



COVERSHEET

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

List of documents that have been proactively released

Date	Title	Author
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

List of documents that have been proactively released		
Date	Title	Author
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

Information redacted	<u>YES</u> / NO
<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: draft Cabinet paper for Ministerial consultation

Date:	29 January 2026	Priority:	Medium
Security classification:	In Confidence	Tracking number:	0025726

Action sought		
	Action sought	Deadline
Hon Erica Stanford Minister of Immigration	<p>Agree to nine drafting decisions under your delegated authority</p> <p>Agree to circulate to interested Ministers the attached draft Cabinet paper seeking Cabinet agreement to introduce the Bill</p>	2 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	✓
Lesley Parker	Principal Advisor, Immigration (Border & Funding) Policy	Privacy of natural persons	
Kayle Petherick	Policy Advisor, Immigration (Border & Funding) Policy	Privacy of natural persons	

The following departments/agencies have been consulted
N/A – agency consultation on the draft LEG paper will be undertaken concurrent with Ministerial consultation.

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: draft Cabinet paper for Ministerial consultation

Date:	29 January 2026	Priority:	Medium
Security classification:	In Confidence	Tracking number:	0025726

Purpose

To provide you with a draft of the Cabinet paper seeking agreement to introduce the Immigration (Enhanced Risk Management) Amendment Bill (the Bill) for feedback and Ministerial consultation.

This briefing also seeks your agreement to nine drafting decisions that fall within the authorisation delegated to you by Cabinet [ECO-25-MIN-0084 and ECO-25-MIN-0093].

Executive summary

This briefing provides you with a draft LEG paper for feedback and Ministerial consultation. We seek your feedback by 2 February, and feedback from Ministerial consultation by 17 February 2026, so the final package can be lodged on 26 February 2026, for LEG consideration on 5 March 2026.

We seek your agreement to nine drafting decisions required to finalise the Bill (seven for Cabinet's noting, and two for Cabinet's agreement), which fall within the scope of Cabinet's delegated authority to you [ECO-25-MIN-0084 and ECO-25-MIN-0093]. These decisions, along with eight other decisions you have previously taken, are included in the LEG paper.

Decisions for Cabinet's noting

The decisions sought from you relate primarily to clarifying the scope and application of proposals, and sequencing commencement to enable system and operational readiness. These include:

- Deportation liability relating to the provision of false or misleading information: Extending the amendment to include oral statements and the concealment of relevant information.
- Deportation liability for visas granted in error: Broadening the scope to apply to all visas, rather than just residence class visas, and creating a category of visas that are void from the outset.
- Extending the timeframe for issuing certain employer infringement offence notices: Delaying the commencement date to 12 months after Royal assent.

Decisions for Cabinet's agreement

We seek your agreement to a revised approach for:

- The amendments to extend the time for the Ministry of Business, Innovation and Employment (MBIE) to issue certain employer infringement offence notices. **Legal professional privilege**, officials now recommend establishing only one statutory limitation period (six years from the date of offending) in the Bill. Operational directives would implement the expectation established by Cabinet that infringement offences are issued within 12 months of MBIE becoming aware of the offending.
- The new employer infringement offence relating to the provision of false and misleading information. Following concerns raised by the Legislative Design and Advisory Committee (LDAC) and the Ministry of Justice (MoJ) about the suitability of an infringement offence based on whether information is "false or misleading" (which implies intent), officials now recommend reframing the offence around the provision of "incorrect or incomplete" (or similar) information.

The exact wording for both of these revised approaches is still being confirmed with Parliamentary Counsel Office (PCO) and MoJ.

