



## COVERSHEET

<b>Minister</b>	Hon Erica Stanford	<b>Portfolio</b>	Immigration
<b>Title of Cabinet paper</b>	Three Cabinet papers are included in this release, titled as shown in the box below	<b>Date to be published</b>	19 March 2026

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
12 March 2026	Immigration (Enhanced Risk Management) Amendment Bill - Approval for Introduction LEG-26-MIN-0039 Minute	Office of the Minister of Immigration Cabinet Office
25 June 2025	Immigration (Enhanced Risk Management) Amendment Bill: Further Decisions ECO-25-MIN-0093 Minute	Office of the Minister of Immigration Cabinet Office
4 June 2025	Proposed amendments to the Immigration Act 2009: Immigration (Enhanced Risk Management) Amendment Bill ECO-25-MIN-0084 Minute	Office of the Minister of Immigration Cabinet Office
19 February 2026	BRIEFING-REQ-0026795: Immigration (Enhanced Risk Management) Amendment Bill: Final LEG paper and Bill for lodgement	MBIE
5 February 2026	Regulatory Impact Statement: New immigration infringement offences	MBIE
29 January 2026	BRIEFING-REQ-0025726: Immigration (Enhanced Risk Management) Amendment Bill: Draft Cabinet paper and Bill for ministerial consultation	MBIE
4 December 2025	BRIEFING-REQ-0019618: Immigration (Enhanced Risk Management) Amendment Bill: Drafting update and exposure draft feedback	MBIE
31 July 2025	BRIEFING-REQ-0018175: Immigration (Enhanced Risk Management) Amendment Bill – additional drafting decisions	MBIE
17 June 2025	BRIEFING-REQ-0015523: Approval to lodge second Cabinet paper for Enhanced Risk Management Amendment Bill and further policy advice	MBIE
12 June 2025	Regulatory impact statement: Strengthening immigration penalties for non-compliant and exploitative employers	MBIE
10 June 2025	Regulatory impact statement: Modernising and improving information sharing provisions	MBIE
4 June 2025	Regulatory impact statement: Enabling more effective compliance powers for immigration purposes	MBIE
29 May 2025	BRIEFING-REQ-0014611: Draft Cabinet paper for the second set of policy decisions for the Immigration (Enhanced Risk Management) Amendment Bill	MBIE

<b>List of documents that have been proactively released</b>		
<b>Date</b>	<b>Title</b>	<b>Author</b>
28 May 2025	BRIEFING-REQ-0014746: Approval to lodge first Cabinet paper for Enhanced Risk Management Amendment Bill	MBIE
26 May 2025	Regulatory impact statement: Expanding criminal deportation liability	MBIE
	Regulatory impact statement: Clarifying section 150 of the Immigration Act 2009 to prevent asylum claimants who withdrew their claims from applying for further visas	MBIE
21 May 2025	Regulatory impact statement: Limiting humanitarian appeal rights to the Immigration and Protection Tribunal for temporary visa holders	MBIE
15 May 2025	BRIEFING-REQ-0014081: Should the proposed change to section 150 of the Immigration Act apply retrospectively?	MBIE
8 May 2025	BRIEFING-REQ-0013339: Draft Cabinet paper and update following targeted consultation on the Immigration (Enhanced Risk Management) Amendment Bill	MBIE
23 April 2025	BRIEFING-REQ-0013002: Further measures to address the increase in asylum claims	MBIE
31 March 2025	BRIEFING-REQ-0011382: Proposed Immigration (Enhanced Risk Management) Amendment Bill: Objectives, scope and timelines	MBIE

<b>Information redacted</b>	<b><u>YES</u> / NO</b>
<p>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.</p> <p>Some information has been redacted for the reasons of: International relations, maintenance of the law, privacy of natural persons, confidential advice to Government, commercial sensitivity, free and frank expression of opinions, and legal professional privilege.</p> <p>Some information has also been withheld on the basis that it is not in scope of the Immigration (Enhanced Risk Management) Amendment Bill.</p>	



## BRIEFING

### Immigration (Enhanced Risk Management) Amendment Bill – final LEG paper and Bill for lodgement

<b>Date:</b>	19 February 2026	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	REQ-0026795

