



COVERSHEET

Minister	Hon Erica Stanford	Portfolio	Immigration
Title of Cabinet paper	Proposed amendments to the Immigration Act 2009: Immigration (Enhanced Risk Management) Amendment Bill – additional decisions	Date to be published	17 April 2026

List of documents that have been proactively released

Date	Title	Author
4 March 2026	Proposed amendments to the Immigration Act 2009: Immigration (Enhanced Risk Management) Amendment Bill – additional decisions	Office of the Minister of Immigration
11 March 2026	Proposed amendments to the Immigration Act 2009: Immigration (Enhanced Risk Management) Amendment Bill – additional decisions ECO-26-MIN-0029 Minute	Cabinet Office

Information redacted

YES

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.

Some information has been withheld for the reasons of confidential advice to government, free and frank opinions, international relations, privacy of natural persons and confidential information entrusted to the government.

[In Confidence]

Office of the Minister of Immigration

Chair, Cabinet Economic Policy Committee

Proposed amendments to the Immigration Act 2009: Immigration (Enhanced Risk Management) Amendment Bill – additional decisions

Proposal

- 1 I propose a set of targeted amendments to the Immigration Act 2009 (the Act) to improve the integrity of the refugee and protection (asylum) system. This is the third set of policy decisions sought for the Immigration (Enhanced Risk Management) Amendment Bill (the Bill).

Relation to government priorities

- 2 My proposals support the Government objective of ensuring regulatory systems work well.

Executive Summary

- 3 On 9 and 25 June 2025, Cabinet agreed to the objectives and policy decisions for the Bill [ECO-25-MIN-0084 and ECO-25-MIN-0093].
- 4 New Zealand continues to experience large numbers of asylum claims and significant backlogs in determinations, consistent with global trends. As at 31 January 2026, there were 4,001 undecided claims on hand.
- 5 The average claim currently takes 487 days to be allocated to a processing officer, and 118 days from allocation to reach a determination. If appealed to the Immigration and Protection Tribunal (IPT), claims are currently taking on average a further eleven months to be determined. This means claimants can stay in New Zealand for approximately 935 days (two and a half years) before a final determination¹, and suggests the process may be being abused to obtain extended periods of time in New Zealand, during which claimants can work and access healthcare.
- 6 Large numbers of manifestly unfounded claims continue to put pressure on the system, risking its integrity and social licence. Approval rates remain low, with some high-volume claim cohorts having a less than one per cent approval rate. This has flow-on effects to the IPT, further prolonging claimants' stay in New Zealand.
- 7 I seek Cabinet's agreement to seven additional policy proposals to better protect the integrity of the asylum system:
 - 7.1 Create a consequence for failure to engage in the biometric process;
 - 7.2 Amend the consequences of acting in bad faith;
 - 7.3 Amend the IPT's ability to consider bad faith;
 - 7.4 Remove the ability to bring late appeals (after 10 days) to the IPT;
 - 7.5 For second and subsequent appeals, enable the IPT to find that the claimant's circumstances have not changed significantly regardless of whether the Refugee and Protection Officer (RPO) declined the claim on that basis;

¹ Varies considerably, for example depending on cohort.

- 7.6 Enable people who commit serious non-political crimes between entry to New Zealand and status determination to be excluded from refugee status; and
- 7.7 Create an authorisation to accept claimant-initiated withdrawals.
- 8 I note that there is an amendment in the introduction version of the Bill to prevent asylum claimants who withdraw their claims from applying for other visas, which is also intended to disincentivise misuse of the system.
- 9 Confidential advice to Government

