

**IMMIGRATION NO SURPRISES**

Updated: 30 November 2023

This document is provided for the use of the following named officials only:

- Minister of Immigration: Hon Erica Stanford
- Associate Minister of Immigration: Hon Chris Penk, Hon Casey Costello
- MBIE Private Secretaries: Chris Holland, Clare Morell, Lauren Christensen, Ethan Herbert
- MBIE Chief Executive: Carolyn Tremain, Melanie Taylor
- MBIE\*: Alison McDonald, Suzanne Stew, Catriona Robinson, Stephen Vaughan, McLeish Martin, Richard Owen, Karen Bishop, Fiona Whiteridge, Katy Macleod, Steve Watson, Fraser Richards, Marc Piercey, Polly Vowles, Sam Foley
- DPMC: Brendan Gage; PSC: Martin Kessick

**Owner key:**  
 COO = Chief Operating Officer  
 RMS = Refugee and Migrant Services  
 IRB = Immigration Risk and Border  
 SDI = Service Design and Implementation  
 Customer = Customer  
 Assurance = Assurance  
 ICI = Immigration Compliance and Investigations

This update has been generated to maintain the effective conduct of immigration business by enabling senior decision-makers to monitor certain sensitive matters with implications for, inter alia, national security; foreign policy; law and order; maintenance of trust and confidence in government; or other Government policy objectives. The document includes information that may be operationally sensitive and/or represent the subjective opinion of officials. It should not be assumed to represent Government policy.

\*As well as Advisory & Business Support to the Immigration Leadership Team

ITEM	NARRATIVE	TIMEFRAME	OWNER
<b>NEW</b>			
Exit permits for Afghan refugees	<p><b>Date the Minister's office was notified: 30 November 2023</b></p> <p>The Government of Pakistan has recently announced a phased approach to deporting undocumented foreigners, particularly Afghans, and has begun arresting and deporting Afghans back to Afghanistan. A new fee of NZD1500 per person has been introduced for exit permits for those cases being resettled such as those in the New Zealand pipeline. In addition, Pakistan has set a date of 31 December 2023 for the lodgement of applications for exit permits and for all individuals to have exited the country by the end of January 2024. Those remaining in Pakistan beyond January would be deported back to Afghanistan, <b>s 6(a)</b></p> <p>For 2023/24, INZ has approved or is processing approximately 250 Afghans in the Refugee Quota Programme (of which well over 50 per cent are women and children), Refugee Family Support Category and Community Organisation Refugee Sponsorship Category who are located in Pakistan. They have some of the highest protection needs warranting resettlement in a safe third country. Their heightened risks are due to their prolonged displacement and diminishing prospects of returning safely and voluntarily to Afghanistan or being integrated in neighbouring countries like Pakistan and Iran. Most of these refugees are women and children and as such are considered a priority for resettlement to New Zealand and our ability to be able to meet the requirements of our refugee programmes.</p> <p><b>s 6(b)(i), s6(a)</b> While we are not aware of any arrests or deportations of individuals in our pipeline, the risks to our caseload increase as the deadline for all irregular migrants to leave the country approaches <b>s 9(2)(f)(iv)</b></p> <p><b>s 6(b)(i)</b></p> <p>New Zealand will continue to work collaboratively with like-minded countries to seek to ensure the safety and protection of our caseload in Pakistan, prevent their arrest and deportation to Afghanistan. It is likely that an urgent decision will be required to authorise the payment of the fees. We will continue to update you on the progress <b>s 6(a)</b> and any changes in the position of the Government of Pakistan.</p>	Ongoing	RMS Fiona Whiteridge
<b>s 9(2)(b)(ii)</b>	[Redacted]	Ongoing	ICI Steve Watson

