



## COVERSHEET

<b>Minister</b>	Hon Andrew Little	<b>Portfolio</b>	Immigration
<b>Title of Cabinet paper</b>	Response to Review of Out of Hours Immigration Compliance Activity	<b>Date to be published</b>	31 October 2023

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
September 2023	Response to Review of Out of Hours Immigration Compliance Activity	Office of the Minister of Immigration
18 September 2023	Response to Review of Out of Hours Immigration Compliance Activity CAB-23-MIN-0441 Minute	Cabinet Office

### Information redacted

YES /  NO

Any information redacted in this document is redacted in accordance with MBIE's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.



# Cabinet

## Minute of Decision

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### Response to Review of Out of Hours Immigration Compliance Activity

**Portfolio**                      **Immigration**

On 18 September 2023, Cabinet:

- 1        **noted** that on 1 August 2021, the Prime Minister apologised to Pacific people for the harm caused to them by the Dawn Raids period of the 1970s;
- 2        **noted** that following “out of hours” compliance activity in April 2023 by Immigration New Zealand, the Ministry of Business, Innovation and Employment (MBIE) commissioned Michael Heron KC to undertake a review of that activity and to make recommendations, if warranted;
- 3        **noted** that Michael Heron KC’s review found that no change had been made to the settings for out of hours compliance activity to align with the apology;
- 4        **noted** that Michael Heron KC’s review made four recommendations to change operational practice and one recommendation for the government to consider legislative change to limit the scope of this activity;
- 5        **noted** that the four recommendations to change operational practice are being implemented;
- 6        **agreed** that the Immigration Act 2009 should be amended, to require a judicial warrant to be sought for out-of-hours compliance activity, and that this change should be progressed through a stand-alone bill, to be passed as soon as possible in the next Parliamentary term;
- 7        **directed** MBIE officials to commence work on developing the above legislative change, and to report back to the Minister of Immigration by 30 November 2023, with specific recommendations for progressing the amendment legislation.

Rachel Hayward  
Secretary of the Cabinet