



COVERSHEET

Minister	Hon Erica Stanford	Portfolio	Immigration
Title of Cabinet paper	Immigration Financial Sustainability and System Integrity Amendment Bill	Date to be published	10 April 2025

List of documents that have been proactively released

Date	Title	Author
3 April 2025	Immigration (Fiscal Sustainability and System integrity) Amendment Bill: Approval for Introduction LEG-22-MIN-0044 Minute	Cabinet Office
26 March 2025	Immigration (Fiscal Sustainability and System Integrity) Amendment Bill: Approval for Introduction	Office of the Minister of Immigration
26 March 2025	REQ-0009920 Immigration Amendment Bill: final Cabinet paper and Bill for lodgement	MBIE
24 February 2025	REQ-0009651 Immigration Amendment Bill - draft Cabinet paper and Bill for ministerial consultation	MBIE
12 February 2025	REQ-0008378 Immigration (Fiscal Sustainability and System Integrity) Amendment Bill - drafting decisions	MBIE
21 January 2025	REQ-0007504 Immigration (Fiscal Sustainability and System Integrity) Amendment Bill: Exposure draft feedback	MBIE
18 November 2024	REQ-0005172 Immigration amendment Bill: documents for release for targeted consultation	MBIE
13 November 2024	Immigration Amendment Legislation - Addition to Bill and Planning for Future Reviews ECO-24-MIN-0255 Minute	Cabinet Office
13 November 2024	Immigration Amendment Legislation - Addition to Bill and Planning for Future Reviews	Office of the Minister of Immigration
2 November 2024	REQ-0005823 Cabinet paper for lodgement: Immigration Amendment Legislation - addition to Bill and planning for future reviews	MBIE
24 October 2024	REQ-0005298 Draft Cabinet paper amending the definition of mass arrival	MBIE
8 October 2024	REQ-0004179 Immigration Amendment Bill – Mass Arrivals definition and transitional arrangements proposals	MBIE
20 September 2024	Immigration (Fiscal Sustainability and System Integrity) Amendment Bill: Policy Proposals ECO-24-MIN-0198 Minute	Cabinet Office
12 September 2024	Immigration Financial Sustainability and System Integrity Amendment Bill - policy proposals	Office of the Minister of Immigration
6 September 2024	2425-0891 Immigration Amendment Bill: Cabinet paper for lodgement	MBIE
22 August 2024	2425-0747 Immigration Amendment Bill: draft Cabinet paper for Ministerial consultation	MBIE
13 August 2024	2024-0352 Immigration Amendment Bill: draft Cabinet paper for feedback	MBIE
17 July 2024	2024-0286 Immigration Amendment Bill: update for meeting on 17 July 2024	MBIE

2 July 2024	2324-3802 Fiscal Sustainability Amendment Bill - update and key decisions	MBIE
4 April 2024	2324-2168 Proposed Immigration (Fiscal Sustainability) Amendment Bill: scope and timeframes	MBIE

Information redacted	YES
<p>Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it at this time.</p> <p>Some information has been withheld for the reasons of: national security or defence, privacy of natural persons, confidential advice to Government, information subject to an obligation of confidence, free and frank expression of opinion and legal professional privilege.</p>	

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BRIEFING

Immigration Amendment Bill: documents for release for targeted consultation

Date:	18 November 2024	Priority:	Medium
Security classification:	In Confidence	Tracking number:	BRIEFING-REQ-0005172

Action sought		
	Action sought	Deadline
Hon Erica Stanford Minister of Immigration	Agree to the proactive release of the Immigration (Fiscal Sustainability and System Integrity) Amendment Bill (the Bill) Cabinet policy paper and associated Regulatory Impact Statements, with redactions, to targeted stakeholders to support their review of the exposure draft of the Bill.	22 November 2024

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Stacey O'Dowd	Manager, Immigration (Border & Funding) Policy	Privacy of natural persons	✓
Melini Navunisaravi	Policy Advisor, Immigration (Border & Funding) Policy	Privacy of natural persons	

The following departments/agencies have been consulted
Ministry of Justice, Inland Revenue, Ministry of Education, Department of Corrections, Department of the Prime Minister and Cabinet (DPMC), New Zealand Intelligence Community, New Zealand Police, Ministry of Foreign Affairs & Trade and internal MBIE (Legal, Communications and Te Whakatairanga Service Delivery Group (TWSD)).

