



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.



BRIEFING

Final LEG paper for lodgement: *Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2026*

Date:	21 January 2026	Priority:	High
Security classification:	In Confidence	Tracking number:	REQ-0025779

Action sought		
	Action sought	Deadline
Hon Erica Stanford Minister of Immigration	Agree to lodge the attached Cabinet paper and Amendment Regulations	22 January 2026

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

The following departments/agencies have been consulted
Relevant agencies and stakeholders were consulted on the development of the overarching policy for the Immigration (Fiscal Sustainability and System Integrity) Amendment Act 2025. We have not undertaken consultation on the Amendment Regulations, as these are only minor updates to immigration forms.

Minister's office to complete:

Approved

Declined

Noted

Needs change

Seen

Overtaken by Events

See Minister's Notes

Withdrawn

Comment



BRIEFING

Final LEG paper for lodgement: *Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2026*

Date:	21 January 2026	Priority:	Medium
Security classification:	In Confidence	Tracking number:	REQ-0025779

Purpose

This briefing provides you with the final LEG paper: *Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2026* for lodgement, and accompanying Amendment Regulations.

The LEG paper seeks approval to make minor updates to forms required following the enactment of the Immigration (Fiscal Sustainability and System Integrity) Amendment Act 2025.

Recommended action

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

- a **Note** that following the Immigration (Fiscal Sustainability and System Integrity) Amendment Act 2025 (the Amendment Act) being passed, minor updates are required to the Immigration (Certificate, Warrant, and Other Forms) Regulations 2010
Noted
- b **Note** that we provided you with a draft LEG paper and Amendment Regulations on 16 December 2025 [REQ-0025006 refers] for ministerial consultation, and that no feedback has been received through this process
Noted
- c **Approve**, for lodgement by 10am, 22 January 2026, the attached:
 - i. Cabinet Paper (**Annex One**)
 - ii. Amendment Regulations (**Annex Two**)
Agree / Disagree
- d **Note** that the Amendment Regulations will be submitted to Cabinet Office by the Parliamentary Counsel Office following your approval.
Noted

Stacey O'Dowd
**Manager, Immigration Policy
(Border and Funding)**
Labour, Science and Enterprise, MBIE
21 / 01 / 2026

Hon Erica Stanford
Minister of Immigration

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You have consulted your colleagues on a technical LEG paper and Amendment Regulations required as a result of FSSI

1. The Immigration (Fiscal Sustainability and System Integrity) Amendment Act 2025 (the 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, 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). These amendments respond to recommendations made by Victoria Casey, King's Counsel, in her 2022 review of the detention of asylum seekers.¹
2. As a result of the Amendment Act being passed, minor, consequential amendments are required to the Immigration (Certificate, Warrant, and Other Forms) Regulations 2010. These changes are necessary to ensure that there are forms available that cover the issuing of a WoC in the new circumstances.
3. On 16 December 2025, we provided you with a draft LEG paper and Amendment Regulations for Ministerial consultation [REQ-0025006 refers]. The LEG paper seeks agreement to waive the 28-day rule, so that the Amendment Regulations can 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).
4. No feedback has been received from Ministerial consultation.

Next steps

5. We seek your agreement to lodge the final LEG paper **Annex One** and Amendment Regulations **Annex Two** by 10am, 22 January 2026.
6. Following your agreement to lodge, the Parliamentary Counsel Office (PCO) will send the final Amendment Regulations to the Cabinet Office, copying in your Office.
7. We are working to the following timeframes:

Milestone	Date
Lodge for LEG	10am, 22 January 2026
LEG consideration of Amendment Regulations (waiver of 28-day rule sought)	29 January 2026
Goatskin signed by Minister and delivered to Cabinet Office	30 January 2026
Cabinet consideration of Amendment Regulations	2 February 2026
Regulations notified in the Gazette	5 February 2026
Gazette period	5 February – 26 February
WoC provisions and Amendment Regulations take effect	27 February 2026

Annexes

Annex One: LEG paper *Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2026*

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

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.*

Annex One: LEG paper *Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2026*

**Annex Two: Immigration (Certificate, Warrant, and Other Forms)
Amendment Regulations 2026**
