



COVERSHEET

Minister	Hon Chris Penk	Portfolio	Associate Immigration
Title of Cabinet paper	Government Response to the Immigration-related Petition Presented by Fábio Reis	Date to be published	16 April 2025

List of documents that have been proactively released

Date	Title	Author
September 2024	Government Response to the Immigration-related Petition Presented by Fábio Reis	Office of the Minister of Associate Immigration
September 2024	Government Response to the Immigration-related Petition Presented by Fábio Reis LEG-24-MIN-0197 Minute	Cabinet Office

Information redacted

YES / NO (please select)

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Some information has been withheld for the reason of privacy of natural persons.

In Confidence

Office of the Associate Minister of Immigration
Chair, Cabinet Legislation Committee

Proposed Government response to the Immigration-related petition presented by Fábio Reis

Proposal

- 1 This paper seeks approval of the proposed Government response to a petition by Fábio Reis, entitled: *Let Fabio and his dependent son return to New Zealand*.

Relation to Government priorities

- 2 The Government is committed to ensuring that the immigration system continues to support the economy and labour market by providing businesses access to the workforce they need to thrive and grow our economy, contribute to New Zealand's international and humanitarian commitments, and support the security and integrity of New Zealand's borders.

Background

- 3 The petition from Fábio Reis entitled *Let Fabio and his dependent son return to New Zealand* was referred to the Petitions Committee on 21 May 2024. The petition requested:
 - 3.1 *"That the House of Representatives urge the Associate Minister of Immigration to grant residency to Fabio Costa Dos Reis and his dependent son, who was born in Christchurch, so that they can return to live in New Zealand"*
- 4 On 29 July 2024, the Petitions Committee referred the petition directly to the Associate Minister of Immigration for a Government response in accordance with Standing Order 380. This means a Government response must be presented to the house by 18 October 2024.

Proposed Government response

- 5 I seek Cabinet's approval for the Government's response (Appendix One). I recommend that the Government highlights that a delegated decision maker declined to intervene in Mr Reis's case and I, as the Associate Minister of Immigration, will not be revisiting the decision made in this case.
- 6 Under immigration delegations, delegated decision makers have the authority to make certain ministerial intervention decisions on behalf of the Associate Minister of Immigration.

- 7 Privacy of natural persons [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- 8 Privacy of natural persons [REDACTED]
[REDACTED]
[REDACTED]
- 9 Mr Reis and his son are not currently in New Zealand.
- 10 In considering the response to the petition, the Government took into consideration the Associate Minister of Immigration's discretionary powers to decide on individual cases, and that the Associate Minister has delegated these powers to delegated decision makers at the Ministry of Business, Innovation and Employment.
- 11 I have declined to review Mr Reis's case and this decision is not being revisited.

Timing of the Government response

- 12 Once a response is approved, it can be presented in the House on the next available sitting day.
- 13 A Government response to the Petitions Committee must be presented to the House by 18 October 2024.

Consultation

- 14 The proposed response was consulted within the Ministry of Business, Innovation and Employment, which includes Immigration New Zealand.

Financial implications

- 15 There are no financial implications in relation to the Government's proposed response.

Legislative implications

- 16 There are no legislative implications in relation to the Government's proposed response.

Te Tiriti o Waitangi

- 17 There are no direct Te Tiriti o Waitangi considerations from the Government's proposed response.

Population implications

- 18 There are no direct population considerations from the Government's proposed response.

Proactive release

- 19 This paper will be proactively released (subject to redactions in line with the Official Information Act 1982) within 30 business days of decisions being confirmed by Cabinet.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** that, on 29 July 2024 the Petitions Committee referred the petition by Fábio Reis, entitled: *Let Fabio and his dependent son return to New Zealand.*, to the Associate Minister of Immigration for the Government's response;
- 2 **approve** the proposed Government response to the petition from Fábio Reis, attached as Appendix One;
- 3 **note** that once approved, the Government response can be presented to the House on the next available sitting day;
- 4 **note** that the Government response must be presented to the House by 18 October 2024;
- 5 **invite** the Associate Minister of Immigration to present the proposed Government response to the House, in accordance with Standing Order 380(4)(c).

Authorised for lodgement

Hon Chris Penk
Associate Minister of Immigration

**Government Response to
Referral of petition from Fabio Reis:
“Let Fabio and his dependent son return to New Zealand”**

**Presented to the House of Representatives
In accordance with Standing Order 380**

Introduction

- 1 The Government welcomes the Petition Committee's referral of this petition, and we thank the petitioner for bringing this matter to the Government's attention.
- 2 The Government has carefully considered the Petition Committee's referral of the petition entitled "Let Fabio and his dependent son return to New Zealand."
- 3 The Government is responding to the report in accordance with Standing Order 380.

Request from petitioner

- 4 Request: That the House of Representatives urge the Associate Minister of Immigration to grant residency to Fabio Costa Dos Reis and his dependent son, who was born in Christchurch, so that they can return to live in New Zealand.
- 5 The petitioner is asking the Petitions Committee to grant him residency to allow him to live with his son in New Zealand.
- 6 The petition of Fabio Reis was presented to Parliament on 21 May 2024 and 277 people signed an online petition to this effect.

Government response

Ministerial consideration

- 7 Ministers generally do not have the ability to intervene in individual cases, however, the Minister of Immigration is one of the major exceptions and exercising discretionary ministerial powers imposes a significant workload. While it is possible for a Minister of Immigration to retain all decision-making powers regarding cases where individuals have asked for ministerial intervention, traditionally, Ministers of Immigration have exercised the option for individual case work to be delegated to the Associate Minister of Immigration.
- 8 Immigration Ministers have traditionally accepted requests for intervention in individual cases, such as those seeking the grant of a visa as an exception. The majority of requests are for the exercise of absolute discretion under the Immigration Act 2009. As set out in section 11, when a decision is a matter of absolute discretion for the decision maker:
 - people have no right to apply for the matter or decision (they can only make a request)
 - there is no obligation on the decision maker to consider the request or make any inquiries as a result of the request
 - if a request is considered, the decision maker is not obliged to give reasons for their decision

- the Official Information Act 1982 and the Privacy Act 2020 do not apply in relation to reasons for any decision making on the request.
- 9 Under immigration delegations, delegated decision makers have the authority to make certain ministerial intervention decisions on behalf of the Associate Minister of Immigration.

Conclusion

- 10 On 12 December 2023, a delegated decision maker declined to intervene in Mr Reis's case.
- 11 The current Associate Minister of Immigration will not be revisiting the decision made in this case.