

# Briefing for the incoming Associate Minister of Immigration

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**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI

**Te Kāwanatanga o Aotearoa**  
New Zealand Government

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## Portfolio overview

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### The Immigration System

1. The immigration system regulates the entry and stay of foreign nationals in New Zealand to support a range of national objectives:
  - To support the economy and labour market with key skills;
  - To enable family reunification and ties to be maintained;
  - To contribute to New Zealand's international and humanitarian commitments; and
  - To support the security and integrity of New Zealand's borders.
2. Immigration settings need to balance impacts across these objectives, particularly the need to balance potentially negative impacts of immigration on the labour market with facilitating the attraction of highly skilled workers and migrants to fill genuine skills gaps. The regulatory system also needs to strike the right balance between making entry as easy as possible for genuine travellers, while ensuring and maintaining the integrity of the system.

### Portfolio responsibilities

3. The responsibilities of the Minister of Immigration generally include leading the policy and strategic direction for the immigration system, certifying immigration instructions which set the rules and criteria for the grant of visas and entry permission, and decision-making in regard to classes of migrants and individual cases. The Minister of Immigration is also responsible for the immigration related appropriations that fall within Vote Labour Market.
4. Unlike most other areas of government, the Minister of Immigration also has decision making powers with regard to individual non-citizens. While most of these powers are delegated to officials or the Associate Minister of Immigration, some decisions cannot be delegated.
5. The responsibilities of the Associate Minister of Immigration are defined through delegations from the Minister. Once these delegations have been confirmed we will provide you with further advice relating to these.
6. The Associate Minister has traditionally been delegated to make the following decisions:
  - Whether to grant a residence class visa as an exception to residence instructions in response to the IPT's recommendation that a residence applicant has special circumstances warranting an exception.
  - Whether to grant a visa to a person who is in New Zealand unlawfully. As these powers also rest with immigration officers, the Minister or Associate Minister does not usually consider these requests until an individual has approached INZ for an exception/discretionary decision and been turned down.
  - Whether to sign a deportation liability notice with respect to New Zealand residence class visa holders who have been found to have obtained their residence by fraud. The Minister is also able to cancel or suspend a person's liability for deportation in any case.
7. We will provide you with further advice to support you in your decision making role.

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8. Only the Minister of Immigration makes the following decisions:
  - Determining the immigration status of protected persons who may have committed certain crimes or acts.
  - Using classified information in decision-making if the Minister determines that the classified information relates to matters of security or criminal conduct.
9. The Ministry of Business, Innovation, and Employment (MBIE) provides the following support for the Immigration portfolio:
  - Immigration New Zealand (INZ) administers the core operational function
  - The Employment Skills and Immigration Policy Branch within the Labour, Science and Enterprise group, provides policy advice across the Immigration Policy teams. The branch are key cross labour market advisors, and provide advice to the Minister of Social Development and Employment on broader skills and employment issues.
  - The Immigration and Compliance Investigations branch within the Te Whakatairanga Service Delivery (TWSD) group TWSD is responsible for immigration compliance activities and the investigation of immigration offending
  - the Immigration Advisers Authority, within TWSD , provides services to license people who provide New Zealand immigration advice
  - lawyers from the Legal, Ethics and Privacy Team provide specialist first instance legal advice to support immigration decision-making.

## Decision-making in the Portfolio

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### Immigration law establishes the decision-making framework

10. The Immigration portfolio includes two pieces of primary legislation: the Immigration Act 2009 (the Act), which covers the immigration regulatory system, and the Immigration Advisers Licensing Act 2007 (IALA), which governs occupational licensing for providers of immigration advice who are not exempt.

