



COVERSHEET

Minister	Hon Erica Stanford	Portfolio	Immigration
Title of Cabinet paper	Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2026	Date to be published	17 March 2026

List of documents that have been proactively released

Date	Title	Author
January 2026	Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2026	Office of the Minister of Immigration
29 January 2026	Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2026 LEG-26-MIN-0002 Minute	Cabinet Office
16 December 2025	Briefing: Draft LEG paper: Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2026	MBIE
21 January 2026	Briefing: Final LEG paper for lodgement: Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2026	MBIE

Information redacted

YES

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.

Some information has been withheld for the reasons of privacy of natural persons and confidential advice to government.

[In Confidence]

Office of the Minister of Immigration
Cabinet Legislation Committee

Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2026

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2026.

Policy

- 2 The Immigration (Fiscal Sustainability and System Integrity) Amendment Act 2025 (Amendment Act) received Royal assent on 27 November 2025. The Amendment Act establishes a higher bar for issuing a Warrant of Commitment (WoC) for the detention of an asylum claimant (claimant), and introduces provisions that enable a District Court Judge to issue a WoC in further circumstances than previously provided for under the Immigration Act 2009 (the Act).
- 3 These amendments respond to recommendations made by Victoria Casey, King's Counsel, in her 2022 review of the detention of asylum seekers.¹
- 4 Section 400(1)(i) of the Act allows the Governor-General to, by Order in Council, make regulations to prescribe forms for the purposes of the Act. The Immigration (Certificate, Warrant, and Other Forms) Regulations 2010 (Regulations) were made under section 400 and include the forms for WoCs.
- 5 As a result of the Amendment Act being passed, minor, consequential amendments are required under section 400 of the Act to the Regulations. These changes are necessary to ensure that there are forms available that cover the issuing of a WoC in the new circumstances.
- 6 These changes would ensure that there are forms available that cover the:
 - 6.1 issuing of a WoC following an application for a WoC for a claimant;
 - 6.2 issuing of a WoC following an application for a release on conditions for a non-claimant; and
 - 6.3 issuing of a WoC following an application for a release on conditions for a claimant.

¹ Victoria Casey KC (New Zealand): *Report to Deputy Chief Executive (Immigration) of the Ministry of Business, Innovation and Employment on the restriction of movement of asylum claimants*, 2022.

Timing and 28-day rule

- 7 I recommend that the Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2026 (the Amendment Regulations) come into force on 27 February 2026, at the same time as the provisions establishing new requirements for issuing a WoC for a claimant (new section 317AA of the Act).
- 8 I seek a waiver of the 28-day rule so that there is no gap between section 317AA of the Act coming into force and the associated prescribed form for issuing a WoC for section 317AA coming into force (these Amendment Regulations). I seek this waiver on the grounds that the secondary legislation has little or no effect on the public given the Amendment Regulations are only updating forms.

Compliance

- 9 The Amendment Regulations comply with each of the following:
- 9.1 the principles of the Treaty of Waitangi;
 - 9.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - 9.3 the principles and guidelines set out in the Privacy Act 2020;
 - 9.4 relevant international standards and obligations;
 - 9.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

- 10 I do not consider that there are grounds for the Regulations Review Committee to draw the Amendment Regulations to the attention of the House of Representatives under Standing Order 327.

Certification by Parliamentary Counsel

- 11 The Amendment Regulations were certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet, subject to a waiver of the 28-day rule.

Impact Analysis

- 12 A Regulatory Impact Statement (RIS) for the changes to the overarching WoC requirements was submitted at the time that policy decisions on the Amendment Act were made [ECO-24-SUB-0198], and has been published on the Ministry of Business, Innovation and Employment's (MBIE) website.
- 13 An MBIE Quality Assurance Panel reviewed the RIS and assessed it as meeting the quality expectations for regulatory impact analysis.

Publicity

- 14 Stakeholders have been advised that the Amendment Act has received Royal Assent, and that the changes to the WoC requirements for claimants will come into force on 27 February 2026.

Proactive release

- 15 I intend to proactively release this paper and its associated minute, with any appropriate redactions where information would have been withheld under the Official Information Act 1982.

Consultation

- 16 The following agencies were consulted on the overarching policy during the development of the Amendment Act: the Ministries of / for Ethnic Communities, Foreign Affairs and Trade, Justice, Pacific Peoples, Regulation; the Departments of Corrections, Internal Affairs and Prime Minister and Cabinet; the New Zealand Customs Service; the New Zealand Police, and the Treasury.
- 17 Officials also carried out targeted consultation with Business New Zealand, the Casey Review Focus Group (including Amnesty International New Zealand and the Office of the United Nations High Commissioner for Refugees), the New Zealand Council of Trade Unions, the Employers and Manufacturers Association, MBIE's Immigration Focus Group, the New Zealand Law Society, the New Zealand Law Association, and the Office of the Ombudsman.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 note that when the Minister of Immigration (the Minister) sought approval to introduce the Immigration (Fiscal Sustainability and System Integrity) Amendment Bill (the Bill), she noted that she intended to bring a paper seeking approval of relevant Amendment Regulations shortly after the Bill received Royal assent;
- 2 note that the Immigration (Fiscal Sustainability and System Integrity) Amendment Act 2025 (Amendment Act), which received Royal assent on 27 November 2025, established a higher bar for issuing a Warrant of Commitment (WoC) for the detention of an asylum claimant (claimant), and introduced provisions that enable a District Court Judge to issue a WoC in further circumstances than previously provided for;
- 3 note that as a result of the Amendment Act being passed, minor amendments are required to the Immigration (Certificate, Warrant, and Other Forms) Regulations 2010 (the Regulations);
- 4 note that the Minister agreed to issue drafting instructions to the Parliamentary Counsel Office to amend the Regulations to ensure that there are forms available for the provisions under the Amendment Act that allow for the issuing of a WoC;

IN CONFIDENCE

- 5 agree to make minor amendments to the Regulations so that there are forms available that cover the:
 - 5.1 issuing of a WoC following an application for a WoC for a claimant;
 - 5.2 issuing of a WoC following an application for a release on conditions for a non-claimant; and
 - 5.3 issuing of a WoC following an application for a release on conditions for a claimant;
- 6 note that the Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2026 will give effect to the matters referred to in paragraphs 3-5 above;
- 7 note that a waiver of the 28-day rule is sought:
 - 7.1 so that there is no gap between the commencement of the new WoC provisions in the Amendment Act and the making of regulations that prescribe the forms that cover the issuing of a WoC in the new circumstances;
 - 7.2 on the grounds that the secondary legislation has little or no effect on the public given the Amendment Regulations are only updating forms;
- 8 agree to waive the 28-day rule so that the Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2026 can come into force on 27 February 2026;
- 9 authorise the submission to the Executive Council of the Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2026.

Authorised for lodgement

Hon Erica Stanford

Minister of Immigration

IN CONFIDENCE