Background

- 10 The right to seek asylum is recognised as a basic human right under the United Nations Declaration of Human Rights. New Zealand has obligations under various international instruments² which are incorporated into the Act. These prevent New Zealand from expelling or returning a refugee or asylum seeker to any place where their life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion. It also prevents expulsion if there are substantial grounds to believe that the individual would be in danger of torture. New Zealand must consider and determine all onshore refugee and protection claims to comply with our international obligations.
- 11 Asylum seekers are individuals who fear persecution in their home country, and seek protection in New Zealand through the asylum system. Their claims for protection are assessed by Immigration New Zealand (INZ) in the first instance. Successful claimants are recognised as refugees and can apply for residence which entitles them to the same rights to education, healthcare and social services as citizens. Claimants who do not meet the legal threshold for refugee status, but do have a genuine need of international protection, may be granted protected person status which can confer fewer benefits than those associated with refugee status.
- 12 Unsuccessful claimants can appeal the determination to the IPT, followed by the higher courts. They can also apply for judicial review of the process of either INZ or the IPT's decision.

This paper seeks agreement to seven proposals to better protect the asylum system

New Zealand continues to experience high numbers of asylum claims and backlogs

- 13 Since the border reopening in 2022, asylum claims have increased significantly, as shown in Appendix One. As at 31 January 2026, there were 4,001 undecided claims on hand, with 2,270 claims received in the year 2024/25. In the FY 2025/26 (to the end of February 2026), approximately 47 per cent of the claimants previously held visitor visas, 25 per cent held a work visa and 10 per cent student visas. Most appear to claim, on average, close to the expiry of their visa.
- 14 The average claim takes 487 days be allocated to a processing officer and 118 days from allocation to reach a determination. If appealed, it is currently taking on average, a further

² The 1951 Convention Relating to the Status of Refugees (the Convention) and its 1967 Protocol, the Convention Against Torture and Articles 6 and 7 of the International Covenant on Civil and Political Rights.

eleven months for the appeal to be determined. This means claimants are often staying in New Zealand for two and a half years before a final determination.

- 15 Approval rates remain low (25.5 per cent for 2025/26 and 23.3 per cent for 2024/25), with some claim cohorts (based on nationality and age) having a less than one per cent approval rate in the last two years. Similarly, the IPT received a 60 per cent increase in refugee and protection appeals in 2024/25.
- 16 Manifestly unfounded³ claims pose a risk to the integrity of the asylum system by draining resourcing, allowing disingenuous claimants prolonged access to the labour market (because claimants are granted a work visa) and other benefits, delaying determinations for genuine claimants, and undermining public confidence. INZ does not collect data on the number of claims that are manifestly unfounded or clearly abusive.⁴ However, it estimates that of the 4,000 claims on hand, Confidential advice to Government ██████████ Given the low approval rates for some cohorts, this estimate is likely to be conservative.

Improvements in processing have been made, but challenges remain

- 17 Resourcing and operational changes put in place in recent years have helped to improve processing. Changes include increased funding for INZ resourcing through Budget 2024 (\$10.3 million per annum), Confidential advice to Government ██████████ INZ is on track to make more than 1,600 decisions in FY2025/26, however, the rate of claims being received exceeds output.
- 18 Similar challenges are being faced globally. Officials have engaged with counterparts in the United Kingdom, Australia, and Canada, who report facing similar challenges and confirm that no single measure provides a complete solution. Likeminded countries need to work together to protect the global asylum system.
- 19 I seek agreement to seven proposals set out from paragraph 24 to improve the integrity of the refugee and protection system (one of the Bill's three objectives).
- 20 These proposals will close some gaps in the legislation, reinforce that New Zealand does not tolerate abuse of the system, and over time support more efficient claims' processing. Importantly, they will serve New Zealand's aim to tackle global challenges facing the system while affording protection to those who need it.

21 Confidential advice to Government ██████████

- 22 **Appendix Two** provides an overview of the complete set of changes proposed in the Bill. **Appendix Three** provides a comparison to other countries, where most applicable.

Proposal 1: Create a consequence for failure to engage in the biometric process

- 23 Section 149 of the Act enables an RPO to make a determination on refugee and protection status without further information where a claimant fails to attend an interview. There is no corresponding power where a claimant fails to engage in the biometric process, such as where they fail to attend an appointment for biometric information gathering and the information cannot be collected. Such behaviour further delays the process.