Minister's office to complete:

- | | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments



BRIEFING

Immigration Amendment Bill: Documents for release for targeted consultation

Date:	18 November 2024	Priority:	Medium
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Purpose

To seek your agreement to proactively release the Immigration (Fiscal Sustainability and System Integrity) Amendment Bill (the Bill) Cabinet paper and associated Regulatory Impact Statements (RISs) to a small number of organisations as part of the upcoming targeted consultation on an exposure draft of the Bill.

Recommended action

The Ministry of Business, Innovation and Employment (MBIE) recommends that you:

Approach to targeted consultation

- a **Note** you have agreed that MBIE undertake targeted consultation on an exposure draft of the Bill in December [2324-3802]

Noted

- b **Note** that our intended approach to consultation on the exposure draft is to:

- i. share key background policy documents (Cabinet paper and RISs) in late November
- ii. circulate the exposure draft in early December and request feedback in a specified format by mid-December
- iii. meet with stakeholders to discuss their feedback in mid-December
- iv. brief you on the outcome of targeted consultation early in the New Year

Noted

Release of background documents to targeted consultees ahead of exposure draft consultation

- c **Note** you have previously agreed to release a copy of the final Cabinet paper and RISs, in confidence, to targeted consultees in late 2024, shortly before they receive an exposure draft of the Bill [2425-0891]

Noted

- d **Note** that we consider the risk of releasing these documents to targeted consultees low, given our previous experience with sharing information in confidence with this cohort

Noted

e **Agree** to the release of the final Cabinet paper: *Immigration (Fiscal Sustainability and System Integrity) Amendment Bill – Policy Proposals* and associated RISs (with redactions) (see **Annex One**) to the following targeted consultees:

- i. BusinessNZ
- ii. the Employers and Manufacturers Association
- iii. the New Zealand Council of Trade Unions
- iv. the Casey Review Focus Group
- v. the Office of the Ombudsman
- vi. the New Zealand Law Society
- vii. Immigration New Zealand's (INZ) Immigration Focus Group.

Agree / Disagree



PP

Stacey O'Dowd
**Manager, Immigration (Border and Funding)
Policy**
Labour, Science and Enterprise, MBIE

Hon Erica Stanford
Minister of Immigration

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18 / 11 / 2024

Background

1. On 18 September 2024, Cabinet agreed to policy proposals for the Immigration (Fiscal Sustainability and System Integrity) Amendment Bill (the Bill). Cabinet also agreed to you undertaking targeted consultation on an exposure draft of the Bill in December 2024 [ECO-24-MIN-0198].
2. You have agreed to release a copy of the final Cabinet paper and Regulatory Impact Statements (RISs) to targeted consultees in confidence, shortly before they receive the exposure draft of the Bill [2425-0891].
3. This briefing outlines the high-level approach planned for targeted consultation and seeks your agreement to release key documents (with redactions) to targeted consultees.

Planned approach to targeted consultation

4. With your agreement [2425-0286], we met with the following stakeholders in August 2024 to advise them of the high-level proposals and to prepare them for the exposure draft of the Bill later in the year:
 - BusinessNZ
 - the Employers and Manufacturers Association
 - the New Zealand Council of Trade Unions
 - the Casey Review Focus Group
 - the Office of the Ombudsman
 - the New Zealand Law Society
 - INZ's Immigration Focus Group
5. We intend to reengage these same stakeholders in late November ahead of receiving the exposure draft from the Parliamentary Counsel Office (PCO) in early December. The consultation process would involve:
 - sharing key background policy documents (see section below) in advance of the exposure draft
 - organising an upfront meeting with stakeholders to discuss the proposals where requested,
 - sharing the exposure draft of the Bill and requesting feedback in a specified format in early December, and
 - meeting with stakeholders to discuss their feedback in mid-December.
6. We anticipate the consultation to provide visibility of areas of challenge or controversy that we may expect in Select Committee.
7. We will brief you early in the New Year on the outcome of the consultation and any areas where amendments to the policy are recommended in light of stakeholder feedback.