Recommended action

MBIE recommends that you:

Draft Cabinet paper for ministerial consultation

- a. **Note** that the draft Cabinet Legislation Committee (LEG) paper is attached at **Annex One** for your consideration, and Ministerial consultation if you agree
Noted
- b. **Note** that a consultation version of the Bill itself will be provided to your office early next week
Noted
- c. **Agree** to circulate the draft LEG paper and Bill by 4 February 2026 to interested Ministers for their comment
Agree / Disagree / Discuss
- d. **Note** that officials are seeking feedback by close of play on 17 February 2026, in order that the final version of the paper can be lodged on 26 February 2026, for consideration by LEG on 5 March 2026
Noted
- e. **Note** that, due to timing constraints, agency consultation will be undertaken concurrently with ministerial consultation, and we will let you know if any significant issues arise
Noted

Drafting decisions sought under your delegated authority - general

- f. **Note** that Cabinet authorised you to make decisions, consistent with the policy proposals in the Cabinet papers under ECO-25-SU8-0084 and ECO-25-SU8-0093, on issues arising during the drafting and consultation process [ECO-25-MIN-0084 and ECO-25-MIN-0093]
Noted
- g. **Note** that this briefing seeks your agreement to nine decisions under this delegated authority, on issues that have arisen during the Bill's development
Noted / Discuss
- h. **Agree** to:
- i. **(Deportation liability relating to the provision of false or misleading information)** delay the commencement of these changes until three months after Royal assent to allow time for consequential changes to immigration character instructions to be made
Agree / Disagree / Discuss
 - ii. **(Deportation liability relating to the provision of false or misleading information)** expand the range of false and misleading submissions that can make a resident liable for deportation to include information provided orally (for example in interviews), and instances where relevant information has been concealed
Agree / Disagree / Discuss

- iii. **(Deportation liability of resident class visa holders for criminal offending)** Adjust the drafting of the amendments to align with the existing structure of section 161 of the Act, to avoid unintended gaps in coverage
Agree / Disagree / Discuss
- iv. **(Deportation liability for visas granted in error)** Expand changes to apply to all visas rather than being specific to residence class visas only
Agree / Disagree / Discuss
- v. **(Deportation liability for visas granted in error)** Create an additional category of visas that are void from the outset, which would include:
 - i. a visa granted to a person by the Minister (under section 61) to whom there is a deportation order or removal order in force
 - ii. visas granted to a New Zealand citizen
 - iii. a temporary visa granted to the holder of a residence class visa, unless it was granted due to a previous error (under section 68).
Agree / Disagree / Discuss
- vi. **(Extending the timeframe for issuing certain employer infringement offences)** Delay the commencement of the amendment by 12 months after Royal assent, to enable MoJ to make necessary ICT changes and allow for new MBIE processes to be developed
Agree / Disagree / Discuss
- vii. **(Enabling applicants for residence to benefit from policy changes)** Specify that the amendment will only apply to immigration instructions certified after the Bill achieves Royal assent
Agree / Disagree / Discuss

Drafting decisions sought under your delegated authority – infringement offences

- i. **Note** that Cabinet agreed, subject to implementation costs, to increase the time-limit for MBIE to complete procedural requirements for the employer infringement offences at sections 359A(1)(a) and (b) of the Act (currently six months from the date of the offending), to 12 months from the date MBIE became aware of the offending, or six years from the date of the offending (whichever is sooner) [ECO-25-MIN-0093]
Noted / Discuss
- j. **Note** that the drafting to give effect to this policy has proven to be very complex, due to the fact that the change introduces two timeframes, and interacts with (and requires amendments to) the Summary Proceedings Act 1957 and the Criminal Procedure Act 2011
Noted / Discuss
- k. **Note** that to address these issues, officials now recommend a revised drafting approach, which would see only one timeframe – the six year limit – established in the Act, and the other 12-month timeframe prescribed in operational guidance and published on MBIE’s website
Noted / Discuss
- l. **Agree** to the broad revised drafting approach as set out in recommendation k, noting that we are still working through some details with the PCO and MoJ
Agree / Disagree / Discuss

- m. **Note** that, on 8 December 2025 you agreed to include two new employer infringement offences in the Bill, rather than via regulations [0019618], for:
- i. providing false or misleading information, or withholding relevant information (for example, in an accreditation or job check application)
 - ii. failing to provide documents when requested under section 277 of the Act (which allows an immigration officer to enter an employer's premises and request wage and time records)