Action sought		
	Action sought	Deadline
Hon Erica Stanford <b>Minister of Immigration</b>	<p><b>Agree</b> to two additional drafting decisions</p> <p><b>Agree</b> to seek Cabinet’s agreement to rescind a previous decision around information sharing</p> <p><b>Provide</b> any final feedback on the LEG paper to officials</p> <p><b>Approve</b> the lodgement of the LEG paper and Bill by 10 am on Thursday 26 February</p>	24 February 2026

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

The following departments/agencies have been consulted
Departments of Corrections and Internal Affairs; Ministries of Foreign Affairs and Trade, Education and Justice; Ministries for Pacific Peoples, Ethnic Communities, and Regulation; Te Whatu Ora / Health NZ; New Zealand Police; Inland Revenue Department; The Treasury; Office of the Privacy Commissioner.

**Minister’s office to complete:**

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister’s Notes | <input type="checkbox"/> Withdrawn           |

**Comment**



## BRIEFING

### Immigration (Enhanced Risk Management) Amendment Bill – final LEG paper and Bill for lodgement

<b>Date:</b>	19 February 2026	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	REQ-0026795

#### Purpose

---

To provide you with a Cabinet paper seeking agreement to introduce the Immigration (Enhanced Risk Management) Amendment Bill (the Bill) to the House, for:

- lodgement with Cabinet Office by 10 am on Thursday 26 February 2026, and
- consideration by the Cabinet Legislation Committee (LEG) on Thursday 5 March 2026

To seek your agreement to:

- two additional drafting decisions relating to the new employer infringement offences
- seek Cabinet's agreement to rescind a previous decision relating to information sharing that is no longer required.

#### Recommended action

---

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

- a. **Note** that your office provided a near-final version of the Bill, and the accompanying LEG paper, to interested Ministers for comment on 4 February 2026, and that officials have separately consulted with agencies

*Noted*

- b. **Note** that the only feedback from Ministerial consultation was from the Minister of Foreign Affairs, who noted the need to ensure the changes proposed in the Bill are communicated in a deliberate fashion

*Noted*

- c. **Note** that as part of departmental consultation:

- i. we have received comprehensive comments from the Department of Corrections (Corrections), which have been incorporated into the Bill
- ii. the Ministry for Pacific Peoples (MPP) requested clarification on a number of issues
- iii. the Ministry of Foreign Affairs and Trade (MFAT) sought clarification about the proposed information sharing framework, International relations
- iv. the Office of the Privacy Commissioner (OPC) requested that a paragraph with their comments be inserted into the paper

*Noted / Discuss*

- d. **Note** that, in accordance with Cabinet's authorising you to make decisions consistent with the existing policy proposals, you have:

- i. agreed to establish two new infringement offences [0019618], and
- ii. clarified the wording of one of them [0025726]

*Noted*

- e. **Note** that the Parliamentary Counsel Office (PCO) has advised that ministerial confirmation is required for two further drafting decisions relating to these offences, namely that:
- i. the infringement fee for the two new offences will be \$1,000, consistent with existing immigration employer infringement offences, and
  - ii. the extended timeframe for issuing certain employer infringement offences (up to six years for discovery) should also apply to the infringement offence for providing incorrect and / or incomplete information

*Noted*

- f. **Approve** the two changes proposed in **recommendation e** above, for inclusion in the introduction version of the Bill

*Agreed / Not Agreed / Discuss*

g.

Legal professional privilege

- h. **Agree** that the LEG paper seek Cabinet's agreement to rescind this previous decision

*Agreed / Not Agreed / Discuss*

- i. **Note** that we continue to work closely with PCO as the version for introduction is finalised, and that the final copy of the Bill may therefore vary slightly from the version attached at **Annex Four**

*Noted*

- j. **Note** that following your recent agreement to progress a set of proposals for protecting the protection system [0022122], you have separately been briefed and provided with a draft Cabinet paper for ministerial consultation [0027645]

*Noted*

k.

