



COVERSHEET

Minister	Hon Andrew Little	Portfolio	Immigration
Title of Cabinet paper	Mass Arrivals Amendment Bill: Proposed Additional Safeguards	Date to be published	6 November 2023

List of documents that have been proactively released

Date	Title	Author
May 2023	Mass Arrivals Amendment Bill: Proposed Additional Safeguards	Office of the Minister of Immigration
31 May 2023	Mass Arrivals Amendment Bill: Proposed Additional Safeguards DEV-23-MIN-0098 Minute	Cabinet Office

Information redacted

YES / NO

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Cabinet Economic Development Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Mass Arrivals Amendment Bill: Proposed Additional Safeguards

Portfolio **Immigration**

On 31 May 2023, the Cabinet Economic Development Committee:

- 1 **noted** that the Immigration (Mass Arrivals) Amendment Bill (the Bill) is currently before the Foreign Affairs, Defence and Trade Select Committee, and that submissions indicate public scepticism about the protections available to people awaiting a decision on a Group Warrant of Commitment;
- 2 **noted** that the Minister of Immigration has identified four further proposals which could be included in the Bill and which fall within the purpose statement, would not unduly constrain judicial decision making, and could make New Zealand Bill of Rights Act 1990 (BORA) protections more obvious, without raising doubts as to whether other aspects of immigration detention are also covered by BORA;
- 3 **agreed** to the following changes to the Bill:
 - 3.1 establish that prior to a warrant of commitment being issued, a member of a mass arrival group may be detained in premises approved by the Chief Executive (under section 330 of the Act), except in a prison or police station;
 - 3.2 require an immigration officer to establish, in making an application for a Group Warrant of Commitment:
 - 3.2.1 why the proposed detention is necessary;
 - 3.2.2 that the detention sought is for the least amount of time and is the least restrictive necessary to achieve the outcomes of detention;
 - 3.2.3 how the proposed detention meets the government's obligations under the New Zealand Bill of Rights Act 1990; and
 - 3.2.4 how the proposed detention meets New Zealand's obligations under the 1951 Convention on the Status of Refugees and other relevant international obligations;
 - 3.3 require an immigration officer to report to the court weekly (unless varied by a Judge) during a period of warrantless detention of a mass arrival group;

- 3.4 provide that a Judge may order that the location specified in an application for a Group Warrant of Commitment be varied on their own motion, or upon application by a party;
- 4 **directed** officials to include the above proposals in the Departmental Report;
- 5 **authorised** the Minister of Immigration to approve further minor changes to the Bill that fall within the policy intent, as needed.

Sam Moffett
Committee Secretary

Present:

Hon Grant Robertson (Chair)
Hon Dr Megan Woods
Hon Michael Wood
Hon Dr Ayesha Verrall
Hon Kiri Allan
Hon Damien O'Connor
Hon David Parker
Hon Priyanca Radhakrishnan
Hon Kieran McAnulty
Hon Barbara Edmonds
Hon Dr Duncan Webb
Hon Rino Tirikatene
Hon Dr Deborah Russell
Hon Rachel Brooking
Hon Jo Luxton

Officials present from:

Office of the Prime Minister
Officials Committee for DEV