



## Summary of the recommendations made in the report and the Ministry of Business, Innovation and Employment's Management response

<b>Recommendations made in the Independent Review of Immigration New Zealand's Residence Deportation Liability Process report</b>	<b>Ministry of Business, Innovation and Employment's Management response</b>
<p>The Minister should be able to request advice (as and when considered necessary) from INZ in complex cases and INZ should develop further guidance for the Minister on the types of cases warranting specific advice from officials. In the context of absolute discretion, Mr Heron suggests that advice could be given as to (for example): how a particular decision would sit with other government priorities (in relation to crime for example); how a particular decision would sit against similar decisions made in the past; or what risks were associated with a particular decision.</p>	<p>INZ agrees with the recommendation to provide the Minister with advice when requested by the Minister.</p> <p>Ministers currently have the ability to request further information and/or advice. This is being used positively (as recognised in the review) and more assistance is being provided when requested.</p> <p>INZ will work with the Minister to determine how it could provide further guidance, including advising the Minister in his delegations letter that he can seek guidance as required when considering cases.</p>
<p>INZ's Resolutions team should have a limited inquiry function to check or corroborate the veracity of information provided to INZ if this is considered necessary by the decision maker.</p>	<p>INZ agrees with this recommendation.</p> <p>The Resolutions team currently makes limited enquiries on a case by case basis. There are inquiry functions in INZ which may be able to support the Resolutions team by providing a limited inquiry function when this is requested by the decision maker.</p> <p>INZ would need to work through the implications for resourcing and timeliness of decision making.</p>
<p>A simplified two-stage process could be applied to criminal cases where the offence is relatively minor.</p>	<p>MBIE agrees to look at a simplified two-stage process. Planning and scoping of a simplified process for relatively minor criminal offending will begin by the end of October.</p> <p>Whether to change the threshold is a policy matter that would require legislative change. The Minister of Immigration has directed MBIE to undertake a policy review of the framework for the exercise of Ministerial discretion in 2020.</p>



<p>Consideration should be given to shifting the DDM process in automatic liability cases (involving more serious offending) to after an appeal option to the Immigration and Protection Tribunal (IPT) has been exercised or lapsed.</p>	<p>MBIE notes this recommendation and will consider it as part of the scope of the planned policy review in 2020, as this recommendation has implications which are broader than MBIE. In particular, the recommendation would have resourcing implications for the Immigration and Protection Tribunal.</p>
<p>Other process changes could be made including sending copies of relevant evidence to a client who faces deportation, obtaining a final Summary of Facts in relation to all criminal cases and streamlining certain administrative processes.</p>	<p>INZ welcomes any feedback to streamline our processes. INZ has taken steps in relation to sending evidence to a client and INZ will work with the Courts to determine the most appropriate action in regards to this recommendation. In the interim, INZ has changed its practices to rely less on the summaries and more upon judges' sentencing notes.</p>