Confidential advice to Government

- l. **Approve** the attached LEG paper, Regulatory Impact Statement and Bill (subject to further minor adjustments, as per **recommendation i.** above), for submission to Cabinet Office by 10am on Thursday 26 February 2026.

*Agreed / Not Agreed / Discuss*



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

Hon Erica Stanford  
**Minister of Immigration**

..... / ..... / .....

...19... / ...02... / ...2026

## **The Bill and LEG paper have been consulted with Ministers and agencies**

---

### **The Bill is very close to finalisation**

1. Your office consulted the draft LEG paper and Bill with interested Ministers from 4 February to 17 February 2026. Officials consulted agencies in parallel, and are continuing to work with PCO to finalise drafting.
2. The Minister of Foreign Affairs has provided comment concerning [redacted] International relations [redacted]  
[redacted]  
While no other Minister provided substantive feedback, some agencies have raised questions and issues and, as appropriate, we have made some small adjustments to the Bill, or have noted points for our communications planning.
3. In particular, we received comprehensive feedback from Corrections, focused on the extension of the classes of victims who can submit on deportation proceedings. Corrections also sought clarification about wording of a definition, and how the changes to information sharing might impact on existing agreements.
4. MFAT raised specific points for [redacted] International relations [redacted] MPP stressed the need for good communications to Pacific people in New Zealand about the changes and asked about the impacts on temporary workers whose employers were infringed or convicted. The OPC requested that a section setting out its views on aspects of the information sharing provisions be added to the Cabinet paper. This is included at paragraph 29 of the Cabinet paper (attached at **Annex One**).

### **Drafting will continue up to the introduction of the Bill**

5. As noted above, we are still in discussions with PCO about some final drafting details. These focus on how policy decisions are best reflected in the statute, and avoiding unintended consequences. The Bill is also going through PCO's quality assurance processes, which may result in a small number of technical or stylistic changes.
6. Most of the discussions with PCO do not rise to the level that require ministerial decisions. Where policy decisions are required, Cabinet has authorised you to make decisions, consistent with the agreed policy proposals, on issues arising during the drafting and consultation process [ECO-25-MIN-0084 and ECO-25-MIN-0093]. We have recently sought your formal agreement to nine additional decisions [0025726] and this paper seeks two more (see **paragraph 8** below).

### **We seek your agreement to two additional drafting decisions**

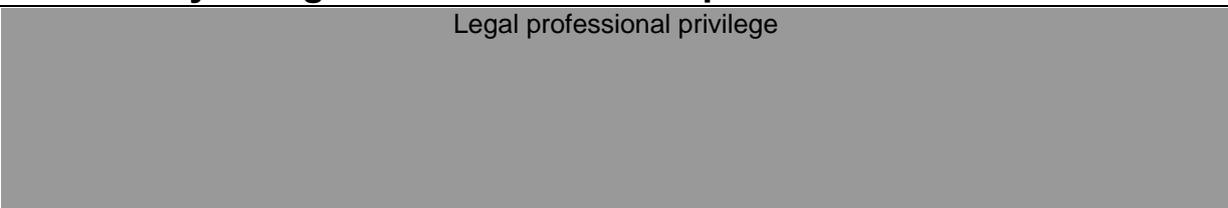
---

7. Under the authority delegated to you by Cabinet, on 7 December 2025 you agreed to establish two new employer infringement offences in the Act (via this Bill), rather than in regulations as previously planned [0019618]. On 3 February 2026, you agreed to the specific wording for one of the offences [0025726]. The two infringement offences are for:
  - a. providing incorrect and / or incomplete information (for example, in an accreditation or job check application), and
  - b. failing to provide documents when requested under section 277 of the Act (which allows an immigration officer to enter an employer's premises and to request wage and time records).

8. PCO has advised that we need Ministerial confirmation of two further drafting decisions relating to these offences. We therefore seek your agreement that:
  - a. the infringement fee for the two new offences will be \$1,000, consistent with existing immigration employer infringement offences, and
  - b. the extended timeframe for issuing certain employer infringement offences also apply to the infringement offence for providing incorrect and / or incomplete information [ECO-25-MIN-0093]. This is because the same policy rationale applies to this offence as to the others benefitting from the extended time period: the offending may not come to light until well after the existing six-month period in the Summary Proceedings Act 1957.
9. The decisions in paragraph 8 above were included in the version of the Bill provided to you for Ministerial consultation on 29 January 2026. They have also now been added to the attached draft LEG paper for confirmation by Cabinet, alongside drafting decisions you have previously taken.

