

Immigration (Enhanced Risk Management) Amendment Bill – changes relating to appeal rights and more efficient compliance activity

4. Make it easier for an Immigration Officer to request identity information	5. Remove the right to appeal to the IPT for certain temp visa holders	6. Enable holders of deemed entry permission to be turned around at the border
Current state		
<p>Section 280 of the Immigration Act 2009 (the Act) enables immigration officers to ask for identity-based information or documents when they have good cause to suspect that a person <u>is</u> liable for deportation or turnaround.</p> <p>In practice, this means the person has to have been previously identified as someone who is unlawfully in New Zealand or issued with a deportation liability notice. This sets a very high bar.</p>	<p>Under section 206 of the Act, temporary and interim visa holders who have been made liable for deportation have the same rights as residence class visa holders to appeal to the IPT on humanitarian grounds.</p> <p>Additionally, people unlawfully in New Zealand who previously held a visitor visa have rights of appeal on humanitarian grounds.</p> <p>This does not reflect the differences in status or expectations between residents and temporary visa holders.</p>	<p>Members of certain groups (such as aircrew and vessel crew) are deemed by regulations to hold entry permission on arrival, rather than having to apply for it at the border (non-citizens usually apply via the New Zealand Traveller Declaration).</p> <p>Where deemed entry permission holders are found on arrival to be inadmissible (because for eg they are smuggling drugs or goods), immigration officers must currently initiate deportation processes. This is administratively burdensome, confers appeal rights that would not apply to other travellers refused entry, and diverts border resources away from higher-value screening and risk management activities.</p>
Future state		
<p>The Bill will enable immigration officers to ask for identity-based information or to seek documents in a broader range of circumstances. They will be able to do so when they have good cause to suspect that an individual may be liable for deportation or turnaround, and / or is in breach of their visa conditions.</p> <p>As this power will be used while immigration officers are completing other duties, eg on site visits, this change will support better use of compliance resources and greater identification of non-compliance with immigration requirements.</p>	<p>Under the Bill, visitor visa holders, people unlawfully in New Zealand who previously held a visitor visa, and people who hold an interim visa whose previous visa was a visitor visa, will no longer have any right of appeal to the Immigration and Protection Tribunal (IPT) on humanitarian grounds if they become liable for deportation.</p> <p>In addition, all temporary or interim visa holders who are convicted, plead guilty, or are found guilty of a criminal offence will lose their right to a humanitarian appeal to the IPT.</p> <p>All affected persons will retain the right to provide good reasons why they should remain in NZ, and to seek Ministerial intervention. Judicial review is also an option for Immigration New Zealand (INZ) decisions.</p>	<p>The Bill enables the Minister to certify immigration instructions setting out how deemed entry permission may be revoked, which will enable inadmissible deemed entry permission holders to be refused entry and turned around at the border where appropriate.</p> <p>This will create a more efficient and proportionate response, and allow border officials to focus resources on managing higher risk travellers, and facilitating the travel and entry of lower risk and compliant travellers.</p>