



COVERSHEET

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| Minister | Hon Erica Stanford | Portfolio | Immigration |
| Title of Cabinet paper | Immigration Financial Sustainability and System Integrity Amendment Bill | Date to be published | 10 April 2025 |

List of documents that have been proactively released

| Date | Title | Author |
|-------------------|---|---------------------------------------|
| 3 April 2025 | Immigration (Fiscal Sustainability and System integrity) Amendment Bill: Approval for Introduction LEG-22-MIN-0044 Minute | Cabinet Office |
| 26 March 2025 | Immigration (Fiscal Sustainability and System Integrity) Amendment Bill: Approval for Introduction | Office of the Minister of Immigration |
| 26 March 2025 | REQ-0009920 Immigration Amendment Bill: final Cabinet paper and Bill for lodgement | MBIE |
| 24 February 2025 | REQ-0009651 Immigration Amendment Bill - draft Cabinet paper and Bill for ministerial consultation | MBIE |
| 12 February 2025 | REQ-0008378 Immigration (Fiscal Sustainability and System Integrity) Amendment Bill - drafting decisions | MBIE |
| 21 January 2025 | REQ-0007504 Immigration (Fiscal Sustainability and System Integrity) Amendment Bill: Exposure draft feedback | MBIE |
| 18 November 2024 | REQ-0005172 Immigration amendment Bill: documents for release for targeted consultation | MBIE |
| 13 November 2024 | Immigration Amendment Legislation - Addition to Bill and Planning for Future Reviews ECO-24-MIN-0255 Minute | Cabinet Office |
| 13 November 2024 | Immigration Amendment Legislation - Addition to Bill and Planning for Future Reviews | Office of the Minister of Immigration |
| 2 November 2024 | REQ-0005823 Cabinet paper for lodgement: Immigration Amendment Legislation - addition to Bill and planning for future reviews | MBIE |
| 24 October 2024 | REQ-0005298 Draft Cabinet paper amending the definition of mass arrival | MBIE |
| 8 October 2024 | REQ-0004179 Immigration Amendment Bill – Mass Arrivals definition and transitional arrangements proposals | MBIE |
| 20 September 2024 | Immigration (Fiscal Sustainability and System Integrity) Amendment Bill: Policy Proposals ECO-24-MIN-0198 Minute | Cabinet Office |
| 12 September 2024 | Immigration Financial Sustainability and System Integrity Amendment Bill - policy proposals | Office of the Minister of Immigration |
| 6 September 2024 | 2425-0891 Immigration Amendment Bill: Cabinet paper for lodgement | MBIE |
| 22 August 2024 | 2425-0747 Immigration Amendment Bill: draft Cabinet paper for Ministerial consultation | MBIE |
| 13 August 2024 | 2024-0352 Immigration Amendment Bill: draft Cabinet paper for feedback | MBIE |
| 17 July 2024 | 2024-0286 Immigration Amendment Bill: update for meeting on 17 July 2024 | MBIE |

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| 2 July 2024 | 2324-3802 Fiscal Sustainability Amendment Bill - update and key decisions | MBIE |
| 4 April 2024 | 2324-2168 Proposed Immigration (Fiscal Sustainability) Amendment Bill: scope and timeframes | MBIE |

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| <p>Information redacted</p> <p>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 at this time.</p> <p>Some information has been withheld for the reasons of: national security or defence, privacy of natural persons, confidential advice to Government, information subject to an obligation of confidence, free and frank expression of opinion and legal professional privilege.</p> | <p>YES</p> |
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Cabinet Legislation 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.

Immigration (Fiscal Sustainability and System Integrity) Amendment Bill: Approval for Introduction

Portfolio **Immigration**

On 3 April 2025, the Cabinet Legislation Committee:

- 1 **noted** that the Immigration (Fiscal Sustainability and System Integrity) Amendment Bill (the Bill) holds a category 4 priority (to be passed by the end of 2025 if possible) on the 2025 Legislation Programme;

