



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

Approval to lodge second Cabinet paper for Enhanced Risk Management Amendment Bill and further policy advice

Date:	17 June 2025	Priority:	Urgent
Security classification:	In Confidence	Tracking number:	0015523

Action sought		
	Action sought	Deadline
Hon Erica Stanford Minister of Immigration	Approve the lodgement of the attached Cabinet paper, for discussion at ECO on 25 June 2025	18 June 2025

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Stacey O'Dowd	Manager, Immigration (Border & Funding) Policy	Privacy of	✓
Isaac Holliss	Principal Advisor, Immigration (Border & Funding) Policy	Privacy of	

The following departments/agencies have been consulted
The following agencies were consulted on the Cabinet paper: The Departments of Corrections, Internal Affairs and the Prime Minister and Cabinet; the Ministries for Ethnic Communities and Pacific Peoples, the Ministries of Foreign Affairs and Trade, and Justice, the Office of the Privacy Commissioner, and the Treasury.

Minister's office to complete:

Approved

Declined

Noted

Needs change

Seen

Overtaken by Events

See Minister's Notes

Withdrawn

Comment



BRIEFING

Approval to lodge second Cabinet paper for Enhanced Risk Management Amendment Bill and further policy advice

Date:	17 June 2025	Priority:	Urgent
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Purpose

To provide you with:

- A Cabinet paper, *Proposed amendments to the Immigration Act 2009: Immigration (Enhanced Risk Management) Amendment Bill – further decisions*, for lodgement (**Annex One**)
- Further advice on the deportation liability reset period.

Recommended action

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

- a. **Note** that your office circulated the draft Cabinet paper *Proposed amendments to the Immigration Act 2009: Immigration (Enhanced Risk Management) Amendment Bill – further decisions* for Ministerial feedback by Tuesday 17 June 2025

Noted / Discuss

- b. **Note** no Ministerial feedback was received on the paper

Noted / Discuss

- c. **Note** that the final version of the paper has minor changes, following agency and legal review, and feedback from your office

Noted / Discuss

- d. **Note** that further work is underway with the Ministry of Justice, to address concerns from the Legislation Design Advisory Committee regarding the proposed extension of timeframes for issuing infringement offences for migrant exploitation offences

Noted / Discuss

- e. **Note** that there may be a small cost required to fund changes to the Ministry of Justice's IT system that manages infringement offences, in order to extend the infringement offence timelines beyond the current standard periods, and that work is underway to confirm if this is required, and confirm whether any other steps are required to implement this change

Noted / Discuss

- f. **Note** that the Office of the Privacy Commissioner has requested that their concern about the privacy risks associated with the information sharing proposal be reflected in the Cabinet paper, and we have included their comment in the consultation section

Noted / Discuss

- g. **Note** that the information sharing proposal takes account of the sensitivity of immigration information, and balances more efficient information sharing with appropriate measures to protect information from misuse, including preserving a central role for the Privacy Commissioner when creating information sharing agreements under the Act

Noted / Discuss

- h. **Note** that further information has been provided about the 'five-year reset' period, which allows for someone's time in New Zealand to be 'reset' for the purposes of deportation liability

Noted / Discuss

- i. Confidential advice to Government

Agree / Disagree / Discuss

- j. **Note** that

- i. the Cabinet paper for lodgement is attached at **Annex One**
- ii. draft talking points, to support you at ECO, will be sent to your office on Wednesday 18 June

Noted / Discuss

- k. **Agree** to lodge the Cabinet paper with Cabinet Office by 10am Wednesday 18 June 2025.

Agree / Disagree / Discuss



Stacey O'Dowd
**Manager, Immigration Policy
(Border and Funding)**
Labour, Science and Enterprise, MBIE
17/06/2025

