





Process for deportation liability decisions for residents who are automatically liable (decisions made by Delegated Decision Makers)

1. Resident is convicted of a crime.



2. Case is referred to INZ's Resolutions team for assessment against deportation liability criteria.



- **3.** Support officer requests necessary documents relating to the conviction(s)
 - NZ citizenship check
 - Police record
 - Summary of facts
 - Pre-sentence report
 - Judges sentencing notes
 - Court record of entry of conviction
 - Victim notification check (if applicable).



4. Case is allocated to an analyst and a letter is sent to the client advising of their liability for deportation and giving them the opportunity to comment.



5. Response from client received and included in the deportation liability summary report.



6. Report and file reviewed by Technical Specialist.



7. Report and file reviewed by MBIE Legal (if applicable).



8. Report and file signed off by Team Leader.



9. Report and file given to Delegated Decision Maker.



- **10.** Delegated Decision Maker to decide whether:
 - 1) Deportation should proceed;
 - Deportation liability should be suspended for up to five years; or Deportation liability should be cancelled.



11. Decision sent to client along with appeal form.



12. Client can appeal on humanitarian grounds to the IPT.

Appeal must be made within 28 days of being served with a Deportation Liability Notice.





Process for deportation liability decisions for residents where liability needs to be determined (decisions made by the Minister of Immigration)

1. Information becomes available that a resident provided false or misleading information or withheld relevant information to/from INZ.



2. Case is referred to INZ's
Resolutions team for assessment against deportation liability criteria.



- **3.** Support Officer to request any necessary documents relating to the case:
 - NZ citizenship check
 - INZ application files if not supplied with referral
 - Police record.

4. Case is allocated to an analyst and a letter and evidence sent to the client advising of their potential liability for deportation and giving them the opportunity to comment.



5. Response from client received and included in the deportation liability summary report.



6. Report and file reviewed by Technical Specialist.



7. Report and file reviewed by MBIE Legal.



8. Report signed off by Manager Immigration Resolutions.



9. Report and file given to the Minister of Immigration.



- **10.** Minister of Immigration to:
 - Determine whether the individual is liable for deportation; and if liability is determined then decide whether:
 - a. Deportation should proceed
 - b. Deportation liability should be suspended for up to five years; or
 - c. Deportation liability should be cancelled.

In some cases such as administrative error or false identity a visa can also be offered.



11. Decision sent to client along with appeal form.



12. Client can appeal on the facts and/or humanitarian grounds to the IPT.

Appeal must be made within 28 days of being served with a Deportation Liability Notice.