- 2 **noted** that the Cabinet Economic Policy Committee (ECO) agreed to amend the Immigration Act 2009 (the Act), as follows:
 - 2.1 in September 2024, to:
 - 2.1.1 better meet the Government’s fiscal sustainability goals by expanding the immigration levy payer base and creating a new levy making power to expand the purposes to which the immigration levy can be put; and
 - 2.1.2 better meet the Government’s immigration regulatory system integrity goals by:
 - 2.1.2.1 implementing the recommendations of independent reviews, requiring judicial warrants in some cases, strengthening protections for asylum claimants where the Crown is seeking their detention, and enabling residence class visas to be cancelled to manage security threats;
 - 2.1.2.2 capturing more cases where money is extorted for job offers, and ensuring people who commit crimes are appropriately liable for deportation;
 - 2.1.2.3 enabling the Minister of Immigration (the Minister) to, with appropriate safeguards, exercise flexible powers to respond to situations that are unusual or outside the immigration system’s control, and that pose operational challenges;

[ECO-24-MIN-0198]

 - 2.2 in November 2024, to amend the existing definition of a mass arrival group in the Act, such that the definition captures all possible ways a mass arrival group may enter New Zealand [ECO-24-MIN-0255];

- 3 **noted** that ECO authorised the Minister to make decisions, consistent with the policy proposals in the paper under ECO-24-SUB-0198, that might arise during the drafting and consultation process [ECO-24-MIN-0198];
- 4 **noted** that the Minister has made the following drafting decisions, consistent with the authorisation in paragraph 3 above, which are consistent with Cabinet’s policy decisions, but which refine or narrow their scope:
- 4.1 aligning the required considerations for a certificate for a Special Direction for a class of persons (“a class Special Direction”) with what the Minister must be satisfied of for a Special Direction for a class of persons;
 - 4.2 clarifying that the chief executive, rather than the Minister, is responsible for the annual publishing of the number of times and the reasons that class Special Directions have been used in the year, and the previous three years (if relevant);
 - 4.3 clarifying how a judge can consider issues around the confirmation, or not, of the identity of a person who has claimed refugee or protected person status, when considering an application for a warrant of commitment;
 - 4.4 specifying the scope of the extended levy, by spelling out in primary legislation which groups can be charged for which funding purposes (specifically, education, health, and labour market training);
 - 4.5 establishing that sponsors of parents may be liable to pay an extended health levy; and
 - 4.6 defining ‘out-of-hours’ for the purpose of immigration compliance activity as:
 - 4.6.1 Monday to Friday between 9pm and 7am on the following day;
 - 4.6.2 any time on a Saturday or Sunday, and
 - 4.6.3 any time on a public holiday;
- 5 **noted** that one decision made by the Minister (to remove “ports” from the list of entities that could be charged an immigration levy) was technically outside the scope of the authority in paragraph 3 above, as it was not consistent with the policy proposals;
- 6 **agreed** to confirm the decision in paragraph 5 above, namely the removal of the term “ports” from the list of entities that may be charged an immigration levy;
- 7 **noted** that ECO invited the Minister to undertake a review of immigration charges in parallel with Parliament’s consideration of the Bill, and to reflect the outcome of the review through amendments to the Immigration (Visa, Entry permission, and related Matters) Regulations 2010 [ECO-24-MIN-0198];
- 8 **noted** that there is no longer an intention to undertake a review of immigration charges in parallel with Parliament’s consideration of the Bill;
- 9 **agreed** that implementation of the levy proposals in the Bill will be considered as part of any future immigration fee and levy reviews;
- 10 **approved** the Immigration (Fiscal Sustainability and System Integrity) Amendment Bill [PCO 26183/16.0] for introduction;

- 11 **agreed** that:
- 11.1 the Minister may approve minor and technical changes to the Bill, prior to introduction;
 - 11.2 the Parliamentary Counsel Office can make minor proofreading and editorial changes to the Bill prior to introduction;
- 12 **agreed** that the Bill be introduced on 7 April 2025;
- 13 **agreed** that the Government propose that the Bill be:
- 13.1 referred to the Education and Workforce Committee for consideration;
 - 13.2 enacted by the end of 2025.

Tom Kelly
Committee Secretary

Present:

Hon Simeon Brown (Chair)
Hon Erica Stanford
Hon Paul Goldsmith
Hon Brooke van Velden
Hon Judith Collins KC
Hon Tama Potaka
Hon Casey Costello
Hon Nicole McKee
Hon Simon Watts
Hon Chris Penk
Stuart Smith, MP
Jamie Arbuckle, MP
Todd Stephenson, MP

Officials present from:

Officials Committee for LEG
Minister of Immigration's Office