the issuer of the person's certificate of identity (if any), if it is not the person's country of nationality	20
	specified agency means—	
	(a) the New Zealand Police; (b) the department of State responsible for the administration of the Corrections Act 2004; (c) the department of State responsible for the administration of the Customs and Excise Act 1996; (d) the Civil Aviation Authority of New Zealand continued by section 20 of the Civil Aviation Act 2023.	25
16	Direct access to information under existing agreements for purposes of law enforcement, counter-terrorism, and security	30
(1)	For the purpose of clause 15, the chief executive of the Department may allow the chief executive of a specified agency to access the APP information database or databases to search for information relating to a person of interest under an agreement entered into under old section 303B and that is continued in force by clause 12(2).	35
(2)	In this clause,—	

access, in relation to a database, includes remote access to the database
APP information, chief executive of a specified agency, person of interest,
and **specified agency** have the meanings given to them by **clause 15(5)**
APP information database means the database of APP information
database means any information recording system or facility used by the 5
Department to store or process information.

17 First statement on collection, storage, and use of information

The first statement that is required to be published under **section 383AA** must
be published ~~on~~ within 3 months after the commencement date.

Schedule 2
Consequential amendment to Electronic Identity Verification Act
2012

s 44**Electronic Identity Verification Act 2012 (2012 No 123)**

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In section 7, definition of **identity-related information**, paragraph (a)(iii), replace “section 303(8)” with “**clause 14(7)** of Schedule 1AA”.

Legislative history

18 March 2026
26 March 2026

Introduction (Bill 267–1)
First reading and referral to Education and Workforce
Committee