

## Immigration (Enhanced Risk Management) Amendment Bill – changes to strengthen the integrity of the refugee and protection system

11. Remove absolute discretion from RRRRA decision making (final Casey recommendation)	12. Do not allow asylum claimants to apply for other visas if they withdraw their claim
<b>Current state</b>	
<p>Immigration officers currently exercise “absolute” discretion in agreeing to resident and reporting requirement agreements (RRRAs).</p> <p>This means that, while a migrant can request to be placed on a RRRRA as an alternative to detention, there is no legislative requirement for immigration officers to consider that request, or to provide reasons for declining it.</p>	<p>In most circumstances, asylum seekers are granted temporary visas while their claim is being determined. When a claim is declined, section 150 of the Immigration Act 2009 (the Act) prevents the grant of a further visa.</p> <p>The Act is however ambiguous as to whether a claimant who withdraws their claim before it has been determined can be granted another visa.</p>
<b>Future state</b>	
<p>The Bill means that migrants who are liable for detention may, rather than being subject to other restrictions on their liberty, request a RRRRA. If declined, Immigration New Zealand (INZ) will be required to provide adequate reasons for this (such as evidence of the migrant’s risk of absconding).</p> <p>Similarly, those on a RRRRA will have the ability to request to vary the conditions of their RRRRA (such as if they wish to shift locations).</p> <p>This change implements the final recommendation from <a href="#">Victoria Casey KC’s independent review of the detention of asylum seekers</a>, and applies to all migrants who are liable for detention.</p>	<p>This Bill amends section 150 to remove the ability of a claimant who withdraws a claim to apply for a further visa while still onshore.</p> <p>The proposal does not impact the determination process, and claimants who do not withdraw will have their claims considered in full, in accordance with domestic and international obligations.</p>