



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

<p>Information redacted</p> <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>	<p>YES</p>
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BRIEFING

Cabinet paper for lodgement: *Immigration Amendment Legislation - addition to Bill* Confidential advice to Government

Date:	5 November 2024	Priority:	High
Security classification:	Restricted	Tracking number:	0005823

Action sought		
	Action sought	Deadline
Hon Erica Stanford Minister of Immigration	Approve the lodgement of the attached Cabinet paper, for discussion at ECO on 13 November 2024.	7 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	✓
Christine Hyndman	Principal Advisor, Immigration (Border & Funding) Policy	Privacy of natural persons	

The following departments/agencies have been consulted
The following agencies were consulted on the Cabinet paper: 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:

Approved

Declined

Noted

Needs change

Seen

Overtaken by Events

See Minister's Notes

Withdrawn

Comment



BRIEFING

Cabinet paper for lodgement: *Immigration Amendment Legislation - addition to Bill* Confidential advice to Government

Date:	5 November 2024	Priority:	High
Security classification:	Restricted	Tracking number:	0005823

Purpose

To provide you with:

- draft talking points for the discussion at the Cabinet Economic Policy Committee (ECO) meeting on Wednesday 13 November 2024 (**Annex One**).
- a Cabinet paper for lodgement, which seeks agreement to amend the definition of a mass arrival group via the *Immigration (Fiscal Sustainability and System Integrity) Amendment Bill*, Confidential advice to Government (Annex Two), for discussion at ECO, as above.

Recommended action

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

- a. **Note** that your office circulated the draft Cabinet paper: *Immigration Amendment Legislation - addition to Bill* Confidential advice to Government [0005298] for ministerial feedback by the end of Tuesday 5 November 2024

Noted / Discuss

- b. **Note** that no feedback on the paper was received from that ministerial consultation, but that we have incorporated the wording change you have directed

Noted / Discuss

- c. **Note** that the final version of the paper has other minor changes, following peer and legal review, including reclassification from *In-confidence* to *Restricted* status

Noted / Discuss

- d. **Note** that

- draft talking points, to support you at ECO, are attached at **Annex One**
- the Cabinet paper for lodgement is attached at **Annex Two**

Noted / Discuss

e. **Agree** to lodge the Cabinet paper with Cabinet Office by 10am Thursday 7 November.

Agree / Disagree / Discuss



Stacey O'Dowd
**Manager, Immigration Policy
(Border and Funding)**
Labour, Science and Enterprise, MBIE
..05. / ..11. / 2024..

Hon Erica Stanford
Minister of Immigration
..... / /

A final version of the Cabinet paper is attached for lodgement

1. Your office has completed ministerial consultation on the draft Cabinet paper seeking agreement to amend the definition of a mass arrival group via the *Immigration (Fiscal Sustainability and System Integrity) Amendment Bill (the FSSI Bill)*, [0005298].
2. While no feedback was received as part of the ministerial consultation process, you have directed a wording change, which has been incorporated.
3. Following a final peer and legal review, we have made other minor changes to the final version, including upgrading its classification to *Restricted* to protect the discussion about the changing risk profile of people smuggling internationally. The paper is now ready for lodgement.
4. We have prepared draft talking points to support you in your discussion at the Cabinet Economic Policy Committee (ECO), and these are attached at **Annex One**, and the final version of the Cabinet paper for lodgement is attached at **Annex Two**.

Next steps

5. The Cabinet should be lodged by 10am on Thursday 7 November 2024.
6. Following ECO's and Cabinet's consideration of the proposals, we will work with MBIE Legal to develop drafting instructions for Parliamentary Counsel Office (PCO) as soon as possible, with the aim of, if possible, including this change in the exposure draft of the Bill.
7. The key upcoming milestones for the project are set out in the table below:

Table One: Upcoming milestones for the FSSI Bill

Date	Milestone
7 November 2024	Paper lodged
13 November 2024	ECO considers paper
20 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

Annexes

Annex One: Draft talking points for Cabinet Committee

Annex Two: Cabinet paper for lodgement: *Immigration Amendment Legislation: addition to Bill*

Annex One: Draft talking points for Cabinet Committee

Amending the definition of an immigration mass arrival

- You will be aware that people smuggling is a huge business for transnational criminal networks.
- New Zealand has – fortunately – never experienced a mass arrival of asylum seekers. Such an arrival would be immensely disruptive. It could also raise questions about the security of our borders.
- We have provisions in the Immigration Act 2009 (the Act) to enable us to manage a mass arrival safely and humanely. In particular, the Act allows for group warrants of detention, for a group of 31 people or more who arrive “irregularly” – specifically, not on a commercial service.
- Parliament passed an amendment to those provisions earlier this year.

[If needed: that amendment extended the length of time that a mass arrival group could be detained without a warrant, so the individuals could access meaningful legal representation.

Confidential advice to Government, Legal professional privilege [REDACTED]

- I am now seeking a further change, to be included in the Bill I am taking to Parliament in a few months. It responds to changes in international smuggling trends – National security or defence [REDACTED]

National security or defence [REDACTED]

- I therefore ask you to agree to the Act being amended so that 31 or more people arriving off a **commercial** flight, or cruise vessel, and claiming asylum at the border can also, if necessary, be managed by our mass arrival provisions.

Confidential advice to Government [REDACTED]

Confidential advice to Government [REDACTED]

Confidential advice to Government [REDACTED]

Confidential advice to Government [REDACTED]

Confidential advice to Government [REDACTED]

Confidential advice to Government [REDACTED]

**Annex Two: Cabinet paper for lodgement: *Immigration Amendment
Legislation: addition to Bill*** Confidential advice to Government

Confidential advice to Government



Confidential advice to Government



RESTRICTED

Confidential advice to Government



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Confidential advice to Government



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Confidential advice to Government



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Confidential advice to Government