Free and frank opinions

⁴ As there is no specific legislative consequence for determining a manifestly unfounded first-time claim.

- 24 The collection of biometric data is used to verify identity, detect fraud and uphold border security. Between 1 October 2025 and 3 January 2026, 41 percent of the claimants booked to have their biometrics taken failed to attend their appointment.⁵ While this was a small sample size, being unable to collect biometric data causes delays in determinations which impact on the backlog.
- 25 I propose to amend the Act to enable an RPO to determine a claim without further information where the claimant has, without good reason, failed to engage with the biometric process.

Proposal 2: Amend the consequences of acting in “bad faith”

- 26 Bad faith is where a claimant makes a cynical attempt to create grounds for recognition as refugee, for example by deliberately undertaking a provocative political protest post-arrival and seeking social media attention. Where there is evidence that a claimant has acted in bad faith, section 134(3) requires an RPO to refuse to consider the claim, even where there is an underlying genuine protection need. RPOs are reluctant to use this provision due to the risk of refoulement.⁶
- 27 In addition, where these claims are appealed to the IPT, the IPT can only make a decision on the bad faith determination. As result, appeals are often allowed, and the Act then requires the IPT to return the claim back for a full determination by INZ. This prolongs the time the claimant remains in the asylum system, during which time they typically remain on a work visa and with access to social benefits. Although bad faith is estimated to currently be a factor in fewer than five cases a year, these claimants can remain in the system for several years taking up a disproportionate amount of resource.
- 28 I propose amending the consequences of acting in bad faith in the Act so that RPOs can refuse to consider the refugee claim but must consider the protection claim.⁷ This means that where bad faith exists and there is no genuine protection need, a full determination (ie decline of refugee and protected person status) could be made. I expect this provision to be used more than the existing one because the risk of non-refoulement is managed. If appealed, the IPT could determine the claim in full rather than remitting it back to INZ.
- 29 This change is intended to deal with bad faith claims more swiftly, particularly where there is no genuine protection need. It also ensures the system is more efficient by enabling the IPT to make a determination without remitting the claim to INZ and better manages the risk of refoulement and breaching our international obligations.

Proposal 3: Amend the IPT’s ability to consider bad faith

- 30 The IPT does not have the ability to consider bad faith if it has not been considered by INZ (ie the same behaviour described under Proposal 2 above). In particular, it is not able to consider the actions of the claimant between the determination of their claim at first instance, and the subsequent appeal. This limits the IPT from being able to exercise discretion in their consideration of a claim.
- 31 I propose amending the Act to provide the IPT with jurisdiction to consider acts of bad faith that occur at any point, whether before or after INZ makes its determination.

⁵ 85 had an appointment booked, 50 attended and 35 did not. This sample was part of INZ’s recent expedited processing trial.

⁶ Returning a claimant to a country where they may face persecution, torture or inhuman treatment.

⁷ Refugee status confers a greater suite of rights and entitlements than protected person status. Enabling an RPO to refuse to consider the refugee claim, but requiring consideration of the protected person claim strikes the right balance between upholding New Zealand’s international obligations, ensuring that the system disincentivises cynical actions to manufacture grounds for refugee status and enabling claims to be dealt with efficiently.

Proposal 4: Remove the ability to bring late appeals to the IPT

32 The Act currently requires appeals to be made within 10 working days of INZ’s decision to decline a claim for asylum. It also allows the IPT to accept late appeals, if it is satisfied that special circumstances warrant an extension. A very small number of appeals (fewer than five in 2025) are made out of time, but resourcing is required to process each of these requests, which diverts from assessing genuine claims and managing the backlog in appeals.