Proposed documents for release to targeted consultees

8. MBIE seeks your agreement to release the following documents to the targeted consultees ahead of consultation on the exposure draft of the Bill, to support stakeholders' understanding of the rationale for the proposals in the Bill, and to maximise the quality of feedback stakeholders are able to provide during the limited time available for targeted consultation:

#	Type	Title	Redactions
1	Cabinet paper	<i>Immigration (Fiscal Sustainability and System Integrity) Amendment Bill – Policy Proposals</i>	Yes
2	Cabinet minute	ECO-24-MIN-0198	Yes
3	RISs	RIS package for the following proposals: a. expand the immigration levy-payer-base b. expand the purposes the immigration levy can be used for c. additional safeguards for people who are liable for arrest and detention in order to strengthen the integrity of the immigration system d. provide a more flexible response to managing individuals under the Immigration Act 2009 e. strengthen migrant exploitation offences f. clarify deportation liability is a consequence of criminal offending, and g. facilitative powers to benefit groups or individual migrants.	Yes

Recommended redactions

Grounds for withholding information

9. We propose redactions to some information on the grounds that it would be withheld under the following sections of the Official Information Act 1982 (the OIA) if requested under the OIA:
- section 6(a) – where the release of this information would prejudice the security or defence of New Zealand or the international relations of the Government
 - section 6(b) – where the release of this information would prejudice the entrusting of information to the Government on a basis of confidence by the Government of any other country or any international organisation
 - section 6(c) – where the release of this information would prejudice the maintenance of the law
 - section 9(2)(f)(iv) – to protect the confidentiality of advice tendered by Ministers of the Crown and officials
 - section 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions, and
 - section 9(2)(h) – to maintain legal professional privilege.

Information proposed to be withheld under active consideration

10. Most of the information we propose withholding relates to work that is currently underway and under active consideration such as:
- further advice on the best legislative vehicle (either this Bill or a wider review of the Immigration Act 2009 later in 2025) to;
 - consider the penalties associated with migrant exploitation offences and determine whether they adequately reflect its seriousness and whether the maximum limits for deportation liability are adequate, and
 - adjust the definition of a mass arrival, to include people arriving on a scheduled service (such as a commercial aircraft or a cruise vessel¹),
 - the 2025 immigration fee and levy review.

Information we propose to release

11. We propose to release information relating to the fiscal management plan where work is still underway. This was previously released as part of the 2024 Immigration Fee and Levy Review announcement and proactive release and is intended to be complementary to the increases in fee and levies and key to ensuring a sustainable and self-sufficient system. There is low risk with releasing this information as it is already in the public domain.

Potential risks in releasing the information and mitigations

12. We note there are some potential risks associated with the release of this information, which we have outlined below alongside mitigations:

Potential risk	Risk Rating	Mitigation
Stakeholders might release information provided in confidence to the media/their stakeholders.	Low	Reiterate in all communications and engagements that the information is being shared in confidence. We judge this risk to be low given recent engagement with these groups who have adhered to the confidentiality requested.
Confidential advice to Government [REDACTED]	Low	Confidential advice to Government [REDACTED]

Consultation

13. Ministry of Justice, Inland Revenue, Ministry of Education, Department of Corrections, Department of the Prime Minister and Cabinet (DPMC), New Zealand Intelligence Community, New Zealand Police, Ministry of Foreign Affairs & Trade and internal MBIE (Legal, Communications and Te Whakatairanga Service Delivery Group (TWSD)), were consulted on the release of this information.

¹ Subject to Cabinet's agreement to this proposal ahead of targeted consultation (as expected), we will verbally test this proposal with stakeholders.

Next steps

14. If you agree to proactively release the Cabinet paper, Cabinet minute and associated RISs, they will be provided to the targeted consultees in confidence. While the exact timing of the consultation on the exposure draft is uncertain (as it is dependent on PCO's drafting progress), we will notify your office when the timing for consultation becomes clearer and the relevant documents are due to be shared.
15. There are also a number of policy decision-making papers relating to the Bill, which will go through the standard proactive release process and will be published on MBIE's website in early 2025, when the Bill is introduced. We will provide more information and proposed redactions on those papers in February 2025.

Annexes

Annex One: Marked-up documents proposed for release

Annex Two: Redacted documents proposed for release



