



MP for Palmerston North

Minister for Workplace Relations and Safety Deputy Leader of the House

Minister of Immigration

Minister for ACC

04 FEB 2019

Lance O'Riley

<mailto:fyi-request-9147-f85cefa4@requests.fyi.org.nz>

Dear Mr O'Riley

I refer to your official information request received by my office on 29 November 2018, in which you request the following information under the Official Information Act 1982 (the Act):

I am requesting information regarding the total number of deportations overturned by the Minister of Immigration which relate to any person who has been convicted of a crime in New Zealand. In relation to this, please provide the following.

- 1: The total number of deportations overturned*
- 2: A breakdown of which criminal offenses have been committed by these people*
- 3: A breakdown of what the reasons for each deportation order was*
- 4: The reasons for which each deportation was overturned.*

Your request has been interpreted as relating to cancellation of deportation liability for Residence Class Visa Holders and to decisions that I have made. I have only cancelled deportation liability once where a case included consideration of criminal charges. That was the deportation liability of Mr Sroubek in relation to his conviction for drug importation.

Your request for reasons for which his deportation was overturned is refused under section 18(c)(i) of the Act as release would be contrary to the provisions of a specified enactment. My decision was one of absolute discretion and section 11 of the Immigration Act 2009 provides that the decision maker is not obliged to give reasons other than that section 11 applies. In addition, section 23 of the Official Information Act 1982 does not apply to decisions made using absolute discretion.

You have the right under section 28(3) of the Act to ask the Ombudsman to investigate and review my decision on your request. The relevant contact details are as follows:

Office of the Ombudsman
PO Box 10152
WELLINGTON 6143
Ph. 0800 802 602

Yours sincerely

Hon Iain Lees-Galloway
Minister of Immigration