Noted / Discuss

- n. **Note** that LDAC **Legal** have raised concerns about the proposed false or misleading information infringement offence, on the grounds that whether information is 'false' or 'misleading' is often not a straightforward issue of fact (and therefore inconsistent with the 'black and white' nature of infringement offences), and MoJ has latterly raised similar issues

Noted / Discuss

- o. **Note** that, to address this issue:

- i. the MoJ proposed alternative language, which we support, that would make it an infringement offence to provide "erroneous" (or similar), rather than "false and misleading", information, and
- ii. we are confirming the exact wording of the draft (potentially "incorrect and / or incomplete") with PCO

Noted / Discuss

- p. **Agree** to the revised drafting approach as set out in recommendation o, noting that the exact wording is to be confirmed with PCO

Agree / Disagree / Discuss

- q. **Note** that the decisions in recommendation h are included in the attached draft LEG paper for noting by Cabinet, alongside drafting decisions you have previously taken, while recommendations l and p are presented in the paper for Cabinet's agreement.

Noted / Discuss



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

Hon Erica Stanford
Minister of Immigration

..... / /

29 / 01 / 2026

A draft version the ERM LEG paper is attached for consultation

1. On 18 December 2025, the Leader of the House wrote to you confirming that the Immigration (Enhanced Risk Management) Amendment Bill (the Bill) is being prioritised for progress in the House in Quarter 1 2026.
2. We have prepared a draft LEG paper (attached at **Annex One**) for your feedback, and Ministerial consultation. The consultation version of the Bill is still being finalised by Parliamentary Counsel Office (PCO) and will be provided to your office early next week.
3. We seek feedback from Ministerial consultation by close of play on 17 February 2026, in order that the final version of the paper can be lodged on 26 February 2026 for consideration by LEG on 5 March 2026.
4. Due to timing constraints, agency consultation will be undertaken concurrently with Ministerial consultation. We will advise you if any significant issues are raised by agencies.

The LEG paper seeks approval to introduce the Bill and confirmation of two policy decisions

5. Cabinet authorised you to make decisions, consistent with the policy proposals in the Cabinet papers under ECO-25-SUB-0084 and ECO-25-SUB-0093, on issues arising during the drafting and consultation process [ECO-25-MIN-0084 and ECO-25-MIN-0093].
6. The LEG paper asks Cabinet to agree to the Bill being introduced on 12 March 2026. It also asks Cabinet to:
 - a. note 15 drafting decisions you have taken under your delegated scope of decision making (refer to paragraph 7), comprised of:
 - i. six changes you agreed on 19 August 2025 [0018175]
 - ii. one change you agreed on 8 December 2025 [0019618]
 - iii. one change you agreed on 27 January 2026 [0026002] to clarify the use of the power at section 58(6) of the Act to decline a residence application
 - iv. seven further decisions set out in the following section.
 - b. confirm two material decisions:
 - i. the revised approach to extending the time available for MBIE to issue certain employer infringement offences (advice provided from paragraph 9 below);
 - ii. the revised approach to establishing two new employer infringement offences (i.e. in the Act via this Bill, rather than in regulations, as previously indicated) (advice provided in 0019618 and from paragraph 17 below).
7. As set out in [0026002], drafting to clarify the use of section 58(6) will not be included in the version of the Bill for introduction, but the amendment is included for Cabinet's noting in the LEG paper and we are currently seeking a RIS exemption. The intention is for this change to be signalled at the point of introduction and incorporated in the Bill at a later date.

We seek your agreement to nine changes that have arisen during drafting

Seven decisions for Cabinet's noting

8. We seek your agreement, under your delegated authority, to decisions on seven minor issues that have arisen during the drafting process. These are set out in Table One below:

Table One: Drafting decisions requiring Ministerial agreement and noting by Cabinet