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	<p>s 9(2)(b)(ii)</p> <p>[Redacted]</p>		
<p>Operation WALNUT – allegations of migrant exploitation</p>	<p><b>Date the Minister’s office was notified: 30 November 2023</b></p> <p>MBIE has received complaints alleging migrant exploitation and trafficking in persons against Buildhub Ltd. At least twenty complainants have been granted Migrant Exploitation Protection Visas (MEPV).</p> <p>Buildhub Ltd is a labour hire company and provides skilled labour to the construction industry. Buildhub Ltd is an accredited employer and has employed nearly 200 migrants, mainly from South America. The company advertises in South America on web platforms for jobs in New Zealand. The advertisements are under the company name s9(2)(b)(ii) [Redacted] and Buildhub Ltd. Both have directors, one of whom is also a Licensed Immigration Advisor.</p> <p>On 13 September 2023, Buildhub Ltd’s employer accreditation was suspended for three months. There is insufficient evidence to support a trafficking in persons prosecution, s6(c) [Redacted]</p> <p>s6(c) [Redacted]</p> <p>A meeting between Investigations and the Director of Buildhub Ltd is scheduled for the week beginning Monday 27 November 2023. A further review of the suspension of Buildhub Ltd’s employer accreditation status will be considered post interview.</p>	<p>Ongoing</p>	<p>ICI Steve Watson</p>
<p>Auckland restaurant owner arrested for migrant exploitation</p>	<p><b>Date the Minister’s office was notified: 30 November 2023</b></p> <p>Information has been received relating to allegations of migrant exploitation against the owner of s9(2)(b)(ii) [Redacted] Restaurant in Auckland.</p> <p>The investigation into the restaurant owner has led to identifying further complainants and formal statements have been obtained. As a result, on 17 November 2023 a search warrant was executed at the restaurant and at the home address of the restaurant owner with NZ Police in attendance. The restaurant owner was arrested and charged with one count of exploitation under Section 351 of the Immigration Act 2009.</p> <p>s9(2)(a) [Redacted]</p> <p>On Thursday 23 November, the defendant appeared in court and was remanded on bail. s6(c) [Redacted]</p>	<p>Ongoing</p>	<p>ICI Steve Watson</p>
<p>2021 Resident Visa applicant not meeting health requirements</p>	<p><b>Date the Minister’s office was notified: 30 November 2023</b></p> <p>The 2021 Resident Visa category (21RV) was established to provide certainty for migrant families that faced disruption because of COVID-19, and to help retain the skills New Zealand businesses need to support New Zealand’s economic recovery. The category closed to new applications on 31 July 2022, a total of 106,441 applications were made under the category.</p> <p>There are now less than 1,000 applications still to be decided. The remaining applications are complex and require more in-depth assessment and time for a decision to be made.</p> <p>21RV has limited health requirements (a lower bar than other residence policies) but captures medicals conditions that are not eligible for medical waivers (tuberculosis, haemophilia, and conditions requiring dialysis or full-time care). Of the remaining cases it is estimated that 20 -30 applications include at least one applicant who does not meet the health requirements to be granted residence.</p> <p>In some cases, it is a secondary applicant (partner or dependent child) that does not meet health requirements rather than the principal applicant. If the secondary applicant holds a visa based on their relationship to the principal applicant, they are not able to be removed from the application. Where they can be removed, there are immigration instructions which would prevent them subsequently gaining residence based on their relationship to the principal applicant.</p> <p>As these applicants do not meet instructions, and INZ does not have discretion in residence, these applications will be declined. The Applicants can appeal to the Immigration and Protection Tribunal (IPT) to have their circumstances considered on humanitarian grounds.</p>	<p>To be closed</p>	<p>COO Stephen Vaughan</p>

