

Regulatory Impact Statement: Enabling more effective compliance powers for immigration purposes

Decision sought	Analysis produced for the purpose of informing Cabinet decisions
Agency responsible	Ministry of Business, Innovation and Employment
Proposing Ministers	Minister of Immigration
Date finalised	4 June 2025

The proposal is to improve the effectiveness of compliance powers held by immigration officers, by broadening the range of circumstances in which they can request identity-based information and evidence from a person under section 280 of the Immigration Act (the Act).

We are proposing the power go from being able to be used when an officer has good cause to suspect someone is liable for deportation or turnaround, to being available when an officer has good cause to suspect someone may be liable for deportation or turnaround, and/or is in breach of their visa conditions.

Summary: Problem definition and options

What is the policy problem?

There is an opportunity to improve the effectiveness of the compliance powers provided to immigration officers under section 280 of the Act, to request identity-based information and evidence from persons who they have good cause to suspect are liable for deportation or turnaround.

Immigration officers encounter a wider range of behaviours while undertaking compliance activities that provide good cause to suspect someone may be non-compliant with immigration requirements. To support the exercise of powers under section 280, the behaviour observed by immigration officers needs to support a conclusion that it is likely a person is already liable for deportation or turnaround. This means the person is either:

- unlawfully in New Zealand,
- has been issued with deportation liability notice (DLN), or
- has been assessed as not being a genuinely temporary entrant or does not meet the requirements for a visa.

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Expanding the circumstances that an immigration officer can develop good cause to suspect non-compliance would support enhanced compliance outcomes and better use of compliance resources.

What is the policy objective?

To support improved compliance outcomes, including greater identification of non-compliance and swifter deportation of people who do not have a right to be in New Zealand. This is achieved by enabling immigration officers to better use their powers to request identity-based information in situations of concern and detect breaches of immigration requirements.

What policy options have been considered, including any alternatives to regulation?

Two options were considered:

- Option One: Status quo – no change to section 280 of the Act.
- Option Two: Expanding the situations where an immigration officer can exercise their powers under §280(1)(a) and (b) of the Act, to instances where a person *may be liable* for deportation or turnaround, *or may be in breach of their visa conditions* **(recommended)**

What consultation has been undertaken?

A short period of targeted consultation was undertaken with key stakeholders as agreed with the Minister of Immigration, including:

- government agencies (including MBIE's Immigration Compliance and Investigations (ICI) and Litigation teams, the Ministry of Justice, the Department of Corrections, and the Legislation Design and Advisory Committee (LDAC)),
- independent statutory bodies,
- representatives of impacted parties (i.e. immigration lawyers and community representatives)

The key feedback received is summarised below.

The ICI team strongly supports the amendment of this power, as its current construction is unfit for purpose and infrequently used. By comparison, they anticipate that the amended power could be used daily. This change would lead to productivity increases and improved compliance outcomes, as people who do not have a right to be in New Zealand are identified and deported more quickly.

The Ministry of Justice team responsible for the Immigration and Protection Tribunal (IPT) flagged concerns about the resource impact of an increase in deportation appeals, and the Human Rights team noted concerns about the potential infringement on the rights to privacy and to be secure against unreasonable search or seizure.

LDAC did not have any legislative design concerns about this proposal.

Between 1-6 May, we sought feedback on this and other proposals under the Immigration (Enhanced Risk Management) Amendment Bill from the following stakeholders:

- Immigration New Zealand's (INZ) Focus Group (which includes members from Business NZ, the Employers and Manufacturers Association and the New Zealand Council of Trade Unions)
- The New Zealand Law Society
- The Office of the Ombudsman
- Chief Victims Advisor, and

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- The IPT.

The only comment made by these stakeholders, from the New Zealand Law Society, on this proposal was noting that this seemed like a reasonable change given the range of circumstances where the powers could not be used.

Wider or public consultation was not feasible in the time available. However, there will be further opportunities for consultation, including targeted consultation on an exposure draft of the Bill and through the six-month Select Committee stage.

Is the preferred option in the Cabinet paper the same as preferred option in the RIS? Yes

Summary: Minister’s preferred option in the Cabinet paper

Costs (Core information)

Outline the key monetised and non-monetised costs, where those costs fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)

The cost associated with the preferred option is a greater number of deportation processes will likely progress, as larger volumes of non-compliance are identified. This will require more resources being attributed to deportation processes for MBIE ICI and possibly for the IPT appeals process. For ICI, this is expected to be offset by efficiency gains resulting from this change.

