

## Immigration (Enhanced Risk Management) Amendment Bill – changes to improve the operation of the wider immigration system

20. Allow residence class visa applicants to benefit when visa settings change	21. Enable deportation liability notices to be served electronically	22. Make it easier for immigration information to be shared with other agencies	23. Make it clear that the Act enables the use of immigration information for digital credentials
<b>Current state</b>			
<p>Residence class visa applications must be decided under the immigration instructions in force at the time the application was lodged. If policy settings change after an application is submitted, applicants cannot benefit from those changes unless they withdraw and reapply, or seek Ministerial intervention.</p> <p>This can result in additional cost and uncertainty for applicants and creates rigidity in the system, even where Cabinet intends new settings to be applied more broadly.</p>	<p>Deportation Liability Notices (DLNs) must generally be served in person or by registered mail. Where individuals deliberately avoid providing a physical address, or no address can be located, this can prevent formal service and delay deportation processes, even where the Ministry of Business, Innovation and Employment (MBIE) is otherwise in contact with the individual electronically.</p> <p>This creates inefficiencies and allows some people to deliberately frustrate enforcement.</p>	<p>The information sharing framework in the Immigration Act 2009 (the Act) is almost 20 years old, reflecting a vastly different technological and risk environment. It is now too narrow in terms of the sharing it permits.</p> <p>MBIE has had to rely on an inefficient patchwork of information sharing mechanisms outside of the Act. These include the approved information sharing agreement (AISA) process, which can be resource-intensive and take several years to complete, or sharing information on an ad hoc basis.</p>	<p>A priority for the Government is to remove legislative barriers that might impede the uptake of the Digital Identity Trust Services Framework (DISTF) - a digital identity environment where people can share their information in a way that is safe and secure.</p> <p>Currently, the Act is silent as to whether MBIE can issue, receive, and contribute to other agencies' verifiable digital credentials (i.e. secure, digitally signed, trusted, and standardised packets of data about individuals and organisations that can be used to prove their identifying factors digitally).</p>
<b>Future state</b>			
<p>Under the Bill, where an existing residence policy is revised, applicants with applications already in progress will be able to opt in to have their existing application assessed under the new settings.</p> <p>This will provide greater flexibility, reduce unnecessary withdrawals and reapplications, and allow policy changes to be implemented more fairly and efficiently where intended. It will only apply to residence policies that are revised after the Amendment Act is passed.</p>	<p>The Bill provides that where personal service or registered mail is not possible because no physical address can be located, deportation liability notices (and related notices) may be served electronically, with appropriate privacy protections.</p> <p>This will close a known enforcement gap, reduce delays caused by deliberate avoidance, and support more timely and effective compliance action.</p>	<p>The Bill will empower MBIE to make information sharing agreements with more government agencies, non-governmental organisations, and the courts, for a wider range of purposes.</p> <p>This will facilitate better access to information, and improvements to MBIE's ability to contribute to managing risks to New Zealand in its role as the authoritative source of immigration information, and to applicants' and employers' ability to use other agencies' information to support their applications.</p>	<p>The Bill clarifies that MBIE can issue digital credentials, and receive and contribute to other agencies' digital credentials, including those related to identity and immigration status.</p>