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	<p><i>Recent example</i></p> <p>Section 9(2)(a)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <ul style="list-style-type: none"> <li>[Redacted]</li> <li>[Redacted]</li> <li>[Redacted]</li> </ul> <p>[Redacted]</p>		
<p>INZ support for applicants impacted by the Israel/Gaza conflict</p>	<p><b>Date the Minister's office was notified: 30 November 2023</b></p> <p>Since the conflict between Israel and Gaza started, INZ has put in place processes to ensure consistency and priority allocation for any applications received for people living in these locations. These processes include:</p> <ul style="list-style-type: none"> <li>• All visitor visa general applications from Palestinian and Israeli nationals are being processed in the same office;</li> <li>• A mailbox has been set up for applicants who are seeking support through the Ministry of Foreign Affairs and Trade (MFAT) to use to request prioritisation of applications;</li> <li>• Calibration meetings between teams in INZ to ensure consistency in decision making.</li> </ul> <p>INZ is also providing case-by-case advice and support to MFAT for New Zealand citizens and residents attempting to leave Gaza and travel to New Zealand.</p> <p>INZ have received one prioritisation request for the family of a NZ Permanent Resident who is currently living in Palmerston North. The application consists of the NZ Permanent Resident's ex-wife and their 14-year-old twin children. INZ has prioritised this application and it is currently being processed. INZ has received a supporting letter with the prioritisation request from Hon Grant Robertson. A petition is currently open for signatures on the New Zealand Parliament website which has been created by someone with the same name as the NZ Permanent resident, we cannot confirm if this is the same person or not.</p> <p>INZ will continue to prioritise and process applications for people impacted by the conflict along with supporting MFAT.</p>	<p>Ongoing</p>	<p>COO Stephen Vaughan</p>
<p>Migrant Exploitation Protection Visa applicant's not meeting requirements</p>	<p><b>Date the Minister's office was notified: 30 November 2023</b></p> <p>The Migrant Exploitation Protection Visa (MEPV) was established to enable migrant workers who hold an employer supported work visa to leave an exploitative workplace situation quickly, increase the incentives on migrants to report exploitation and maintain the integrity of immigration system.</p> <p>As at 28 November 2023, INZ has 115 MEPV applications in progress. Over the past 12 months, INZ has decided 890 MEPV applications, 872 were approved, nine were declined and nine were withdrawn by the applicant.</p> <p>Applicants are required to be in New Zealand, hold a work visa that specifies their employer as a condition of their visa, meet health and character requirements and have made a report of exploitation to MBIE. MBIE must have assessed that it is credible that exploitation may have occurred.</p> <p>While declines under this category are rare, INZ have seen cases where the applicant is unable to meet the requirements and there are not sufficient grounds for an exception to instructions (ETI). In these cases, the applications are declined.</p> <p><i>Recent example</i></p> <p>Section 9(2)(a)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>	<p>To be closed</p>	<p>COO Stephen Vaughan</p>

<sup>1</sup> This is the applicant's opportunity to comment on the adverse or 'potentially prejudicial information' (PPI) held by INZ.

<sup>2</sup> The Immigration and Protection Tribunal hears and determines appeals concerning decisions about resident class visas, the recognition of a person as a refugee or protected person and liability for deportation. The tribunal is administered by the Ministry of Justice.