33 I propose amending the Act to remove the ability of the IPT to accept out of time appeals. I note that there are no indications that it is onerous to meet the 10-day timeframe. In addition, alternative protections are available as claimants will retain the right to make a request to the Minister to cancel or suspend liability for deportation,⁸ and to have a humanitarian interview at deportation where they can give good reasons why deportation should not proceed⁹).

Proposal 5: For second and subsequent appeals, enable the IPT to find that the claimant’s circumstances have not changed significantly regardless of whether the RPO declined the claim on that basis

34 The Act currently only allows the IPT to decline an appeal on the basis that the claimant’s circumstances have not changed significantly where this circumstance was an explicit ground for INZ’s decision. However, in some cases INZ may have declined the claim on another ground¹⁰, and have not specifically cited that there has not been a significant change in the claimant’s circumstances.

35 I propose amending the Act to allow the IPT to decline an appeal against a decline of a second or subsequent claim on the grounds that the claimant’s circumstances have not significantly changed. Alternative protection mechanisms exist, as described above for Proposal 4 at paragraph 33. This is likely to impact fewer than 10 cases per year, but would facilitate the IPT’s declining the appeal, supporting efficient management of caseload.

Proposal 6: Enable people who commit serious non-political crimes between entry to New Zealand and status determination to be excluded from refugee status

36 Article 1F of the 1951 Convention Relating to the Status of Refugees (the Convention) excludes certain persons from being granted refugee status. This is to maintain the integrity of the Convention, which was designed to recognise bona fide refugees, but also exclude those undeserving of benefiting from the rights and protections afforded by refugee status. The plain text of Article 1F(b) reads:

...the provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that...he has committed a serious non-political crime outside his country of refuge prior to his admission to that country as refugee.

37 As part of accepting a claim for consideration, section 137(2) of the Act requires the RPO to determine whether the claimant has committed a serious non-political crime¹¹ before entering New Zealand. This section interprets the Article 1F(b) wording “admission to that country as a refugee” as the point when the person physically enters New Zealand, rather than the point at which they are afforded refugee status. This means that a claimant can still be recognised as a refugee if they commit a serious crime *after* arriving in New Zealand, but not if they committed the same crime *before* entry. This creates an inconsistent and unfair outcome.

⁸ Section 172.

⁹ Sections 206 and 175A.

¹⁰ Where the claim fails to meet one of the grounds in the Convention.

¹¹ For example, rape and murder.

- 38 Although the instances are small, they can be extreme. For example, one case involved the rape, murder and disposal of the victim in horrific circumstances in New Zealand while a refugee and protection claim was being processed.¹² Another case involved an individual on a temporary visa who murdered his wife and attempted to murder another person. The individual was sentenced to life in prison and then filed a refugee and protection claim.¹³ Currently INZ is considering 14 claims from people who have committed serious offences in New Zealand.¹⁴
- 39 I propose amending the Act to redefine how New Zealand interprets Article 1F(b) of the Convention, to enable claimants who commit serious non-political offences in New Zealand up until the point they receive refugee status to be excluded from refugee status (and the residence benefits it confers). Where there is a genuine protection need, they may still be eligible for protection status, managing the risk of refoulement¹⁵.

International relations

- 43 Despite these views, I intend to progress the amendment, as ensuring that those who commit serious crimes between arriving in New Zealand and status determination are not afforded the benefits associated with refugee status is critical for maintaining the integrity and social licence of the asylum system.

Proposal 7: Create an authorisation to accept claimant-initiated withdrawal

- 44 An omission in the Act means that RPOs are not currently authorised to accept a claimant-initiated withdrawal of a claim for refugee and protection status in writing, despite this being standard operational practice.
- 45 I propose to amend the Act to enable an RPO to accept a claimant-initiated withdrawal of a claim for refugee and protection status to address this omission.

Confidential advice to Government

¹⁴ One person convicted for murder, five for serious drug offences, three for sexual offences, four for family violence, one for arson and one for burglary with a weapon.

