



Summary of amendments

Immigration (Fiscal Sustainability and System Integrity) Amendment Bill

Purpose

To improve the fiscal sustainability of the immigration system.

To better balance settings that support the integrity of the system (as determined by the Crown) with those that protect the rights of individuals, and to enable efficiencies where appropriate.

Desired outcomes

The costs of immigration are more fairly shared across those that create the risks and / or receive the benefits, and the burden on taxpayers is reduced.

Compliance and detention settings are more balanced and transparent, and reflect the recommendations of independent reviews of the immigration system (Heron and Casey).

Immigration risk settings and migrant exploitation offences are strengthened.

The system can respond more flexibly to challenges.

Proposals

1. Expand the immigration levy payer base to include:

- people/groups that can already be charged in the system (e.g. fee payers)
- employers of temporary visa holders
- providers of education to fee paying international students.

2. Create a new levy making power to expand the purposes levy revenue can be used for.

The levy would fund or contribute to costs in the:

- the education system (property, specialist teachers)
- the health system (costs arising from parent visas)
- skills training.

3. Require immigration officers to obtain a judicial warrant prior to conducting out-of-hours compliance activity.

This will ensure compliance powers exercised outside of hours is justified and and improve transparency around the decision-making and use of those powers. (Heron)

4. Update Warrant of Commitment application requirements for asylum seekers.

A judge must be satisfied that:

- the person poses a threat or risk
- detention is reasonable and the least restrictive measure to manage risk.

Irregular entry cannot be the sole grounds for detention. (Casey)

5. Establish electronic monitoring as a lesser form of restriction of movement than detention (where appropriate).

Currently if people are subject to restrictions of movement, the only options available are detention or an agreement about where the individual will reside. (Casey)

6. Amend the definition of a mass arrival group to capture all possible ways a mass arrival group may enter the country.

The current definition has not kept pace with people smuggling trends. It excludes people arriving on a scheduled international service, which means such a group could not be managed through our bespoke mass arrivals mechanisms.

7. Create the power to cancel a residence class visa held by an individual who poses a threat or risk to security, but cannot currently be deported (because there is a credible chance that they would be subject to torture).

This would mean the individual could no longer sponsor family or buy a house.

8. Make it an offence to charge premiums for employment, irrespective of whether a worker has started employment.

Currently the offence only captures situations where people are actively working in New Zealand, and where the employer is the one charging the premium.

9. Clarify that deportation liability is a consequence of criminal offending.(as well as criminal conviction).

Currently deportation liability hinges on a criminal conviction, and does not capture people who have pled or been found guilty to a qualifying offence but discharged without conviction.

10. Create more flexibility for the immigration system to respond to unusual circumstances (with safeguards).

This would enable INZ to efficiently manage large numbers of visa applicants in situations like the collapse of Air Vanuatu which stranded hundreds of RSE workers.

Coalition priority

Fiscal sustainability

Restore law and order and ensure regulatory systems work well