	<p>Section 9(2)(a)</p> <p>[Redacted]</p>		
<p>Potential migrant exploitation and trafficking in persons identified</p>	<p><b>Date the Minister's office was notified: 30 November 2023</b></p> <p>The suspect is §9(2)(a) [Redacted] and is the director/shareholder of §9(2)(b)(ii) [Redacted]. Allegations have been received that the individual is recruiting §9(2)(a) [Redacted] workers and charging them \$US30k to come to work in New Zealand. The individual has recruited workers under both the AEWV scheme and the Cyclone Recovery Visa.</p> <p>Although any link between the employer and an offshore agent recruiting workers and taking payment is still to be established, it appears that the employer has insufficient work for those he has brought to New Zealand and has been housing some of these workers in accommodation in Auckland. There is very limited evidence of exploitation at this time, but there are indicators of people trafficking in the practices described. This is continuing to be assessed as the investigation continues.</p> <p>During week commencing 13 November 2023, 15 migrants were found living in one dwelling and were interviewed by Immigration Investigations. §9(2)(a) [Redacted]</p> <p>[Redacted]</p> <p>Section 61 of the Act provides the Minister of Immigration (delegated to the Associate Minister of Immigration and to senior immigration officers) with the power, in his or her absolute discretion, to grant a visa of any type to a person unlawfully in New Zealand and otherwise liable for deportation (unless they are subject to a deportation order).</p> <p>On Saturday 11 November, the migrants were due to be evicted from their accommodation, however the migrants have been given another month's accommodation by their landlord and have not been evicted. Immigration Investigations has begun a criminal investigation with attempts to identify any further victims and gather evidence with a view to establishing offences committed before approaching the suspect for interview.</p>	<p>Ongoing</p>	<p>ICI Steve Watson</p>
<p>The Coronial Inquiry into the Christchurch Masjidain Attacks</p>	<p><b>This item was first raised with the former Minister of Immigration in June 2023.</b></p> <p><b>Date the incoming Minister's office was notified: 30 November 2023</b></p> <p>The Coronial Inquiry into the Christchurch Masjidain Attacks is currently taking place. Victims and their families were notified that they could request friends and family members travel to New Zealand to support them during this time – families of the deceased were entitled to six support people and injured victims were entitled to one support person.</p> <p>Since 3 July 2023, victims and their families had been able to register with the Ministry of Justice and Victim Support to receive an approval letter which was provided to INZ, from the families, to support visitor visa applications.</p> <p>As at 27 November 2023, a total of 264 applicants applied: 221 visas were approved; 30 declined; 11 withdrawn (the majority of these were Somalian applicants); two applicants remain under assessment.</p> <p><i>Somalian applicants</i></p> <p>Applicants are required to have an acceptable travel document to establish their identity and to travel to New Zealand. INZ further considered what this meant for Somalian applicants as per immigration instruction A2.15.35, "there is currently no authority in Somalia that is recognised by the New Zealand Government as being competent to issue passports on behalf of Somalia." This is in line with many foreign governments, including all our Migration Five partners.</p> <p>Previously, INZ Certificates of Identity (COI) have been issued to Somalian nationals where they held a resident class visa or a clear pathway to residence, such as through their relationship with a New Zealand resident or citizen. However, Somalian nationals applying for visitor visas to be support people for victims of the Christchurch Masjidain attacks likely do not meet these criteria to be issued a COI.</p> <p>Moreover, most Somalian nationals applying for temporary entry visa applications present bona fide concerns given the security situation in Somalia. Therefore, the threshold to determine that they would return to their ties to the home country (including family, employment, financial interests and assets) outweighing the purported temporary visit in New Zealand would be exceptionally high.</p> <p>Following the community engagement meeting between the Christchurch Somalian community and the former Minister of Immigration on Wednesday 13 September, INZ contacted the nine Somalian applicants who had previously submitted a visitor visa application to confirm whether they wished to withdraw their application or proceed with assessment. INZ has received confirmation from all nine applicants that they will withdraw their applications. INZ is refunding the fees for these applicants.</p>	<p>Ongoing</p>	<p>COO Stephen Vaughan</p>
<p><b>Section 9(2)(a)</b></p>		<p>Ongoing</p>	<p>COO Stephen Vaughan</p>

