21 February 2020

Our Reference: IR-01-20-1379

Robert McKenzie
Email: fyi-request-12032-9fdb8cbb@requests.fyi.org.nz

Dear Robert

I am writing to you in response to your request dated 13 January 2020, which you sent to Inland Revenue. Inland Revenue transferred part of the request to New Zealand Police on 16 January 2020, specifically questions 2b and 2d listed below. You asked:

> *Question 1*
>
> *How many people have now been arrested under the student loan arrest at border policy?*
>
> *Question 2*
>
> *a) What is the actual charge?*
>
> *b) When the person is arrested, are they fingerprinted and photographed as per normal arrest process?*
>
> *c) Does the arrested person have a criminal conviction after the process? Or is the process actually treated as a civil matter in the courts?*
>
> *d) If so, why then are they arrested and held in a cell?*
>
> *Question 3*
>
> *a) Are student loans actually loans?*
>
> *b) If so, why is there no statute of limitations on the "loans"?*

As per the transfer, this response answers questions 2b and 2d only. The other questions will be answered by Inland Revenue.

**Police National Headquarters**

180 Molesworth Street. PO Box 3017, Wellington 6140, New Zealand.
Telephone: 04 474 9499. Fax: 04 498 7400. www.police.govt.nz

When a person is arrested pursuant to a warrant to arrest under Section 162B of the Student Loan Scheme Act 2011, they are taken to a Police station into custody. If a person is in Police custody, section 32 of Policing Act 2008 applies which allows a constable to take their identifying particulars, such as photograph and fingerprints.

A criminal conviction does not have a direct relation to an arrest. A person may be arrested and released without charge, or they could be arrested and prosecuted. Only when a person is prosecuted, could they be later convicted.

Any person who is held in Police custody is held in a cell, regardless of whether they are later prosecuted or released without a charge.

Yours sincerely

**Superintendent Andrew Sissons**
National Manager Response & Operations