Benefits (Core information)

Outline the key monetised and non-monetised benefits, where those benefits fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)

The main benefit of the proposal is efficiency gains for MBIE ICI. These arise from utilising existing opportunities (via site visits) to identify and subsequently address more instances of non-compliance.

Balance of benefits and costs (Core information)

Does the RIS indicate that the benefits of the Minister’s preferred option are likely to outweigh the costs?

We consider that the benefits outweigh the costs, which are marginal and have sufficient mitigations. The benefit/cost ratio over time is likely to remain stable.

Implementation

Amendments to the Act will be required. The vehicle is the Immigration (Enhancing Risk Management) Amendment Bill that is proposed to be introduced by October 2025. Co

There will be limited nfid operational changes, with implementation planning to be completed once the Bill is introduced. Delivery will progress in parallel to the Parliamentary process to ensure readiness at the point the Bill is enacted. It will include updating internal guidance and procedures, delivering training, developing monitoring and reporting requirements, and an external communications plan.

Limitations and Constraints on Analysis

We do not have evidence for how often section 280 powers are currently used – this information is not currently recorded. This means judgement-based estimates on the impact of the proposed change have been used, based on regulator knowledge of the frequency of

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scenarios we are proposing to capture. This is an imperfect base from which to forecast the use of expanded powers and success metrics.

The Minister of Immigration's expectation is that the Bill is introduced by end of October 2025. Confidential advice to [redacted], requiring policy decisions in early June 2025. These timeframes mean that external consultation before Cabinet decisions has been limited to informing key stakeholders via high level written proposals or meetings and receiving their initial feedback. We have not undertaken significant engagement (such as through discussion documents seeking detailed comments). Engagement on an Exposure Draft of the Bill will occur later in 2025 ahead of Cabinet Legislative Committee Decisions in October 2025.

I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.

Responsible Manager(s) signature:



Stacey O'Dowd
Manager, Immigration (Border and
Funding) Policy
4 June 2025

Quality Assurance Statement <i>[Note this isn't included in the four-page limit]</i>	
Reviewing Agency: MBIE	QA rating: Partially meets
Panel Comment: A Quality Assurance Panel from MBIE has reviewed the Regulatory Impact Statement (RIS) prepared by MBIE titled Enabling more effective compliance powers on 22 May 2025. The Panel consider that the information and impact analysis summarised in the RIS partially meets the Quality Assurance criteria. The Panel notes that this RIS has been very well written with high standards of clarity and conciseness. However, although there has been high level targeted consultation with some stakeholders, this RIS has the limitation of not having undergone public consultation. Should future consultation through the select committee process change the analysis or assumptions, then a future Supplementary Analysis Report may be necessary.	

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

1. The objective of the Immigration Act 2009 (the Act) is to manage immigration in a way that balances the national interest, as determined by the Crown, and the rights of individuals. The Act does this by imposing obligations on migrants coming to New Zealand that they must uphold and including in the immigration system “mechanisms to ensure that those who engage with the immigration system comply with its requirements.”¹

Migrants who come to New Zealand are required to uphold immigration requirements...

2. People who are not New Zealand citizens may only enter and remain in New Zealand if they have a valid visa. Most visas are subject to conditions - these are rules and restrictions which outline what a visa holder is permitted and not permitted to do while they are onshore.
3. Visa holders are required by law to comply with their visa conditions under section 56 of the Act, generally regardless of whether they are aware of these conditions or understand the implications of non-compliance.² Effectively, in applying for a visa, migrants are entering into a legal obligation to uphold the associated immigration requirements.
4. Common conditions cover:
 - **Duration of stay:** How long the visa holder is allowed to stay in New Zealand, and when they must depart by.
 - **Work restrictions:** If and how the visa holder is allowed to work (for example, conditions may cover who the visa holder can work for, in what occupation, at what location, and whether such work may be part-time or full-time).
 - **Study restrictions:** If, where, and what the visa holder is allowed to study.
 - **Travel conditions:** Whether the visa holder return to New Zealand if they leave, and for how long.
5. Visa conditions help us manage immigration flows (for example, by limiting the time someone may be onshore or prompting them to fulfil the purpose for which they came to New Zealand), and protect the public interest (for example, by incentivising compliance with our laws).