#### Immigration Act 2009

11. The Act establishes an immigration system that:

- requires persons who are not New Zealand citizens to hold visas to travel to New Zealand, and hold a visa and entry permission to stay in New Zealand;
- provides for the development and publication of immigration instructions (which have legal standing and are certified by the Minister of Immigration) which set out the rules and criteria for the grant of visas and entry permission and reflect Government policies;
- provides rules for the safe and orderly management of the border;
- provides a process for implementing specified immigration-related international obligations;
- includes mechanisms for compliance and enforcement;
- provides for the charging of fees and levies;
- provides powers to the Minister of Immigration regarding classes of individuals in certain situations and decision-making in individual cases (the Act allows for decisions to be made as positive exceptions to instructions, generally meaning that a person who would not otherwise qualify for a visa is granted one); and
- establishes a specialist tribunal - the Immigration and Protection Tribunal (IPT) - which is supported by the Ministry of Justice, to consider immigration related appeals.

12. Regulations made under the Act set out the legal requirements for making and lodging applications for visas and entry permission, making claims for refugee and protection status, and lodging appeals to the IPT.

#### *Immigration instructions*

13. The rules and criteria for a person to be granted a visa and entry permissions are set out as immigration instructions in the INZ Operational Manual. Amending immigration instructions is the primary mechanism to implement government policy decisions about immigration. The Operational Manual also outlines some of the processes INZ follows to assess and verify applications, and determine refugee status claims.

14. The Act requires the Minister of Immigration to approve and formally certify immigration instructions, which are then published in the Operational Manual and made available on the website [www.immigration.govt.nz](http://www.immigration.govt.nz). Immigration instructions changes are generally bundled together for release in a regular cycle, but urgent changes are made where necessary.

15. The complexity and breadth of the portfolio, and its interrelation with other areas of government, means that Ministers of Immigration generally seek Cabinet's agreement to broad policy decisions, with more minor and technical decisions typically made without Cabinet's involvement.

### **Immigration Advisers Licensing Act 2007**

16. The IALA:

- has as its purpose the promotion and protection of the interests of consumers
- requires people providing immigration advice to be either licensed, or exempt from licensing (lawyers are exempt, as are the electoral staff of MPs)
- provides for the licensing requirements for those who provide immigration advice
- establishes an Authority (housed within MBIE) to administer licensing and investigate complaints against immigration advisers and unlicensed persons, as well as facilitating other matters such as continued professional development
- provides for the Authority to consult you on the development of competency standards and the code of conduct, and seeks your approval and sign off, and
- establishes a specialist tribunal to make determinations on complaints against immigration advisers and to make some consumer redress orders.

17. Regulations made under the IALA provide the fees and levies payable by licensed immigration advisers and for other minor aspects of licensing.

### **Decision-making**

18. The Minister of Immigration is a primary decision maker under the Act (except in relation to refugee and protection decisions, where there is largely no role for the Minister). In general, the majority of the Minister of Immigration's decision-making powers are delegated to immigration officers and refugee and protection officers, who make most decisions on visas and refugee and protected person status, respectively. Decisions may be reviewed by the IPT or the courts (by leave), where the Act allows for review and appeal.

19. The Minister of Immigration can delegate certain decisions, and the nature of some of these decisions (particularly those that are at the absolute discretion of the decision maker – that is, which allow for positive exceptions to instructions to be made) mean that to some extent the degree to which the Minister may wish to become involved in individual cases is a matter for their own prerogative. On the other hand, some powers cannot be delegated (those relating to certifying instructions, classified information, making decisions in relation to classes of people, deportation relating to national security, and decisions relating to the immigration status of protected persons who have been excluded from recognition under the refugee convention) or have not been delegated to immigration officers or refugee and protection officers.

20. In general, Ministers do not get involved in applications for visas received by INZ. Ministers may, however, receive requests for intervention, particularly from those applicants who do not meet policy. Immigration is unusual in this nature and exercising discretionary ministerial powers creates a significant workload. While it is possible for a Minister of Immigration to retain all decision-making powers with regard to individual cases where individuals have asked for

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ministerial intervention, for many years Ministers of Immigration have exercised the option for individual case work to be delegated to the Associate Minister of Immigration (and in turn, senior INZ officials who have been specifically delegated decision-making powers by the Minister of Immigration (DDMs)).

21. Once you receive your delegations, you will receive a legal briefing to support you with your decision-making and international obligations.