¹⁵ In those cases, the Minister of Immigration would determine immigration status and entitlements. A person may be removed from New Zealand if the circumstances in their home country change.

Implementation

46 The proposals in this paper will come into effect on the day after Royal Assent. MBIE will develop an implementation plan to ensure the changes are implemented effectively.

Cost-of-living Implications

47 There are no cost-of-living implications associated with these proposals.

Financial Implications

48 The proposals in this paper have no direct financial implications. They are intended to create efficiencies and reduce some pressure on the immigration system and the IPT. However, the number of people impacted by the proposals is estimated to be small.

Legislative Implications

49 The Bill has been prioritised for progression in the House in Quarter 1 of 2026. Confidential advice to Government
I intend to table a Parliamentary Paper at First Reading which outlines the proposals in this paper, Confidential advice to Government
The departmental report to the Select Committee would then address any submissions received by the Committee on the proposals and recommend changes to the Bill.

50 Any changes to regulations will come into force at the same time as Royal Assent.

Impact Analysis

Regulatory Impact Statement

51 The Ministry for Regulation has determined that the proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement on the grounds that these proposals have no or only minor economic, social, or environmental impacts.

Climate Implications of Policy Assessment

52 There are no direct climate implications associated with these proposals.

Population Implications

53 The proposals will impact asylum claimants who are ethnic minorities.

Human Rights

54 The Government has the right to regulate immigration by virtue of national sovereignty. The proposals in this paper have no significant implications for rights affirmed in the New Zealand Bill of Rights Act 1990 (BORA).

55 The Ministry of Justice has been consulted during the preparation of these proposals, and will also consider the proposals for compliance with BORA.

Consultation

56 The following government agencies and external stakeholders have been consulted, and their feedback has been incorporated into the proposals' development:

56.1 **Government:** Departments of the Prime Minister and Cabinet, Ministries of Foreign Affairs and Trade and Justice.

56.2 **External stakeholders (domestic):** members of the immigration refugee bar, including representatives from the New Zealand Law Society, the Law Association and Privacy of natural persons

56.3 **External stakeholders (international):** the UNHCR, and counterparts in Australia, the United Kingdom and Canada.

Confidential information entrusted to the Government

Communications and Proactive Release

59 If approved by Cabinet, the package of changes in this paper will be publicly announced at the point that the Bill is introduced, and relevant papers will be published with redactions as appropriate under the Official Information Act 1982.

Recommendations

The Minister of Immigration recommends that Cabinet:

- 1 **note** that, on 4 and 25 June 2025, the Cabinet Economic Committee agreed to policy decisions for the Immigration (Enhanced Risk Management) Amendment Bill (the Bill) [ECO-25-MIN-0084 and ECO-25-MIN-0093];
- 2 **note** this paper seeks the third set of policy decisions for inclusion in the Bill;

Proposal 1: Create a consequence for failure to engage in the biometric process

- 3 **note** that currently the Immigration Act 2009 (the Act) does not provide an explicit consequence for a claimant who fails to engage in the biometric process (for example, where they fail to attend an appointment for biometric information gathering, and the information cannot be collected);
- 4 **agree** to amend the Act to enable a Refugee and Protection Officer (RPO) to determine a refugee and protection claim without further information where the claimant has, without good reason, failed to engage with the biometric process;

Proposal 2: Amend the consequences of acting in “bad faith”

- 5 **note** that currently the Act requires an RPO to refuse to consider a claim for refugee status where the claimant has acted otherwise than in good faith (cynical behaviour by the claimant in New Zealand to create grounds for recognition as a refugee), even where there is an underlying genuine protection need;
- 6 **agree** to amend the Act so that where a claimant has acted otherwise than in good faith but has a genuine protection need, the RPO may refuse to consider the refugee claim but must consider their protection claim, managing the risk of refoulement;
- 7 **agree** to amend the Act to enable the Immigration and Protection Tribunal (IPT) to determine an appeal involving a claimant who has acted otherwise than in good faith in full (not just on the bad faith determination);