Released Under the Official Information Act 1982



Section 9(2)(a)			
<p>Client pleads not guilty to assault with an axe</p>	<p><b>This item was first raised with the former Minister of Immigration in June 2023.</b></p> <p><b>Date the incoming Minister's office was notified: 30 November 2023</b></p> <p>The client is a s9(2)(a)</p> <p>On the evening of 19 June 2023, the client attacked diners in three restaurants in Auckland with an axe which resulted in three people being hospitalised. The client was arrested at the scene and appeared in the North Shore District Court on 20 June 2023, charged with wounding with intent to cause grievous bodily harm. The offending was reported in the media at the time: <a href="https://www.nzherald.co.nz/nz/albany-attack-witnesses-describe-axe-wielding-man-as-very-calm-as-he-went-from-restaurant-to-restaurant/XX66TG73HFHYLC3AOPKLK5LY7A/">https://www.nzherald.co.nz/nz/albany-attack-witnesses-describe-axe-wielding-man-as-very-calm-as-he-went-from-restaurant-to-restaurant/XX66TG73HFHYLC3AOPKLK5LY7A/</a></p> <p>The client appeared in the Auckland District Court on 11 July 2023 after new charges were laid which included:</p> <ul style="list-style-type: none"> <li>• X3 Wounds Intent to Grievous Bodily Harm (Other Weapon)</li> <li>• X2 Injures Intent to Grievous Bodily Harm (Other Weapon)</li> <li>• Assault Person with Blunt Instrument.</li> </ul> <p>On 6 September 2023, the client entered a plea of not guilty by way of insanity. He advised the court he would be defending his charges on the grounds of insanity and that he was previously s9(2)(a). The client was remanded in custody at Mt Eden Corrections Facility, Auckland and had been receiving mental health treatment.</p> <p>On 29 November 2023 the client appeared in court and the judge found him to be insane at the time of offending and was not legally responsible for his actions. The client has been remanded in custody until he is able to be relocated to the s9(2)(a). In light of the court decision Immigration Compliance will be considering the options available, which could include serving the client with a Deportation Liability Notice under section 157 of the 2009 Immigration Act.</p> <p>The client's next court appearance is scheduled for 13 December 2023, where the outcome of the criminal matters will be formalised</p>	<p>Ongoing</p>	<p>ICI Steve Watson</p>
<p>Chinese national charged with kidnap and murder</p>	<p><b>This item was first raised with the former Minister of Immigration in September 2023.</b></p> <p><b>Date the incoming Minister's office was notified: 30 November 2023</b></p> <p>The person charged with the kidnapping and murder of a real estate agent in Christchurch was named in the media in September 2023. The person charged was a Chinese national who arrived in New Zealand on 6 March 2023 on an Accredited Employer Work Visa (AEWV).</p> <p>The individual was approved their AEWV on 1 March 2023 to work as a cabinet maker in Canterbury.</p> <p>This client provided a clear Chinese police certificate with his AEWV application and the national security check was completed for the client with no adverse comments. The client is currently remanded in custody at Christchurch Prison.</p>	<p>Closed</p>	<p>COO Stephen Vaughan</p>
<p>Altercation involving a refugee status claimant</p>	<p><b>This item was first raised with the former Minister of Immigration in February 2023.</b></p> <p><b>Date the incoming Minister's office was notified: 30 November 2023</b></p> <p>On 7 February 2023, INZ was informed by New Zealand Police that a refugee status claimant had attacked his landlord on 5 February 2023 at their place of residence in s 9(2)(a). The attack allegedly happened in front of the landlord's wife and children. The attack was allegedly predicated by an altercation between the refugee status claimant and the landlord's children. The asylum claimant attacked the landlord using a meat cleaver striking the right side of his chest resulting in emergency care in hospital.</p> <p>The claimant was arrested and charged with bail opposed, pending an initial court appearance scheduled for 8 February 2023. He was remanded in Mount Eden Corrections facility, and he refused the visit from the Manukau crisis mental health team.</p>	<p>Closed</p>	<p>COO Stephen Vaughan</p>

