



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
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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.

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.

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BRIEFING

Draft Cabinet paper amending the definition of mass arrival

Date:	24 October 2024	Priority:	Medium
Security classification:	In Confidence	Tracking number:	0005298

Action sought		
	Action sought	Deadline
Hon Erica Stanford Minister of Immigration	Agree to circulate the attached draft Cabinet paper to interested Ministers seeking Cabinet agreement to amend the definition of a mass arrival group in the upcoming Immigration Amendment Bill and to MBIE's plan for a future legislative review programme	29 October 2024

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

The following departments/agencies have been consulted
The following agencies have been consulted on the proposed Mass Arrivals terminology change: The Department of the Prime Minister and Cabinet; the Ministries of Foreign Affairs and Trade, and Pacific Peoples, and the New Zealand Customs Service.

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 |

Comment



BRIEFING

Draft Cabinet paper amending the definition of mass arrival

Date:	24 October 2024	Priority:	Medium
Security classification:	In Confidence	Tracking number:	0005298

Purpose

To provide you with a draft Cabinet paper which seeks agreement to amend the definition of a mass arrival group in the Immigration Act 2009, via the *Immigration (Fiscal Sustainability and System Integrity) Amendment Bill* [FSSI], Confidential advice to Government

- for your comment if you wish, and
- to forward to colleagues for Ministerial consultation.

Recommended action

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

Draft Cabinet paper attached

a. **Note that:**

- you have directed us to prepare a Cabinet paper seeking agreement to amend the definition of a mass arrival group in the Immigration Act 2009 (the Act) [REQ-0004179]
- a draft paper is attached at **Annex One** for your consideration, and ministerial consultation if you agree
- in addition to members of the Cabinet Economic Policy Committee (ECO), officials have identified that the Minister of Pacific Peoples and the Minister of Customs may have an interest in the paper

Noted / Discuss

Confidential advice to Government

[Redacted content]

[Redacted content]

[Redacted content]

[Redacted content]

[Redacted content]

[Redacted content]

[Redacted content]

[Redacted content]

Further decisions for draft FSSI Bill

d. **Note** that you will receive a briefing next week seeking your direction on:

- i. progressing further policy proposals, either through the FSSI Bill Confidential advice to Government
- ii. queries that have arisen during the FSSI Bill drafting process.

Noted / Discuss



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

..24. / ..10. / 2024..

Hon Erica Stanford
Minister of Immigration

..... / /

A draft Cabinet paper is attached for your consideration

1. Cabinet has recently agreed to the substantive outline of the Immigration (Fiscal Sustainability and System Integrity) Amendment Bill (FSSI) [ECO-24-MIN-0198]. We are working with MBIE Legal and the Parliamentary Counsel Office (PCO) on drafting, and are on track for the exposure draft to be ready to consult with targeted stakeholders in early December.
2. This briefing seeks your agreement to, or feedback on, a paper seeking further decisions from Cabinet.

The Cabinet paper adjusts the definition of a mass arrival group

3. You have recently agreed to amend the existing definition of a mass arrival group, to remove the risk that a group that should be subject to a group warrant of detention may arrive on a scheduled international service and therefore not meet the existing definition [0004179]. Given the national security implications of a mass arrival, you directed us to develop a Cabinet paper to seek that decision, and a draft is attached at **Annex One**.
4. As you will recall, the paper proposes the removal of section 9A(2) of the Immigration Act 2009 (the Act). As a result, any irregular arrival of more than 30 people will be able to be treated as a mass arrival group, even if they have arrived on a scheduled international service. Irregular in this context means people who arrive at the border and are not granted entry permission, but who cannot be turned around as they have lodged claims for refugee or protected person status.) This reflects the evolution of organised global people smuggling, which is increasingly using standard commercial services to enter countries.

Confidential advice to Government

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Confidential advice to Government

- [Redacted]

We recommend you circulate the paper

9. The Ministers of most of the agencies that have been consulted in the development of the Cabinet paper and the wider FSSI Bill are members of the ECO. The two Ministers that are not are the Minister of Customs (who is also an Associate Minister of Immigration) and the Minister of Health and Pacific Peoples. We therefore recommend that you consider also circulating the paper to Ministers Reti and Costello.

Next steps

10. We will provide you with a briefing early next week [REQ-0002932] that seeks your direction on whether to progress further policy proposals through the FSSI Bill. That briefing will also ask you to agree to two refinements to Cabinet's policy decisions, in line with the authorisation you have to make decisions, consistent with the policy proposals in the paper under ECO-24-SUB-0198, that may arise during the drafting and consultation process [ECO-24-MIN-0198, paragraph 14].
11. We are continuing to work with PCO to develop and refine the drafting of the FSSI Bill. If PCO considers that there are any other matters where more specificity is required, it is possible that we may need to seek your agreement to further policy decisions before the exposure draft is finalised. We are working to minimise the likelihood of this happening.
12. The key milestones for the project are set out in the table below:

Table One: Upcoming milestones for the FSSI Bill

Date	Milestone
29 October – 8 November	Ministerial consultation on draft Cabinet paper
12 November 2024	Final Cabinet paper to Minister, with proposed talking points
14 November 2024	Paper lodged
20 November 2024	ECO considers paper
25 November 2024	Cabinet confirms paper
Early December 2024	Targeted consultation with stakeholders on exposure draft of Bill
Late January / February 2025	Draft Bill to Justice for examination for consistency with the New Zealand Bill of Rights Act
February / March 2025	Cabinet paper and Bill signed up to Cabinet Legislation Committee seeking approval for introduction
March / April 2025	Bill introduced to the House

Annex

Annex One: Draft Cabinet paper for consultation: *Immigration Amendment Legislation: addition to Bill* Confidential advice to Government



Confidential advice to Government



Confidential advice to Government



Confidential advice to Government



Confidential advice to Government



Confidential advice to Government



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