Proposal 3: Amend the IPT's ability to consider bad faith

- 8 **note** that currently the Act does not provide the IPT with jurisdiction to consider acts other than in good faith by the claimant where bad faith has not been part of the RPO's determination;
- 9 **agree** to amend the Act, to provide the IPT with jurisdiction to consider acts of bad faith by the claimant at any point (ie before or after the RPO makes a determination);

Proposal 4: Remove the ability to bring late appeals to the IPT

- 10 **note** that currently the Act requires appeals to be made within 10 working days of the RPO's decline decision and allows the IPT to accept late appeals;
- 11 **agree** to amend the Act to remove the ability for the IPT to accept out of time appeals;

Proposal 5: For second and subsequent appeals, enable the IPT to find that the claimant's circumstances have not changed significantly regardless of whether INZ declined the claim on that basis

- 12 **note** that currently the Act only allows the IPT to decline an appeal on the basis that the claimant's circumstances have not changed where this was an explicit ground of the decline at first determination;
- 13 **agree** to amend the Act to allow the IPT to decline an appeal against a decline of a second or subsequent claim on the grounds that the claimant's circumstances have not significantly changed;

Proposal 6: Amend the immigration outcome for claimants committing serious non-political crimes between entry in New Zealand and status determination

- 14 **note** the Article 1F(b) of the 1951 Convention Relating to the Status of Refugees (the Convention) states "the provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that...he has committed a serious non-political crime outside his country of refuge prior to his admission to that country as refugee";
- 15 **note** that section 137(2) of the Act is New Zealand's expression of the obligation contained in Article 1F(b) of the Convention and deals with the treatment of claimants who commit a serious non-political crime before entering the country of refuge (ie New Zealand);
- 16 **note** that the Act currently interprets the Convention wording of "admission" to that country as the point at which a claimant physically enters New Zealand, rather than when they are granted refugee and protection status;
- 17 **agree** to amend the Act to redefine how New Zealand interprets Article 1F(b) of the Convention, to enable a claimant who commits a serious non-political offence in New Zealand, up until the point they receive refugee status, to be excluded from refugee status;
- 18 **note** that Australia, the United Kingdom and the European Union all apply a broader definition than the plain text of Article 1F(b) of the Convention;
- 19 **note** that, where there is a genuine protection need, a claimant who commits a serious non-political offence in New Zealand may still be granted protection status, managing the risk of refoulement;

Proposal 7: Create an authorisation to accept claimant-initiated withdrawal

- 20 **note** that there is currently no legislative basis on which an RPO can accept a claimant-initiated withdrawal of a claim for refugee and protection status;
- 21 **agree** to amend the Act to enable RPOs to accept a claimant-initiated withdrawal of a claim for refugee and protection status, reflecting current operational practice;

Legislative implications

- 22 **note** that, while the proposals in recommendations 3-30 will not be included in the Bill at introduction, the Minister of Immigration intends to table a Parliamentary Paper at First Reading of the Bill, Confidential advice to Government
- 23 **invite** the Minister of Immigration to issue drafting instructions to Parliamentary Counsel Office to give effect to the decisions in recommendations 3-30 above, through their inclusion in the Bill;
- 24 **authorise** the Minister of Immigration to make decisions, consistent with the policy proposals in this paper, that may arise during the drafting and consultation process;

