



## COVERSHEET

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

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
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.



# Cabinet Economic Policy Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Immigration (Enhanced Risk Management) Amendment Bill: Additional Decisions

Portfolio                      Immigration

On 11 March 2026, the Cabinet Economic Policy Committee (ECO):

#### Background

- 1        **noted** that in June 2025, ECO made policy decisions for inclusion in the Immigration (Enhanced Risk Management) Amendment Bill (the Bill) [ECO-25-MIN-0084 and ECO-25-MIN-0093];
- 2        **noted** that the paper under ECO-26-SUB-0029 seeks the third set of policy decisions for inclusion in the Bill;

#### Creating a consequence for failure to engage in the biometric process

- 3        **noted** that the Immigration Act 2009 (the Act) does not currently 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        **agreed** 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;

#### Amending the consequences of acting in 'bad faith'

- 5        **noted** that the Act currently 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        **agreed** 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        **agreed** 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);

**Amending the IPT's ability to consider bad faith**

- 8 **noted** that the Act does not currently 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 **agreed** 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);

**Removing the ability to bring late appeals to the IPT**

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

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

- 12 **noted** that the Act currently 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 **agreed** 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;

**Amending the immigration outcome for claimants committing serious non-political crimes between entry in New Zealand and status determination**

- 14 **noted** that Article 1F(b) of the 1951 *Convention Relating to the Status of Refugees* (the Convention) states that '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 **noted** that section 137(2) of the Act is New Zealand's expression of the above obligation and deals with the treatment of claimants who commit a serious non-political crime before entering the country of refuge (ie New Zealand);
- 16 **noted** 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 **agreed** 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 **noted** 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 **noted** 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;

**Creating an authorisation to accept claimant-initiated withdrawal**

- 20 **noted** 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 **agreed** 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 **noted** that the Minister of Immigration intends to table a Parliamentary Paper at the first reading of the Bill to include the decisions in paragraphs 3 to [21](#) above in the Bill, and request that submissions on the Paper be called for alongside the Bill;
- 23 **invited** the Minister of Immigration to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above decisions, through their inclusion in the Bill;
- 24 **authorised** the Minister of Immigration to make decisions, consistent with the policy proposals in the paper under ECO-26-SUB-0029, that may arise during the drafting and consultation process;
- 25 **noted** that the legislative proposals above raise no direct financial implications.

Rachel Clarke  
Committee Secretary

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**Present:**

Hon David Seymour (Chair)  
Rt Hon Winston Peters  
Hon Simeon Brown  
Hon Shane Jones  
Hon Erica Stanford  
Hon Paul Goldsmith  
Hon Louise Upston  
Hon Dr Shane Reti  
Hon Tama Potaka  
Hon Simon Watts  
Hon Chris Penk  
Hon Penny Simmonds  
Hon Andrew Hoggard  
Hon Nicola Grigg  
Hon James Meager  
Hon Scott Simpson  
Simon Court MP

**Officials present from:**

Office of the Prime Minister  
Officials Committee for ECO