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	<p>On 8 February 2023, the claimant was charged with wounding with intent to injure and was on remand until his court appearance that was scheduled on 22 February 2023. The claimant did not appear in court but was instead admitted s 9(2)(a) in an inpatient unit on 22 February 2023. The team at the Section 9(2)(a) will work with the claimant to determine if he will be well enough to stand trial.</p> <p>In early March 2023 INZ removed immigration related reporting conditions, as this person was actively monitored by New Zealand Police. Section 9(2)(a)</p> <p>The Refugee Status assessment is still in progress. There have been delays in interviewing the client as a result of their circumstances and mental health issues.</p>		
<p>Investigations relating to accredited employers – Operation GULLY and Operation COTTAGE</p>	<p><b>These items were first raised with the former Minister of Immigration in August and May 2023 respectively.</b></p> <p><b>Date the incoming Minister’s office was notified: 30 November 2023</b></p> <p><b>Operation GULLY</b></p> <p>Operation Gully relates to a large criminal investigation in which a large number of migrants were found to have paid, off-shore, large sums of money for Accredited Employer Work Visas (AEWVs). On arrival in New Zealand the migrants found that there was no employment.</p> <p>On Sunday 13 August 2023, Police responded to concerns of over-crowding at a residential property in Papakura, Auckland. NZ Police found 30 Indian nationals living at the address. A further four addresses were visited by NZ Police who found Indian migrants living in similar cramped conditions. All stated that they had arrived in New Zealand on an AEWV aligned to a company however had not been provided work. They further stated that they had paid considerable amounts of money offshore to secure their work visa.</p> <p>The investigation is focused on seven employers and one Licenced Immigration Advisor (LIA) and his company. The LIA was arrested following the completion of the search warrants and charged with two counts of providing false and misleading information to Immigration New Zealand, an offence under section 342(1)(b) of the Immigration Act 2009 which carries a maximum penalty of seven years imprisonment and/or a \$100,000 fine. The investigation is ongoing and further charges against the LIA are likely.</p> <p>s6(c)</p> <p>s9(2)(a)</p> <p>INZ is applying additional scrutiny to these applications to ensure the information provided is genuine considering the exploitation that has occurred where this LIA is alleged to have been involved.</p> <p>One company has had their accreditation suspension lifted as it was proved they had no knowledge of the offending.</p> <p>While the investigation is focussed on one LIA and seven employers, there is a larger network of employers and LIA’s that are linked or involved with Operation GULLY. This risk is being managed by the wider system with INZ placing alerts and warnings on the linked entities while the investigation is ongoing.</p> <p><b>Operation COTTAGE</b></p> <p>Operation COTTAGE was formed in May 2023 after many complaints were received by MBIE that had a similar modus operandi. Migrants had paid large sums to an offshore agent (often NZ\$20,000 – NZ\$30,000) to arrange visas and employment for them. Once the migrant arrived in New Zealand, they either found that they had no job or were fired within a short time of starting, often within the “90-day trial period”. They suspected that their agents were working together with the employers to scam them out of their money.</p> <p>All the affected visa holders under Operation COTTAGE are from China with most of the visas obtained under the AEWV system, but some complaints came in relating to the Cyclone Recovery visas. s6(c)</p> <p>A total of 95 files have been reviewed, 45 of these files fall under five main investigations which have been assigned to individual investigators. The remaining files have been referred to another team within MBIE for action or closed due to insufficient evidence.</p> <p>An Intelligence briefing has been commission and received regarding LIAs across Operations GRAIN (item below), GULLY and COTTAGE which is being reviewed. Next steps will be determined to ensure the appropriate actions are taken and identify connections across investigations.</p> <p>Investigations data as at 21 November 2023:</p> <ul style="list-style-type: none"> <li>• Since 1 July 2022, MBIE has received a total of 8,725 complaints through the National Prioritisation Process (NPP), where 1,483 were related to Accredited Employers. These 1,483 complaints were further referred to Compliance (216), Investigations (383), and the Migrant Exploitation Team (884).</li> <li>• There are 188 active investigations on Accredited Employers (on 167 employers since there are some duplicates in cases).</li> <li>• Investigations have completed 27 suspensions and 3 revocations of an employer’s accreditation status</li> <li>• In the past week Investigations have closed 15 cases on Accredited Employers with the following outcomes:</li> </ul>	<p>Ongoing</p>	<p>ICI Steve Watson</p>