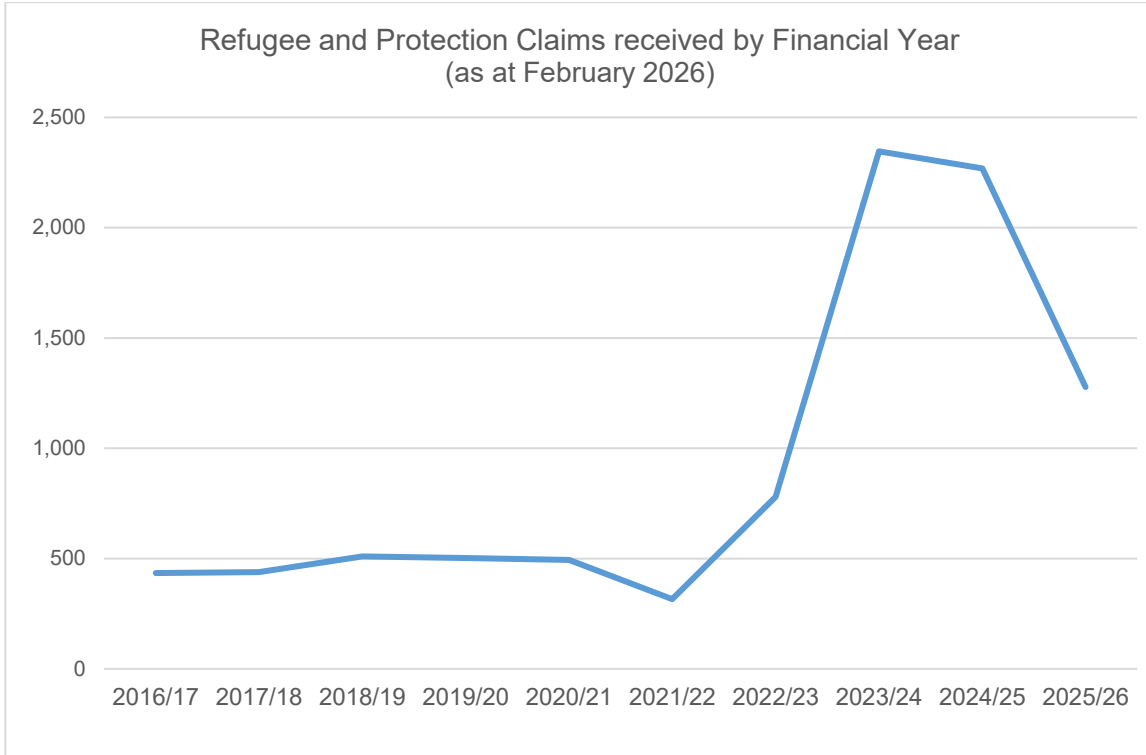
Financial and regulatory implications

- 25 **note** that the legislative proposals raise no direct financial implications.

Authorised for lodgement

Hon Erica Stanford
Minister of Immigration

Appendix One: Refugee and protection claims received from 2016/17 – 2025/26 *



Year	Number of Claims
2016 \ 2017	434
2017 \ 2018	438
2018 \ 2019	510
2019 \ 2020	502
2020 \ 2021	494
2021 \ 2022	316
2022 \ 2023	780
2023 \ 2024	2346
2024 \ 2025	2269
2025 \ 2026*	1278

* to 24 February 2026

Immigration (Enhanced Risk Management) Amendment Bill

Objective

Increase the effectiveness of the immigration compliance and enforcement system

Improve the integrity of the refugee and protection system

Improve the operation of the wider immigration system

Proposals

1. Make deportation liability a more likely consequence at both the higher and lower ends of offending, across a longer period of residence in New Zealand, and enhance our ability to deport resident class visa holders who commit the most serious offences.

11. Change decision-making around Residence and Reporting Requirement Agreements (RRRAs) from being in the “absolute discretion” to the “discretion” of immigration officers. (This responds to the 2022 Casey Review on the Restriction of Movement of Asylum Seekers, but applies to all RRRAs.)

20. Allow residence class visa applicants to benefit when visa settings change after they have submitted an application.

2. Make minor amendments to clarify: that people can be made liable for deportation if they provide false or misleading information, that historic crimes can give rise to deportation liability, that significant time spent outside New Zealand resets the deportation liability period, and the impact of administrative errors.

