



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

Draft Cabinet paper and update following targeted consultation on the Immigration (Enhanced Risk Management) Amendment Bill

Date:	8 May 2025	Priority:	High
Security classification:	In Confidence	Tracking number:	REQ-0013339

Action sought		
	Action sought	Deadline
Hon Erica Stanford Minister of Immigration	<p>Note the results of consultation on the proposed Immigration (Enhanced Risk Management) Amendment Bill (the Bill)</p> <p>Provide feedback on the draft Cabinet paper seeking policy decisions for the Bill</p>	12 May 2025

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

The following departments/agencies have been consulted
<p>The following entities have been consulted in the policy development process for the amendment Bill: The Chief Victims Advisor, Department of Corrections, Department of Internal Affairs, Health New Zealand, Immigration and Protection Tribunal, Inland Revenue Department, Legislation Design Advisory Committee, Ministry of Education, Ministry for Ethnic Communities, Ministry of Foreign Affairs and Trade, Ministry of Justice, Ministry for Pacific Peoples, New Zealand Police, Office of the Ombudsman, Office of the Privacy Commissioner, and The Treasury.</p> <p>Agency consultation on the draft Cabinet paper will commence on 8 May 2025.</p>

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 |

Comments



BRIEFING

Draft Cabinet paper and update following targeted consultation on the Immigration (Enhanced Risk Management) Amendment Bill

Date:	8 May 2025	Priority:	High
Security classification:	In Confidence	Tracking number:	REQ-0013339

Purpose

To report back following initial consultation with stakeholders on legislative amendments proposed for inclusion in the Immigration (Enhanced Risk Management) Amendment Bill (the Bill), and provide you with a draft Cabinet paper seeking agreement to the first set of policy decisions for the Bill. Your feedback to officials by 12 May will enable:

- an updated Cabinet paper for you to consult with your ministerial colleagues from 16 May, and
- the final package of papers to be submitted to you on 27 May, for lodgement on 29 May.

Executive summary

Since we last engaged with you on the scope of the Bill [REQ-0011382], we have consulted externally and developed a draft Cabinet paper.

Stakeholders generally supported the proposed changes in the Bill. While the consultation raised useful points, there were no major barriers identified to progressing the amendments. Themes from the consultation include:

- considering the net potential impacts on the wider system from limiting appeal rights for temporary class visa holders to the wider system, including the Immigration and Protection Tribunal (IPT) and courts
- ensuring that the rights of the child and other dependents are upheld when considering limiting appeal rights for some temporary visa holders, and changes to the deportation liability framework, and
- the importance of potential asylum applicants receiving suitable advice (e.g. from the immigration legal bar) before they submit a claim, given the proposed restriction on withdrawals of claims.

The draft Cabinet paper covers the following four policy proposals:

- extend the period in which residence class visa holders can become liable for deportation when convicted of a crime, and make minor amendments to other deportation settings
- enable the electronic service of deportation liability notices where a physical address cannot be located
- implement the final legislative recommendation from the 2022 Victoria Casey KC review of the detention of asylum seekers, and
- enable residence class visa applicants to benefit when visa settings change.

We remain on track to introduce the Bill in late October 2025. We have commenced agency consultation on the draft Cabinet paper, with ministerial consultation scheduled for 16 May, to enable Cabinet Economic Policy Committee (ECO) consideration of the paper on 4 June. We will develop a separate draft Cabinet paper to seek policy decisions on the remainder of the legislative proposals, which we will provide to you on 29 May.

Recommended action

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

- a **Note** that a short round of initial consultation with targeted stakeholders has revealed no major barriers to proceeding with the proposed set of amendments you agreed to for the Bill
Noted
- b **Note** that this draft Cabinet paper seeks policy decisions for the objectives and scope of the Bill, and the first set of policy proposals:
- i. extend the period in which residence class visa holders can become liable for deportation when convicted of a crime, and make minor amendments to other deportation settings
 - ii. enable the electronic service of deportation liability notices where a physical address cannot be located
 - iii. implement the final legislative recommendation from the 2022 Victoria Casey KC review of the detention of asylum seekers, and
 - iv. enable residence class visa applicants to benefit when visa settings change
Noted
- c **Note** that we will consult with agencies from 8 to 14 May, and can provide you with an updated Cabinet paper for consulting with your ministerial colleagues from 16 to 25 May
Noted
- d **Agree** to provide feedback on the attached draft Cabinet paper (**Annex One**) and discuss with officials on Monday 12 May.

Agree / Disagree / Discuss



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

Hon Erica Stanford
Minister of Immigration

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08 / 05 / 2025

Background

1. Officials have been further developing the proposals for the Immigration (Enhanced Risk Management) Amendment Bill (the Bill) based on your decisions on the scope, and timing [REQ-0011382 refers].