	<ul style="list-style-type: none"> <li>o 3 x closed – referred to the Accredited Employer Risk Monitoring and Review (AERMR)</li> <li>o 2 x closed – referred to the Labour Inspectorate</li> <li>o 10 x closed – duplicate cases</li> </ul>		
<p>Operation GRAIN - Specific Purpose Cyclone Recovery Visas</p>	<p><b>This item was first raised with the former Minister of Immigration in April 2023.</b></p> <p><b>Date the incoming Minister’s office was notified: 30 November 2023</b></p> <p>Operation GRAIN relates to the misuse of the recovery visa where migrants were identified as paying hidden agents in their home countries, who promised work in New Zealand, and on arrival in New Zealand had no job or not the job they believed they had applied for. The Specific Purpose Recovery Visa policy was created to provide support to the North Island recovery from extreme weather events from Cyclone Gabrielle in January, and February of 2023. Approved visas under this category have a 6-month validity, from the date of entry. These applications were designed as a low touch, high trust model, with a very quick turnaround. Minimal information was required from the applicant and proposed New Zealand employer.</p> <p>A total of 2,636 visa applications were submitted and of that, 1,491 were approved a visa. 1,230 visa holders travelled to New Zealand with the top three countries of arrivals being India, China, and Vietnam. The decline rate for the Cyclone Recovery visa was approximately 40 per cent reflecting the non-genuine, fraudulent applications submitted through this category. This steady increase in decline rates resulted in a quick reduction in the volume of applications submitted.</p> <p>§6(c)</p> <p>§6(c)</p> <p>§6(c)</p> <p>§6(c)</p> <p>§6(c)</p> <p>§6(c)</p> <p>§6(c)</p> <p>§6(c)</p> <p><i>Recovery visa extension</i></p> <p>The recovery visa extension is for workers who hold a recovery visa and were in New Zealand on 23 September 2023. It allowed eligible visa holders to apply for a further three-month visa to help strengthen New Zealand’s ability to rebuild from the extreme weather events of January and February 2023.</p> <p><i>Compliance next steps</i></p> <p>Immigration Compliance continue to support applicants who are not able to apply for the extension of their visa. A large cohort have started to apply for Accredited Employer Work Visas. There is an increasing number of individuals who have allowed their visas to expire, making them unlawfully in New Zealand. As of 23 November 2023, there are approximately 145 unlawful persons whose last visa was granted under the Specific Purpose Recovery Visa policy and 110 individuals holding interim visas* and awaiting the outcome of a visa application.</p> <p>From November 2023 to May 2024, there are 323 visas due to expire and it is anticipated there will be a number of individuals from this cohort who will become unlawful. This cohort is currently being monitored by MBIE to undertake a graduate response to engagement. An internal automated system will send reminders to individuals who currently hold visas, these are set at 45, 23, 12, 6 days before expiry of the visa and then 44 days post expiry of the visa. The reminder includes information about visa requirements, how to apply or plan to make arrangements to leave New Zealand. For those who are currently unlawful, a similar graduated communications process is expected to be utilised. An ongoing issue remains regarding a lack of genuine contact details for this cohort.</p>	<p>Ongoing</p>	<p>ICI Steve Watson</p>
<p>§6(c)</p>	<p><b>This item was first raised with the former Minister of Immigration in May 2023.</b></p> <p><b>Date the incoming Minister’s office was notified: 30 November 2023</b></p> <p>§6(c) is an ongoing investigation into the exploitation of migrant workers at §6(c)</p> <p>§6(c)</p> <p>Current offences identified include providing false or misleading information, aiding and abetting, knowingly employing a person who is not entitled to work, exploitation under the Holidays Act, Immigration Act and the Minimum Wages Act. Trafficking in persons and altering a document with intent to deceive were also suspected.</p> <p>Individuals associated with §6(c) or with links to these individuals are §6(c) Some individuals associated with §6(c) are known to approach the media and have at times been critical of Immigration New Zealand (INZ) and migrant labour shortages.</p> <p>§6(c)</p> <p>§6(c)</p> <p>Search warrants were executed at a residential address and the §6(c) without incident. Documentation along with a number of electronic devices and CCTV systems were seized. Investigators analysed the data recovered. §6(c)</p> <p>§6(c)</p>	<p>Ongoing</p>	<p>ICI Steve Watson</p>

