



10 October 2024



Privacy of natural persons

Ref: DOIA-REQ-0002964

Thank you for your email of 13 September 2024 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982, the following information:

*"Can I get information on all the prosecutions (ie how many of each charge was laid)?
And do you have records of whether convictions were entered?"*

Your request is a further request for information stemming from an initial response MBIE provided to you on 11 September 2024 (our reference DOIA 2425-0459). That request asked for:

*"- for each of the past ten years (ie by year from 2014 to 2023 and the 2024 date):
- How many people were found to have offended by failing to declare their convictions?
- In each case of an offence please tell me: - what was the person's nationality, when did they make their declaration, what happened to them (eg were they charged, were they deported, were they permitted to stay etc), if they were deported when did that occur (and did it follow them serving a prison sentence in New Zealand)
- For each year please tell me what it cost to process and deport these people to their home nation."*

Our response

A manual search has been undertaken within MBIE's case management systems after prosecution cases were identified relating to breaches under section 342 of the Immigration Act 2009 (or section 142 of the Immigration Act 1987). The manual search looked for mentions of non-declaration of criminal convictions.

Between 1 January 2014 and 1 September 2024 MBIE records indicate that there have been seven prosecutions of individuals who have not declared convictions. One prosecution involved two individuals.

Of those seven prosecutions, five resulted in convictions and in the remaining two the charges were either dismissed or the individuals found not guilty.

There was a total of 42 charges involved in the seven prosecutions. Note some charges were withdrawn.

Note that charges under section 342 of the Immigration Act 2009 (and some identified in this search under section 142 of the Immigration Act 1987) are for providing false and misleading information, this covers a range of factors including identity fraud, false job offers or document fraud, not just non-declaration of convictions.

If Investigators decide to pursue a prosecution, they are required to reach the criminal burden of proof, that being beyond reasonable doubt for any prosecution.

Not all allegation considered by an Investigator will lead to a prosecution. Investigators consider a number of options available to them when conducting an investigation, depending on the severity of the offending. These include:

- Criminal prosecutions
- Issuing infringements
- Issuing formal warnings
- Educating people on the right thing to do
- Referring to other regulatory bodies as appropriate

More information is available on the INZ website: www.immigration.govt.nz/about-us/media-centre/common-topics/investigations-and-compliance

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss any aspect of your request or this response, please contact media@mbie.govt.nz.

Nāku noa, nā



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