### **We also seek your agreement to rescind a previous Cabinet decision**

---

10.  Legal professional privilege
11. We therefore seek your agreement that the LEG paper ask Cabinet to rescind this previous decision. Note that PCO's advice on the deceased persons issue means that two related policy decisions you had taken under your delegated authority are also no longer required, and have been removed from the LEG paper accordingly.

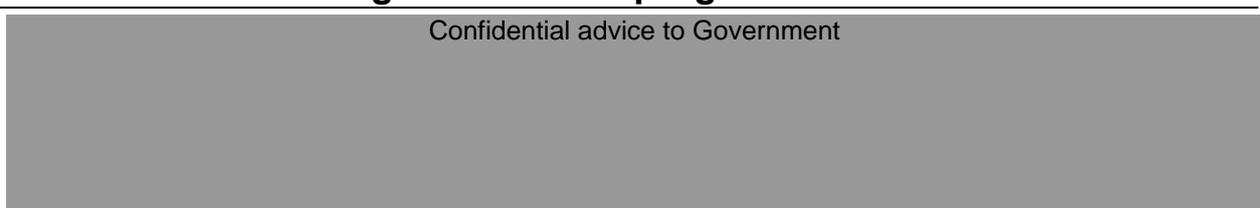
### **We seek your agreement to lodgement, subject to any final feedback**

---

12. We are seeking any final feedback on the Cabinet paper by the end of Tuesday 24 February, and your agreement to lodge the paper by 10 am on Thursday 26 February. The finalised Regulatory Impact Statement (RIS) for the new infringement offences is appended to the paper. Cabinet has already considered the six previous RISs that relate to the other significant regulatory proposals.
13. We have attached copies of the draft Bill and draft Departmental Disclosure Statement (DDS) for your information (at **Annexes Four** and **Five** respectively). PCO provide the final version of the Bill to the Cabinet Office, and we will upload the final DDS to CabNet.
14. Draft talking points for the LEG meeting on Thursday 5 March at also attached, at **Annex Three**.

### **There will be more changes as the Bill progresses**

---

15.  Confidential advice to Government
16. Another matter for inclusion in the departmental report is the set of changes you recently agreed to aimed at protecting the protection system [0022122]. You have separately been provided with a draft Cabinet paper for consultation [0027645]. Paragraph 17 of the LEG paper includes reference to those changes, and to the proposed process for seeking submissions on them, and incorporating them into the Bil.

17. Finally, submissions are likely to raise more useful proposals, and may provide drafting options we have not considered.

## Next steps

18. **Table One** below sets out upcoming key milestones for the Bill. This includes steps (in blue) relating to the additional proposals to protect the protection system, which are intended to be incorporated into the Bill [0022122 and 0027645].

*Table One: Upcoming key milestones for the Bill*

Date	Milestone (protecting the protection system milestones denoted in blue)
Thursday 19 February 2026	Draft <i>Protecting the protection system</i> Cabinet paper provided to Minister [0027645]
Friday 20 February – Monday 2 March 2026	Ministerial consultation on draft <i>Protecting the protection system</i> Cabinet paper
Thursday 26 February 2026	ERM LEG paper and Bill lodged for LEG meeting
	ERM House pack provided to Minister [0027509]
	ERM Proactive Release briefing provided to Minister [0026466]
Early March 2026 TBC	Prep session with officials, prior to ERM Bill introduction
Thursday 5 March 2026	LEG considers ERM LEG paper and Bill
	Cabinet paper on <i>Protecting the protection system</i> proposals lodged for ECO
Monday 9 March 2026	Cabinet considers ERM LEG paper and Bill
	ERM Bill introduced
	Proactive release of ERM Cabinet papers, briefings, regulatory impact statements, and one-page summaries, on MBIE's website
Wednesday 11 March 2026	ECO considers the <i>Protecting the protection system</i> Cabinet paper
Monday 16 March 2026	Cabinet considers the <i>Protecting the protection system</i> Cabinet paper
Tuesday 17 March 2026	Parliamentary paper on the <i>Protecting the protection system</i> proposals tabled
Week beginning 23 March 2026	Confidential advice to Government
Thursday 2 April 2026	
Mid-August 2026	Select Committee report back to the House
September / October 2026	Bill enacted