Released under the Official Information Act 1982





	<p>A search warrant was executed on s6(c)</p> <p>Charges were recommended under the Passports Act 1992, Citizenship Act 1977, Births Deaths, Marriages, and Relationships Registration Act 2021 and the Immigration Act 2009 relating to providing forged and false information, aiding and abetting and providing false or misleading information.</p> <p>The investigative phase was completed, and the prosecution file was submitted to MBIE Legal with a number of recommended/ preferred charges to be laid against the individuals. Charges were agreed and finalised with each individual being charged with three offences:</p> <ul style="list-style-type: none"> <li>• Providing False and Misleading Information under section 342 of the Immigration Act 2009</li> <li>• Improper Dealing with Immigration or Identity Documents under section 345 of the Immigration Act 2009</li> <li>• Procuring a Statement in a Material Way that was False under section 27 of the Citizenship Act 1977</li> </ul> <p>s6(c)</p>		
<p>s6(c)</p>	<p><b>This item was first raised with the former Minister of Immigration in June 2023.</b></p> <p><b>Date the incoming Minister's office was notified: 30 November 2023</b></p> <p>s6(c)</p>	<p>Ongoing</p>	<p>ICI Steve Watson</p>
<p>Client pleads guilty to murder of his infant son in 2021</p>	<p><b>This item was first raised with the former Minister of Immigration in August 2023.</b></p> <p><b>Date the incoming Minister's office was notified: 30 November 2023</b></p> <p>The client is an Indian national in New Zealand with his wife on resident visas. On 26 July 2021, during the processing of the couple's Skilled Migrant Category resident visa application, an immigration officer contacted Immigration Compliance to advise that the couple had not notified INZ about the death of their infant son.</p> <p>INZ had become aware of this information when the client's s9(2)(a)</p> <p>s9(2)(a) Subsequently, the compliance case was closed as there was no grounds to address any character concerns. INZ approved the resident visa application for the couple on 10 November 2021.</p> <p>On 20 July 2023, Immigration Compliance sighted a <a href="#">news article</a> which stated that the client had pleaded guilty to murdering his infant son in 2021. s6(c)</p> <p>s6(c)</p>	<p>Ongoing</p>	<p>ICI Steve Watson</p>

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	<p>On 17 October 2023 the client was sentenced to two years and nine months imprisonment. The case was reported on in the media:</p> <p><a href="https://www.nzherald.co.nz/nz/napier-baby-death-mothers-incredibly-moving-statement-speaks-of-forgiveness-in-time-as-husband-goes-to-jail/LYYDCADNWBETNPXFJLH22CT56I/">https://www.nzherald.co.nz/nz/napier-baby-death-mothers-incredibly-moving-statement-speaks-of-forgiveness-in-time-as-husband-goes-to-jail/LYYDCADNWBETNPXFJLH22CT56I/</a></p> <p><a href="https://www.stuff.co.nz/national/crime/300990490/wife-appeals-for-leniency-in-sentencing-of-husband-who-killed-their-son">https://www.stuff.co.nz/national/crime/300990490/wife-appeals-for-leniency-in-sentencing-of-husband-who-killed-their-son</a></p> <p>The case was referred to INZ to determine whether section 161 of the Immigration Act 2009 would apply to the client, meaning he would no longer be eligible for a resident class visa and may be liable for deportation.</p>		
<p>Deportation of a s9(2)(a)</p>	<p><b>This item was first raised with the former Minister of Immigration in June 2022.</b></p> <p><b>Date the incoming Minister’s office was notified: 30 November 2023</b></p> <p>s6(c), s9(2)(a)</p> <p>[Redacted content]</p>	<p>Ongoing</p>	<p>ICI Steve Watson</p>
<p>Update on compliance out of hour scenarios</p>	<p><b>This item was first raised with the previous Minister of Immigration in June 2023.</b></p> <p><b>Date the incoming Minister’s office was notified: 30 November 2023</b></p> <p>The final report, by Mike Heron KC, into out-of-hours compliance visits carried out by INZ was released on 10 July 2023. While the review was underway, there was an MBIE directive for no out of hours activities to be conducted.</p> <p>Since the release of the final report, it has been determined that the cease on out of hours activity will continue until such time that the recommendation of the Heron review relating to a review of standard operating procedures is concluded.</p> <p>INZ developed a scenarios document to provide compliance officers, and other INZ staff who engage with clients in the community, clarity on what engagement activity can occur while the cease on out of hours visits is in place.</p> <p>Since 29 May 2023, there have been ten cases considered which fall within one scenario where an individual is being deported either directly from the community or from Corrections/Police custody; the deportation flight is only available outside standard hours; and waiting for flights that depart during standard hours could result in the individual being held in custody longer than necessary and a warrant of commitment being required (if longer than 96 hours).</p>	<p>Ongoing</p>	<p>ICI Steve Watson</p>

<sup>3</sup> The 1987 Immigration Act was repealed and replaced by the 2009 Immigration Act on 29 November 2010.

	The ten cases consist of s9(2)(a) [redacted] The revised Standard Operating Procedures are due to be finalised at the end of November 2023.		
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