



14 February 2022

Terry Bourke
fyi-request-18102-83e6be3d@requests.fyi.org.nz

Ref: DOIA 2122-1351

Dear Terry Bourke,

I refer to your request(s) under the Official Information Act 1982 (the Act) received on 5 January 2022 requesting the following information from Immigration New Zealand:

"Within that report (page 38) there is a data table showing three-year's worth of information of deportation liability outcomes for [residence visa holders] for first time driving charges.

I seek data, encompassing 2016 to present:

- 1. The number of all [temporary entry process, i.e. temporary visa holder] driving offenders (be they first time driving charges, or second or subsequent charges), that MBIE became aware of;*
- 2. And of that number, how many were served or deemed served with a Deportation Liability Notice (a DLN);*
- 3. And of that number served or deemed served, what was the outcome [DLN cancelled, DLN suspended, or deported];*
- 4. And of that number [suspended] what was the average suspension time.*

I also seek from 2016 to present:

- 5. The number of all [residence visa holder] driving offenders (be they first time driving charges, or second or subsequent charges), that MBIE became aware of;*
- 6. And of that number, how many were served or deemed served with a DLN;*
- 7. And of that number served or deemed served, what was the outcome [DLN cancelled, DLN suspended, or deported];*
- 8. And of that number [suspended] what was the average suspension time.*

The report the requestor is referring to is in this link: <https://www.mbie.govt.nz/dmsdocument/7011-independent-review-of-immigration-new-zealands-residence-deportation-liability-process>

Our Response

- 1. The number of all [temporary entry process, i.e. temporary visa holder] driving offenders (be they first time driving charges, or second or subsequent charges), that MBIE became aware of;*
- 2. And of that number, how many were served or deemed served with a Deportation Liability Notice (a DLN);*

Please see Table 1 below that shows the number of unique cases involving a temporary entry visa holder who has a record of a deportation liability notice (DLN) being served since January 2016 and who also has a record of a driving related offence.

Please note that it is only possible for Immigration New Zealand (INZ) to collate the number of cases where a DLN has been served, not just those that may have a driving offence noted. This is because it is only possible to search INZ's case management systems for results where a DLN has been served. This applies to questions 1 and 5 of your request.

Table 1

Compliance Cases with a DLN served and a driving related offence recorded for temporary entry visas holders

Offence specified	2016	2017	2018	2019	2020	2021	Total
Driver licence/conduct	6	3	1	4	4	2	20
Driving under the Influence	9	17	10	15	13	9	73
Total	15	20	11	19	17	11	93

3. *And of that number served or deemed served, what was the outcome [DLN cancelled, DLN suspended, or deported];*

Please see Table 2 below that shows the outcome of the DLNs served. Note, that suspensions of DLNs do not apply to cases categorised as a temporary entry.

Table 2

Outcomes of cases where a DLN has been served and a driving related offence recorded for temporary entry visas holders

DLN cancelled	Deported	Self-deported	Other	Total
No	18	17	48	83
Yes	0	0	10	10
Total	18	17	58	93

Please note self-deportations represent people who paid for their own flight and departed New Zealand after the period in which they could have been served a Deportation Order. A Deportation Order is served on anyone who is unlawfully in New Zealand or has previously been served a DLN and all applicable appeal timeframes have passed.

Cases closed as deportation represent people who were served a Deportation Order and INZ funded their departure flight.

Some of the data reported with this request may be different to that reported in your previous request, DOIA 2122-0391 due to changes made with how the search was completed. Specifically, more of the relevant cases can now be identified and reported.

4. *And of that number [suspended] what was the average suspension time.*

As per the note above it is not possible to suspend a deportation liability notice for a temporary entry visa holder so this part of your request is refused in reliance on section 18(e) of the Official Information Act 1982 as the information does not exist. In accordance with section 18B of the Official Information Act 1982 we have considered whether consultation with you would allow a response to be able to be provided but it is our opinion that it would not.

5. The number of all [residence visa holder] driving offenders (be they first time driving charges, or second or subsequent charges), that MBIE became aware of;
6. And of that number, how many were served or deemed served with a DLN;
7. And of that number served or deemed served, what was the outcome [DLN cancelled, DLN suspended, or deported];
8. And of that number [suspended] what was the average suspension time.

Please see Table 3 below that shows the number of unique cases involving a residence visa holder who has a record of a deportation liability notice (DLN) being served since January 2016 and who also has a record of a driving related offence. The table also includes the outcomes and the average suspension times.

Table 3

	2016	2017	2018	2019	2020	2021
Total offences	143	118	112	88	27	78
DLN served	6	2	1	0	2	1
DLN suspended	134	116	111	87	24	71
DLN cancelled	3	0	0	1	1	6
Average suspension	2 years	2 years	2 years	2 years	2 years	2 years
Outcomes of DLN served cases	3 deported	1 deported	1 deported	0 deported	1 deported	0 deported

The figure of 27 total driving offences for 2020 is lower than the 45 recorded for your previous request, reference DOIA 2122-0391. It was discovered that some cases reported as being decided in 2020 were in fact decided in 2021.

You have the right to seek an investigation and review of my response by the Ombudsman, whose address for contact purposes is:

The Ombudsman
Office of the Ombudsman
P O Box 10-152
WELLINGTON

If you wish to discuss any aspect of your request or this response, please contact INZOfficialCorrespondence@mbie.govt.nz.

Yours sincerely,



Stephen Vaughan
General Manager – Verification and Compliance
Immigration New Zealand
Ministry of Business, Innovation and Employment