## **Annexes**

---

- Annex One: Cabinet paper and RIS for approval and lodgement
- Annex Two: Tracked-changes version of the Cabinet paper
- Annex Three: Talking points for LEG meeting on 5 March 2026
- Annex Four: Near-final version of Bill, for your information
- Annex Five: Near-final version of Departmental Disclosure Statement, for your information

**Annex One: Cabinet paper and RIS for approval and lodgement**

---

## Annex Three: Talking points for LEG meeting on 5 March 2026

---

- This Bill is currently planned for introduction at the end of the month. I am hoping we will be able to pass it this year. It will make a number of long-overdue improvements to the immigration system, particularly in the compliance and enforcement and refugee and protection space.
- International relations

[Redacted]

[Redacted] I did not receive any other feedback from ministerial consultation on this LEG paper or the Bill.
- I am also lodging a further paper today seeking agreement to a number of changes aimed at protecting the protection system – that is, our asylum system – from abuse by people making unfounded refugee claims.
- I understand a number of you<sup>1</sup> have been consulted on the proposals, which I intend to incorporate into the at the Select Committee stage.
- To enable appropriate public scrutiny of the additional proposals, I am planning to table a parliamentary paper following introduction and before the First Reading of the Bill.
- Confidential advice to Government

[Redacted]
- Any changes will be made through the departmental report.

### Questions and answers

Question	Answer
Have you had advice on how the appeal and deportation changes are likely to be received overseas?	Yes, from MFAT and Pacific Peoples in particular. <p style="text-align: center;">International relations</p> <p>[Redacted]</p>

---

<sup>1</sup> Thirteen of LEG's Ministers are also on ECO.

Question	Answer
<p>The paper includes a comment from the Privacy Commissioner – how significant are the information sharing changes?</p>	<p>The Bill updates the Act’s two-decade-old information sharing framework to reflect modern technological and risk environments.</p> <p>A broad legislative framework is necessary for efficiency and to avoid a further proliferation of piecemeal agreements.</p> <p>While the Privacy Commissioner advocated for information sharing agreements to be at a Minister-to-Minister level, these are operational undertakings, and I view CE-to-CE agreements as more efficient, flexible and appropriate for this context.</p> <p>These agreements will include strong transparency and privacy safeguards</p>
<p>The Bill expands the ability of immigration officers to request identity information</p> <p>International relations</p>	<p>The proposed change is narrow and designed to close a specific compliance gap.</p> <p>It broadens the situations where an immigration officer can request basic identity details, such as a person’s name, date of birth, or to sight an identity document, but only when the officer has good cause to suspect that the individual may be liable for deportation or in breach of immigration requirements.</p> <p>International relations</p>
<p>The Bill extends the time available for MBIE to issue certain employer infringement offences from six months to six years from the date of the offending. This seems an extremely long time for what is meant to be black and white behaviour.</p>	<p>The driver for this change is that exploited migrants often don’t report their employer until after the employment relationship has broken down, by which point the time to issue an infringement notice has passed. As a result, some employers avoid infringement penalties on technical timing grounds, My expectation is that enforcement is timely. Operational guidance will set a 12-month time limit for MBIE to issue infringement offence notices after becoming aware of the offending</p>
<p>Is the Clerk’s office comfortable with the proposal to table a parliamentary paper and add new proposals to the Bill after introduction?</p>	<p>Yes. My officials have been working closely with the Clerk’s office and the processes I outlined reflect the office’s advice.</p>

**Annex Four: Near-final version of Bill, for your information**

---

**Annex Five: Near-final version of Departmental Disclosure Statement, for your information**

---