Proposal	Existing Cabinet decision	Decision sought
<p>Deportation liability relating to the provision of false or misleading information</p>	<p>Cabinet agreed [ECO-25-MIN-0084, rec 10.1] to clarify that residence class visa holders are liable for deportation if false or misleading information is provided in any document relating to an immigration matter, and that having provided false or misleading information in any immigration matter is a character issue and grounds for declining a visa.</p>	<p>The Cabinet minute is limited to false and misleading information provided in documents. We seek your agreement that this amendment also capture information provided orally (e.g. in interviews), and circumstances where relevant information has been concealed.</p> <p>We seek your agreement that these changes come into effect three months after Royal assent, to allow time for the implementation of consequential changes to immigration character instructions.</p>
<p>Deportation liability of resident class visa holders for criminal offending</p>	<p>Cabinet agreed [ECO-25-MIN-0084, rec 7] to strengthen the deportation liability framework, by extending the period during which residence class visa holders may automatically become liable for deportation if they have been convicted of a crime.</p>	<p>The phrasing using in the Cabinet recommendation was an attempt to describe the proposed changes in a plain-language way. We seek your agreement to align with the drafting of the amendments with the existing structure of section 161. This change preserves the Cabinet-agreed deportation thresholds but expresses the relevant timeframes as offences committed “not later than” specified years after first holding a residence class visa, to avoid unintended gaps in coverage and ensure the policy intent is fully implemented.</p>
<p>Deportation liability for visa granted in error</p>	<p>Cabinet agreed [ECO-25-MIN-0084, rec 10.2] to clarify that residence class visa holders are liable for deportation if their visa was granted despite it not being lawful to do so under the Act.</p>	<p>The Cabinet decision was inadvertently specific to residence class visa holders. We seek your agreement that this change be extended to all visa holders.</p> <p>We seek your agreement to the creation of an additional category of visas that are void ab initio (from the outset) under the Act. This category would include:</p> <ul style="list-style-type: none"> • a visa granted to a person under section 61 for whom there is a deportation order or removal order in force • visas granted to a New Zealand citizen • a temporary visa granted to the holder of a residence class visa (unless it has been done under s.68 (Grant of further visa where visa granted in error)).
<p>Extending the timeframe for issuing certain employer infringement offences</p>	<p>Cabinet agreed [ECO-25-MIN-0093, rec 3] to increase the time limit for MBIE to complete procedural requirements for the employer infringement offences at sections 359A(1)(a) and (b) of the Act (currently six months from the date of the offending) to 12 months from the date MBIE became aware of the offending, or six years from the date of the offending (whichever is sooner).</p>	<p>You had previously agreed that this amendment would come into effect eight months after Royal assent to enable the Ministry of Justice (MoJ) to make necessary ICT changes [0018175]. Following further discussions with MoJ and MBIE operational colleagues, we understand allowing further time would be prudent.</p> <p>We seek your agreement that this amendment come into effect 12 months after Royal assent.</p>
<p>Enabling applicants for residence to benefit from policy changes</p>	<p>Cabinet agreed [ECO-25-MIN-0084, rec 17] to amend the Act to enable applicants for a residence class visa to benefit when policy settings change after they have submitted an application.</p>	<p>We seek your agreement that this amendment only apply to immigration instructions certified after the Bill achieves Royal assent.</p>

Two decisions for Cabinet's agreement

Decision One: extension of the time available to issue certain infringement offences

