A3 Summary of proposals as reported back from Select Committee

Immigration (Enhanced Risk Management) Amendment Bill

Objective

Proposals

Increase the effectiveness of the immigration compliance and enforcement system

1. Make deportation liability a more likely consequence at both the higher and lower ends of offending, across a longer period of residence in New Zealand, and enhance our ability to deport resident class visa holders who commit the most serious offences.

2. Make changes to existing deportation settings to clarify that providing false or misleading information at any stage of the immigration process can trigger deportation liability, that historic crimes can give rise to deportation liability, when deportation liability 'resets' after significant time spent outside New Zealand, that a person may be liable for deportation if a visa was granted unlawfully under the Act, and how deportation liability works people who held permits under the 1987 Act.

3. Enable a victim of a migrant to submit on deportation liability proceedings, even if that was not the crime giving rise to the deportation liability.

4. Increase the maximum sentence for migrant exploitation offending, from seven to ten years imprisonment.

5. Extend the time that MBIE has to issue infringement notices (fines) for certain employer infringement offences.

6. Introduce new infringement offences, to cover: employers having provided incorrect and / or incomplete information, and employers failing to provide employment-related documents when requested under s277 of the Act and broaden the scope of the existing offence of providing false or misleading information.

7. Make it easier for an immigration officer to request identifying information when they have good cause to suspect someone may be unlawfully in New Zealand or otherwise liable for deportation, or may be breaching their visa conditions.

8. Remove the right to appeal against deportation on humanitarian grounds to the Immigration and Protection Tribunal (IPT), for temporary class visa holders who commit a crime, and for all visitor visa holders.

9. Enable holders of deemed entry permission who are found to be inadmissible to enter New Zealand (for instance due to smuggling drugs or other contraband) to be turned around at the border.

10. Clarify that visa applications can be declined based on provisions in the Immigration Act or other applicable Acts, even if those provisions are not expressly referred to in immigration instructions.

Improve the integrity of the refugee and protection system

11. Change decision-making around Residence and Reporting Requirement Agreements (RRRAs) from being in the "absolute discretion" to the "discretion" of immigration officers. (This responds to the 2022 Casey Review on the Restriction of Movement of Asylum Seekers, but applies to all RRRAs.

12. Do not allow a claimant for asylum or protected status to apply for other visa types, while they remain in New Zealand, if they withdraw their asylum claim.

13. Enable a Refugee and Protection Officer (RPO) to determine an asylum claim without further information where the claimant has failed to engage with the biometric process without good reason.

14. Provide that, where a claimant has acted otherwise than in good faith but has a genuine protection need, the RPO may refuse to consider the refugee claim, but must consider the protection claim.

15. Provide the IPT with jurisdiction to consider acts of bad faith that occur at any point.

16. Lift the threshold for bringing late appeals to the IPT from "special" to "exceptional circumstances".

17. Allow the IPT to decline an appeal against a decline of a second or subsequent claim on the grounds that the claimants circumstances have not significantly changed.

18. Enable people who commit serious non-political crimes between entry to New Zealand and status determination to be excluded from refugee status (but not protection status).

19. Create an authorisation to accept a claimant-initiated withdrawal of a refugee and protection claim.

Improve the operation of the wider immigration system

20. Allow residence class visa applicants to benefit when visa settings change after they have submitted an application.

21. Enable the electronic service of deportation liability notices where a physical address cannot be located.

22. Make it easier for immigration information to be shared with other agencies in support of their functions, aligning the Act with other comparable systems, and enhance privacy protections.

23. Make it clear that the Act enables the use of immigration information for digital credentials.