## How MBIE supports you

### Our primary ways of engaging with you

22. We engage with you primarily through the following mechanisms:

- meetings between yourself and MBIE officials, based on your preference
- briefings on policy and operational matters requiring your attention
- weekly update reports on key policy and operational issues in the portfolio
- quarterly work programme reporting.

23. We are happy to adjust any of these based on your preferred ways of working.

## Immigration-related areas of MBIE

### Immigration Policy

24. Three teams within MBIE's Labour, Science and Enterprise group provide policy advice and analysis to the Minister of Immigration:

- The **Immigration Skills and Residence Policy team** provides advice on the core visa settings for both temporary and resident visas, and on the interface of the immigration system with skills and education, labour market, and economic regulatory systems and programmes.
- The **Immigration Border and Funding Policy team** provides advice on immigration legislation (the Immigration Act and the IALA), supports the implementation of policy changes and the funding of the immigration system, and provides advice on border settings.
- The **Immigration International and Humanitarian Policy team** provides advice and analysis on international, humanitarian, and national security related issues in the immigration portfolio, including refugee issues, immigration responses to international crises, bilateral and multilateral engagement.

25. The Immigration Policy work programme is developed in consultation with the Minister of Immigration and other relevant Ministers.

### Immigration New Zealand (INZ)

26. INZ is the primary operational delivery group for the immigration system. INZ's core roles include:

- Granting visas to those whom Aotearoa New Zealand needs to work, visit, study or settle here
- Ensuring that people crossing the border and staying in Aotearoa New Zealand are entitled to do so
- Helping refugees and migrants to make Aotearoa New Zealand their home
- Playing our part in the global immigration system, and with our NZ border partners, to keep Aotearoa New Zealand safe.

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27. Most of INZ's operational work is focused on deciding residence, temporary entry and transit visa applications and accrediting employers to recruit migrants. INZ's Border Operations seeks to ensure that a passenger's immigration risk is kept offshore. It aims to protect New Zealand's interest through enhanced passenger risk assessment and facilitation.
28. INZ also runs New Zealand's refugee programme, which encompasses both our aim to settle 1500 refugees per annum in New Zealand through our relationship with the UNHCR, as well as our role in considering and, where appropriate, granting claims for refugee and protection status from people onshore in New Zealand ('asylum claims').
29. INZ's strategy, 'Striking the Balance', emphasises the importance of balancing its functions of facilitating those migrants which New Zealand needs, while also acting as an effective regulator in the face of increasing external threats. There are five strategic outcomes envisaged in the strategy:
  - facilitate migrants in high demand to come to New Zealand – New Zealand gets the migrants it needs;
  - ensure the immigration system drives compliant behaviour – users are self-regulating and voluntarily compliant;
  - minimise harm from immigration – immigration has positive outcomes for migrants and communities;
  - identify and manage risk and vulnerability early – targeted information gets to the right place at the right time; and
  - work together – INZ functions as one cohesive team.
30. In 2025, INZ made more than 1 million decisions on visa applications for people to visit, work, study or live in New Zealand:

### **Te Whakatairanga Service Delivery Group**

31. Te Whakatairanga Service Delivery Group (TWSD) provides critical functions and services that support businesses, employees and consumers to operate successfully in the marketplace. This includes the Immigration Contact Centre.
32. The Immigration and Compliance Investigations (ICI) branch within TWSD is responsible for immigration compliance activities and the investigation of immigration offending. ICI is responsible for deporting people who are in breach of immigration law, or working to resolve their immigration status in other ways.
33. The Immigration Advisers Authority (IAA) is a statutory body housed in MBIE's Market Integrity Branch, in TWSD. The Authority was set up under the IALA to license people who provide New Zealand immigration advice, onshore or offshore. Any person who provides New Zealand immigration advice must be licensed unless they are exempt under the Act. Lawyers, Members of Parliament and their staff, and staff and volunteers of Community Law Centres and Citizens Advice Bureau are among those exempt.
34. The Immigration Advisers Authority was established under the Immigration Advisers Licensing Act 2007. IAA's primary functions include administering the licensing regime, maintaining a public register of licensed advisers, and maintaining competency standards and a code of conduct for

licensed advisers. IAA also receives complaints about licensed immigration advisers and investigates complaints against people providing advice without a licence.