Hon Erica Stanford
Minister of Immigration

..... / /

A final version of the Cabinet paper is attached for lodgement

1. Your office has completed ministerial consultation on the draft Cabinet paper, *Proposed amendments to the Immigration Act 2009: Immigration (Enhanced Risk Management) Amendment Bill – further decisions*, which seeks agreement to the second set of policy proposals for the ERM Bill [0013339], and officials have completed agency consultation.
2. No Ministerial feedback was received. Following agency and legal review, the final version of the paper attached includes minor changes since the version you last reviewed:
 - the language has been tightened or edited for clarity and brevity;
 - Proposal one: Extend the time MBIE can issue infringement offence notices to up to 270 days from the date MBIE became aware of the offending:
 - i. a concern raised by the Legislative Design Advisory Committee (LDAC) has been added. LDAC consider that the proposal is inconsistent with Legislation Guidelines, which recommend that all infringement regimes should follow the timelines set out in the Summary Proceedings Act 1957;
 - ii. we have added a reference to a possible cost, still to be determined, that MBIE may incur in order for the Ministry of Justice to alter its systems to reflect the change to infringement offence timelines (the systems are used by other government agencies and all local councils to follow up on overdue infringement fees, and are constructed around the standard timing, as above, set out in the Summary Proceedings Act 1957);
 - iii. to reflect the above two bullet points, and further work needed with the Ministry of Justice to clarify requirements, we have added a recommendation that invites the Minister of Immigration to make final policy decisions in consultation with other relevant portfolio Ministers, as required (we anticipate this is likely to be the Minister of Justice).
 - Proposal three: Limit humanitarian appeal rights to the Immigration and Protection Tribunal (IPT) for all visitor visa holders, and all other categories of temporary visa holders if they commit crimes:
 - i. at the request of your office, we have clarified that this change would affect the recently-announced Parent Boost Visa, as well as the existing Partner, and Parent and Grandparent Multi-entry Visitor Visas, because they are visitor visas.
 - Proposal four: Prevent asylum claimants who withdraw their claims from applying for any other type of visas while they remain onshore (proposed to take effect when the Bill is introduced to prevent a surge in claims seeking to apply under existing settings):
 - i. at the request of your office, we have added more data in support of this change, noting that the changes could reduce pressure on the asylum system;
 - Proposal five: Modernise and improve information sharing provisions, including accommodating for digital credentials:
 - i. The Office of the Privacy Commissioner has asked for a paragraph to be added to the Cabinet paper to reflect their concern that the information sharing proposal are not warranted, and could undermine trust in how their immigration information may be shared (further information is set out in the next section).

Further work is required on the proposal to extend the time available for infringement offence notices to be issued

3. One of the proposals in the ERM Bill is to extend the time MBIE can issue infringement offence notices for migrant exploitation offences to up to 270 days from the date MBIE became aware of the offending, from the current de facto 90 days. Migrant exploitation is distinct from some other infringement offences, in that MBIE often becomes aware of it only after the employment relationship has broken down between the offending employer and the employee.
4. LDAC noted this proposal would mean the timeframes no longer match with those in the Summary Proceedings Act 1957, which is administered by the Ministry of Justice (MoJ). LDAC is concerned that a change to some immigration offence timelines undermines the consistency of the wider infringement regime system as a whole, creating risks of anomalies and workability problems. MoJ were supportive of the change.
5. We are working with the MoJ and LDAC, on how we might achieve the policy intent – to ensure infringements can be used for certain migrant exploitation infringement offences – while minimising risks of departing from a well-established regime. In addition, MoJ recently advised that departing from the current and standard regime (where infringement offences must be issued within six months of the date of offending) may also require changes to MoJ’s Electronic Filing of Infringements system. The system currently rejects new filings where the offence date is more than 6 months from the filing date. We are working with MoJ on how the change could be implemented within baselines.
6. In order to progress this proposal and allow time to work through the issues, the Cabinet paper includes a recommendation that invites you to finalise the details relating to these proposals, including working with other relevant portfolio Ministers where it crosses multiple portfolios (as above, most likely to be the Minister of Justice).

The Privacy Commissioner has provided their view that the risks of the information sharing proposals outweigh the benefits

7. As part of the process for developing the information sharing proposal (to modernise and improve information sharing provisions, enhance transparency provisions, and enable support for digital credentials), MBIE has consulted with the Office of the Privacy Commissioner (OPC) on the policy proposal and Regulatory Impact Statement (RIS).
8. OPC has indicated it has concerns about the information sharing proposal, summarised in Table One below (along with our response).
9. MBIE recognises the sensitive nature of immigration information and the potential impact on people if their personal information is misused. For this reason, the proposal balances the benefits of more efficient information sharing (for instance to better combat transnational organised crime), with safeguards to protect against the misuse of personal information. A number of safeguards are proposed which build on the existing protections in the Immigration Act, including confirming the role of the Privacy Commissioner, who would need to be consulted on any information sharing agreements made under the Act, and who would be able to set reporting requirements on agreements.