Feedback from consultation on the proposed Bill

2. You agreed that we should consult the set of proposals with a range of external stakeholders [REQ-0011382 refers]. We have now completed consultation on the proposals. Stakeholders were provided with a summary of the proposals, with more detailed consultation to occur with the exposure draft in September.

Consultation was broadly positive about the suite of proposed amendments

3. Between 2 and 6 May, we consulted with the following external stakeholders on a summary of the proposals:
 - The Chief Victims Advisor
 - The Immigration New Zealand Focus Group
 - The Immigration and Protection Tribunal (IPT)
 - The Legislation Design Advisory Committee (LDAC)
 - The New Zealand Law Society
 - The Office of the Privacy Commissioner
 - The Office of the Ombudsman
 - Members of the immigration refugee bar.
4. We consulted fewer entities than originally indicated, **Confidential advice to Government**. We did not consult with:
 - Certain advocacy groups relevant to refugee policy (such as Amnesty International)
 - New Zealand Refugee Advisory Panel
 - United Nations High Commissioner for Refugees.
5. Feedback from stakeholders was generally positive about the feasibility of the proposals and their ability to deliver on the objectives of the legislation as summarised below:
 - The IPT has a significant backlog of cases, with 1,128 cases received in the 2023/24 year, and a significant increase in the 2024/25 year to date and an average age of cases 'on hand' of 172 days (increased from 116 days in 2023/24. **Limiting the appeal rights** for some temporary class visa holders is likely to reduce the caseload of the IPT (we estimate by approximately 100-120 cases). However, other proposals may increase the IPT's caseload, and the net impact is unclear. Officials will undertake further modelling to estimate this.
 - Furthermore, even if the changes result in a net decrease to IPT caseload (which is unclear at this point), the other parts of the system may receive more pressure. For instance, without the IPT as an avenue for appeals, there may be increased

applications for Judicial Review (on MBIE decision-making), complaints to the Office of the Ombudsman, or requests for ministerial intervention.

- The IPT supported proceeding with your preferred option on limiting appeal rights for temporary visa holders. The primary objective of this amendment is to deter criminal offending and rebalance appeal rights between temporary and residence class visa holders.
- When **limiting the appeal rights** for some temporary class visa holders, there may be impacts on dependents of those visa holders, including partners and children. While our view is that there is sufficient discretion in the Immigration Act 2009 (the Act) to take this into account, it will be important to ensure the changes do not inadvertently remove this discretion.
- Members of the immigration refugee bar were not supportive of the proposal to prevent **asylum claimants who withdraw their claim from applying for further visas**. However, they did see value in clarifying the law. Other stakeholders noted the importance that these changes are communicated effectively to ensure that potential claimants receive suitable advice before they submit a claim, given the potential implications of later withdrawing a claim.
- Most stakeholders agreed that the **information sharing** proposals would be a useful modernisation of the Act and provide other agencies with better access to necessary information. However, some questioned the need for change. Officials will continue to engage (including with the Office of the Privacy Commissioner) to ensure the changes are justified with clear use-cases, and contain sufficient privacy safeguards.

We seek your feedback on the attached draft Cabinet paper

6. We have now developed the draft paper attached at **Annex One**, which seeks Cabinet agreement to the first set of policy proposals to:
 - extend the period in which residence class visa holders can become liable for deportation when convicted of a crime, and make minor amendments to other deportation settings
 - enable the electronic service of deportation liability notices where a physical address cannot be located
 - implement the final legislative recommendation from the 2022 Victoria Casey KC review of the detention of asylum seekers, and
 - enable residence class visa applicants to benefit when visa settings change.
7. **Appendix One** to the Cabinet paper provides a summary of the entire set of policy changes proposed for the Bill. **Appendix Two** to the Cabinet paper provides a summary of each of the above four proposals for which agreement is sought in the Cabinet paper.
8. The draft Cabinet paper also reflects feedback from consultation, although we note there have been no substantive changes based on consultation.

Next steps

9. Key next steps include:

Action	Date
<i>First set of policy proposals</i>	
Draft Cabinet paper provided for feedback	8 May
Agency consultation	8 – 14 May
Ministerial consultation	16 – 24 May
Cabinet paper lodged	29 May
ECO consideration	4 June
Drafting instructions provided to PCO	18 June
<i>Second set of policy proposals</i>	
Draft Cabinet paper provided for feedback	29 May
Agency consultation	2 – 6 June
Ministerial consultation	9 – 18 June
Cabinet paper lodged	19 June
ECO consideration	25 June
Drafting instructions provided to PCO	9 July
PCO works with MBIE to draft the Bill from 9 July to 1 September [7 weeks]	

Annexes

Annex One: Draft Cabinet Paper - *Proposed amendments to the Immigration Act 2009: Immigration (Enhanced Risk Management) Amendment Bill*

Annex One: Draft Cabinet Paper - Proposed amendments to the Immigration Act 2009: Immigration (Enhanced Risk Management) Amendment Bill