### **Legal, Ethics and Privacy Branch**

35. MBIE's Legal, Ethics and Privacy Branch provides legal advice and support to the Ministry and Ministers. Due to the complex legal framework in which immigration decision making takes place, MBIE's legal advisors provide independent legal advisory support. In addition, the Litigation team represents the Minister of Immigration in IPT matters where the Minister is the respondent (for resident deportation decisions), represents immigration officers applying for warrants of commitment for immigration detention, and prosecutes immigration related offending. The Ministry's LEAP also provides oversight and instructs Crown Law and Crown Solicitors in High Court immigration-related litigation.

## **Organisational leadership and structure**

### **Senior leadership**

36. The MBIE Senior Leadership Team includes the Secretary (Chief Executive) and Deputy Secretaries responsible for individual business groups, plus the Chief Advisor to the Secretary.

### **MBIE Business Groups**

37. MBIE has eight business groups, divided across three categories:

1. **Service delivery, operations and implementation, and regional investment**, split across Te Whakatairanga Service Delivery, Regional Development & Commercial Services, and Immigration New Zealand (INZ).
2. **Policy development, investment and implementation**, split across Building, Resources and Markets (BRM) and Labour Science and Enterprise (LSE).
3. **Corporate services, IT, and data analytics**, split across Corporate and Digital Shared Services and Strategy and Assurance.

## **Other immigration-related government bodies**

### **Immigration and Protection Tribunal (IPT)**

38. The IPT is an independent body established under the Act to hear appeals on:

- decisions by INZ to decline a residence class visa application
- a person's pending deportation – the person may either be a New Zealand resident, a temporary class visa holder whom INZ wishes to deport for cause (for example, due to a conviction or a breach of visa conditions), or someone unlawfully in New Zealand because their temporary visa has expired
- decisions by INZ to not recognise a person as a refugee or a protected person.











39. The IPT is chaired by a District Court Judge, appointed by the Governor-General on the recommendation of the Attorney-General, and comprises members appointed by the Governor-General on the recommendation of the Minister of Justice. The IPT is administered by the Ministry of Justice.

#### **Immigration Advisers Complaints and Disciplinary Tribunal (IACDT)**

40. The IACDT was established under the Immigration Advisers Licensing Act 2007 and deals with complaints against licensed immigration advisers. The Authority refers complaints to the Tribunal.
41. The IACDT also deals with appeals against some decisions made by the Authority. These may relate to a decision of the Registrar of the Authority to cancel the licence of an immigration adviser or a determination of the Registrar to reject a complaint against a licensed immigration adviser.
42. Members of the IACDT are appointed by the Governor-General on advice from the Ministers of Justice and Immigration.

**Key MBIE officials**

43. The table below sets out the key MBIE officials who will support you in this portfolio.

<p><b>Nic Blakeley</b></p>  <p>Chief Executive</p>		
<p><b>Ingrid Bayliss</b></p>  <p>Deputy Secretary, Immigration (Acting) Privacy of natural persons</p>	<p><b>Stephen Vaughan</b></p>  <p>Associate Deputy Secretary (Acting) Privacy of natural persons</p>	<p><b>Jeannie Melville</b></p>  <p>Chief Operating Officer (Acting) Privacy of natural persons</p>
<p><b>Richard Owen</b></p>  <p>General Manager, Immigration Risk and Border Privacy of natural persons</p>	<p><b>Karen Bishop</b></p>  <p>General Manager, Future Services Privacy of natural persons</p>	<p><b>Fiona Whiteridge</b></p>  <p>General Manager, Refugee &amp; Migrant Services Privacy of natural persons</p>
<p><b>Andrew Craig</b></p>  <p>General Manager, Immigration Design and Assurance Privacy of natural persons</p>	<p><b>Oliver Valins</b></p>  <p>Head of Office of Deputy Secretary, Immigration Privacy of natural persons</p>	<p><b>Fraser Richards</b></p>  <p>Special Counsel (Immigration) Privacy of natural persons</p>