Table One: Summary of Privacy Commissioner feedback and MBIE's response

OPC feedback	MBIE explanation and response
Some of the sharing purposes proposed replicate those in the Privacy Act 2020 exceptions (but at a lower level), which is not appropriate or justified	We have accepted the OPC recommendation by altering the threshold of the sharing purposes proposed from “ <i>assisting a government agency to carry out its functions related to, or involving...</i> ” to providing what is “ <i>reasonably necessary to enable a government agency...</i> ” We do not consider this will inhibit the intent of the policy change.
The disapplication of information privacy principles (IPP) 10 and 11 of the Privacy Act 2020 is unjustified ¹	MBIE has proposed a number of privacy protections to maintain the protection of personal information as part the revised information sharing provisions, including that the Privacy Commissioner will continue to be consulted before agreements are made or amended, and will also have the power to require reporting. The Cabinet paper includes a recommendation that provides flexibility if additional safeguards become necessary during the drafting and consultation processes.
Existing mechanisms facilitate the sharing of information for specific purposes	MBIE considers that broadening the information sharing framework will better facilitate (and make more efficient) the sharing of information between MBIE, other government agencies, the courts and the private sector, without the need to substantially rely on alternative methods for disclosure contained in the Privacy Act. This will enhance government agencies' capacity to manage risks to New Zealand, and better reflect the changing risk environment the system is facing.
The case has not been made to justify such broad information sharing in a way that is incompatible with the Privacy Act	MBIE considers that the present risk environment has significantly developed since the privacy protections in the Act were created, and that the proposed improvements to the provisions of the information sharing framework will better align the Immigration Act with government initiatives, including the Transnational and Serious Organised Crime Strategy.
The sharing of immigration information (including highly sensitive personal information) with unlisted government agencies, private sector agencies, and the courts, could seriously undermine the trust that people have with how their immigration information may be accessed by any agency for overly broad purposes.	While MBIE acknowledges that broadening the information sharing framework may give rise to concerns about potential privacy risks, such as the misuse of personal information, we note that this is a further justification for disclosure needing to be clearly set out in the Immigration Act and being clearly subjected to appropriate accountabilities or safeguards. The proposal to include a ‘transparency provision’ in the Immigration Act will also improve transparency in regards to how MBIE handles information it holds.
Only responsible Ministers should be able to make information sharing agreements, not chief executives	MBIE proposes to engage further with OPC and provide you with further advice as part of the drafting process (if the proposals are agreed).

Out of scope

¹ IPP 10 states that personal information must only be used for the purpose it was originally collected. IPP 11 restricts the disclosure of personal information to third parties, only permitting disclosure if it aligns with the original purpose, where the individual has authorised it, or where it falls under certain exceptions.

Out of scope

Confidential advice to Government

Next steps

20. Subject to your agreement, The Cabinet paper should be lodged by 10am on Wednesday 18 June 2025. Following ECO's and Cabinet's consideration of the proposals, we will work with MBIE Legal to develop drafting instructions for Parliamentary Counsel Office (PCO) as soon as

possible. The first set of drafting instructions, covering the first set of proposals, are well developed and will be provided to PCO on 18 June.

21. The key upcoming milestones for the project are set out in the table below:

Table Two: Upcoming milestones for the ERM Bill

Date	Milestone
Wednesday 18 June 2025	Paper lodged
Wednesday 25 June 2025	ECO considers paper
Monday 30 June 2025	Cabinet confirms paper
September 2025 (date TBC)	Exposure draft of the Bill to be released to targeted stakeholders
Thursday 23 October 2025	Bill considered by LEG for approval to introduce

Annexes

Annex One: Cabinet paper for lodgement: *Proposed amendments to the Immigration Act 2009: Immigration (Enhanced Risk Management) Amendment Bill - further decisions*

Annex One: Cabinet paper for lodgement: *Proposed amendments to the Immigration Act 2009: Immigration (Enhanced Risk Management) Amendment Bill – further decisions*