12. Do not allow a claimant for asylum or protected status to apply for other visa types, while they remain in New Zealand, if they withdraw their asylum claim.

21. Enable the electronic service of deportation liability notices where a physical address cannot be located.

3. Enable a victim of Free and frank opinions migrant to submit on deportation liability proceedings, even if that was not the crime giving rise to the deportation liability.

13. Enable a Refugee and Protection Officer (RPO) to determine an asylum claim without further information where the claimant has failed to engage with the biometric process without good reason.

22. Make it easier for immigration information to be shared with other agencies in support of their functions, aligning the Act with other comparable systems, and enhance privacy protections.

4. Increase the maximum sentence for migrant exploitation offending, from seven to ten years imprisonment.

14. Provide that, where a claimant has acted otherwise than in good faith but has a genuine protection need, the RPO may refuse to consider the refugee claim, but must consider the protection claim.

23. Make it clear that the Act enables the use of immigration information for digital credentials.

5. Extend the time that MBIE has to issue infringement notices (fines) for certain employer infringement offences.

15. Provide the IPT with jurisdiction to consider acts of bad faith that occur at any point.

6. Introduce new infringement offences, to cover: employers having provided incorrect and / or incomplete information, and employers failing to provide employment-related documents when requested under s277 of the Act; and broaden the scope of the existing offence of providing false or misleading information.

16. Remove the ability to bring late appeals to the IPT.

7. Make it easier for an immigration officer to request identifying information when they have good cause to suspect someone may be unlawfully in New Zealand or otherwise liable for deportation, or may be breaching their visa conditions.

17. Allow the IPT to decline an appeal against a decline of a second or subsequent claim on the grounds that the claimants circumstances have not significantly changed.

8. Remove the right to appeal against deportation on humanitarian grounds to the Immigration and Protection Tribunal (IPT), for temporary class visa holders who commit a crime, and for all visitor visa holders.

18. Enable people who commit serious non-political crimes between entry to New Zealand and status determination to be excluded from refugee status (but not protection status).

9. Enable holders of deemed entry permission who are found to be inadmissible to enter New Zealand (for instance due to smuggling drugs or other contraband) to be turned around at the border.

19. Create an authorisation to accept a claimant-initiated withdrawal of a refugee and protection claim.

10. Clarify the use of the power at section 58(6) of the Act to decline a residence application where the applicant has provided false or misleading information.

Ensure that those found responsible for the abuse of migrant workers face appropriate consequences

Restore law and order and ensure regulatory systems work well

Coalition priority

Appendix Three: Comparison with other countries

Proposal	Australia	Canada	United Kingdom	Comment
<p>Proposal 1 <i>Consequences for refusing to engage with determination process</i></p>	Confidential advice to Government			
<p>Proposals 2 and 3 <i>Consequences of acting bad faith and the IPT's ability to consider bad faith</i></p>	Confidential advice to Government			<p>Confidential advice to Government</p> <p>Considering the protection claim manages the risk of breaching non-refoulement obligations, likely more practical than other countries.</p>
<p>Proposal 4 <i>Remove the ability to bring late appeals</i></p>	N/A			Minor and technical amendments to the Immigration Act
<p>Proposal 5 <i>For second and subsequent appeals, enable the IPT to find that circumstances have not changed significantly regardless of whether INZ decline the second or subsequent claim on that basis</i></p>				
<p>Proposal 6 <i>Interpretation of "admission to country of refuge" in Article 1F(b) of the 1951 Convention</i></p>	Confidential advice to Government			<p>Consistent with UK / EU.</p> <p>Broader than Australian interpretation.</p> <p>Inconsistent with Canadian interpretation.</p> <p>Note: Further information from Canada was received that aligns with the proposed approach.</p>
<p>Proposal 7 <i>Create an authorisation to accept a claimant-initiated withdrawal of a refugee and protection claim</i></p>	N/A			Addresses an omission in the Act.

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