9. On 25 June 2025, the Cabinet Economic Policy Committee (ECO) agreed, subject to implementation costs, to increase the time-limit for MBIE to complete procedural requirements for the employer infringement offences at sections 359A(1)(a) and (b) of the Act (currently six months from the date of the offending) to 12 months from the date MBIE became aware of the offending, or six years from the date of the offending (whichever is sooner) [ECO-25-MIN-0093].
10. The policy rationale for the change is that for two of the employer infringement offences in the Act¹, it is not always possible to issue an infringement notice within the timeframes stipulated in the Summary Proceedings Act 1957. This is because exploited migrants often do not report their employer until after the employment relationship has broken down, and some more complex investigations can take longer than 90 days to complete.
11. The drafting to give effect to this policy has proven to be very challenging, due to the fact that the change introduces two timeframes, and interacts with (and requires amendments to) the Summary Proceedings Act 1957 and the Criminal Procedure Act 2011.
12. Legal professional privilege
We propose only one time limit – “six years after the date on which the infringement offence is alleged to have been committed” be established in the Act.
13. This wording aligns with that already used in the Summary Proceedings Act 1957. It also acts as a limitation period and means that MBIE cannot issue infringement notices for alleged offending committed longer than six years previously, even if it has just become aware of the offending, which we consider to be balanced and appropriate from a policy perspective. An example is that an employer could have legitimately destroyed their wage records by the time they received the infringement notice, because they are only required to retain employment records for six years.
14. Our view is that a 12-month limit (from the date MBIE became aware of the offending) is still important to ensure that infringement offences are issued in a timely manner. We propose to establish this timeframe as operational guidance (published on our website) rather than prescribed in the Act. In practice it will mean a notice must be issued within nine months (allowing the standard timeframes for the recipient to subsequently dispute the fine).
15. It is possible that some stakeholders who were consulted on the Bill may notice that the implicit protection against MBIE sitting on reported offences then infringing years later has been removed. However, this protection will remain in the operational processes, and will be documented in material provided to the Committee.
16. We seek your agreement to this broad approach, noting that we are still working through the detail with PCO and MoJ.

Decision two: Infringement offence for providing false or misleading information

17. On 8 December 2025 you agreed to include two new employer infringement offences in the Bill, rather than via regulations [0019618], for:
 - a. providing false or misleading information, or withholding relevant information (for example, in an accreditation or job check application)

¹ Section 359A(1)(a) and (b) - relating to an employer hiring somebody without a valid visa, or in breach of their visa conditions

- 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 request wage and time records).
18. While the original intention had been to establish these offences in regulations after the Bill achieved Royal assent, [REDACTED] Legal professional privilege [REDACTED]
19. When we originally consulted on the Bill's policy, LDAC raised concerns about the suitability of an infringement offence for the provision of false or misleading information. They noted that whether information is 'false' or 'misleading' is often not a straightforward issue of fact but rather subject to interpretation and context, and therefore inconsistent with the 'black and white' nature of infringement offences. This would also apply where information had been 'concealed' or 'withheld'. The MoJ, which had until recently been supportive of the proposed new infringement offence, has latterly raised similar concerns to those raised by LDAC.
20. MoJ has proposed alternative drafting that would largely address these concerns. They propose making it an infringement offence to provide "erroneous" (or similar), rather than "false and misleading", information. We are supportive of this approach and are confirming the exact wording of the draft (potentially "incorrect and / or incomplete") with PCO.
21. We seek your agreement to this revised approach.

Next steps

22. Upcoming key milestones for the Bill are set out in Table Two below.
23. We are also working to provide you with advice on the proposals to protect the protection system. Any changes to the Act would require Cabinet policy decisions. The intention is to be able to signal these changes at the point of the Bill's introduction.

Table Two: Key milestones for the Bill

Date	Milestone
Monday 2 February	Feedback provided to officials by Office on draft LEG paper
Tuesday 3 February	Consultation version of Bill and updated draft LEG paper (if required) provided to Office for Ministerial consultation
Wednesday 4 February to Tuesday 17 February	Ministerial consultation on draft LEG paper and Bill
Thursday 19 February	Updated LEG paper, Bill and Departmental Disclosure Statement (DDS) provided to Minister
Wednesday 25 February	Package of proactive release material provided to office
Thursday 26 February	LEG paper, Bill and DDS lodged with Cabinet Office
	House pack (including draft speech notes and draft press release) provided to Minister
Early March TBC	Prep session with officials prior to introduction
Thursday 5 March	LEG considers LEG paper and Bill
Monday 9 March	Cabinet considers LEG paper and Bill
Thursday 12 March (TBC)	Introduction
Tuesday 24 March (TBC)	First Reading and referral to Committee
	Proactive release material published on MBIE website

Annex

Annex One: Draft Cabinet paper for consultation: *Immigration (Enhanced Risk Management) Amendment Bill: Approval for Introduction*

Annex One: Draft Cabinet paper for ministerial consultation: *Immigration (Enhanced Risk Management) Amendment Bill: Approval for Introduction*