...and there are repercussions for failing to meet these obligations.

6. Failing to comply with visa conditions and immigration requirements has significant repercussions, namely that the migrant could be deported. Liability for deportation can arise in several ways:
 - If they no longer hold a valid visa (for example, their visa has expired, and they have not been issued a new one) – at this juncture they are in New Zealand ‘unlawfully’;³

¹ Section 3 (2) (e) of the Act

² Per sections 56(2)-(4) of the Act

³ Per section 154 of the Act

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- If it has been determined that they were in breach of their visa conditions (after an investigation process);⁴
 - If they have been convicted of certain types of criminal offending or failed to maintain the good character requirements.⁵
7. If someone is unlawful, they are automatically liable for deportation. If they are on a temporary entry class visa, they may be issued with a Deportation Liability Notice (DLN) following relevant processes. Deportation can impact the visa holder's ability to return to New Zealand in the future – they may be prohibited from returning to New Zealand for up to 5 years or permanently and required to repay any costs associated with their deportation.

Immigration officers are delegated powers to enforce immigration settings...

8. The Act empowers immigration officers to carry out compliance action to enforce immigration settings. The purpose of compliance action is to maintain the integrity of New Zealand's immigration settings by ensuring that breaches of immigration requirements are detected and dealt with in accordance with the law, utilising any appropriate enforcement tools to encourage compliance, including prosecution.
9. The Act provides immigration officers with a range of powers to help them carry out their duties to enforce immigration settings, including powers to request documents, access specific types of information, enter and inspect premises.⁶

...although some can only be used in a very narrow range of circumstances.

10. **Section 280 of the Act** enables an immigration officer who has good cause to suspect that a person is liable for deportation or turnaround⁷ to, for the purpose of establishing whether that is the case, ask the person to:

- supply their full name/s, date of birth, country of birth, nationality, and residential address; and/or
- produce any identity documents for inspection; and/or
- surrender any identity document produced for inspection; and/or
- provide details of where their identity documents can be found if they do not currently have them in their possession.

11. Section 280 of the Act requires immigration officers to; inform the person prior to asking for identity information or documents that they suspect the person is liable for deportation or turnaround; and, warn them that if they do not comply with the immigration officer's request without reasonable excuse, then they are liable to arrest and detention under the Act.

⁴ Per sections 157 and 159 of the Act

⁵ Per sections 157,158, 160 and 161 of the Act

⁶ Under Part 8 of the Act

⁷ Immigration New Zealand has the authority to refuse entry at the border to individuals who are not considered genuine temporary entrants or who do not meet the requirements for a visa. If entry is refused, the passenger is subject to "turnaround," which means they are liable for being returned to their origin country.

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12. This power is utilised in very limited circumstances. Legal professional privilege
[Redacted]

13. Legal professional privilege
[Redacted]

14.

15. The exercise of section 280 powers is not tracked by Immigration New Zealand, as it is so infrequently used due to the high bar the current framing sets. However, compliance officials have confirmed that this power is underutilised due to its legislative construction and there are a range of previously encountered behaviours that might meet an adjusted threshold.

What is the policy problem or opportunity?

There is an opportunity to improve the effectiveness of the compliance powers provided to immigration officers under section 280 of the Act, which supports enhanced compliance outcomes (including the deportation of people that no longer have a right to be in New Zealand) and better use of compliance resources

16. Immigration officers encounter a wider range of behaviours while undertaking compliance activities that provide good cause to suspect someone *may be* non-compliant with immigration requirements, but which may not meet the threshold to support a conclusion that the person ‘is liable for deportation or turnaround.’

17. The following are common scenarios encountered by immigration officers that fall in this category, identified by MBIE’s ICI team, which undertakes investigation and compliance activities for instances of non-compliance with the Act.

18. *Scenario One:* immigration officers have lawfully entered a residential property for the purposes of serving a deportation order.¹⁰ They have encountered another individual at

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[Redacted]

¹⁰ As they are empowered to do by section 286 of the Act

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the premises (i.e., not the subject of the deportation order), and this person (who is not hearing impaired, and interpreter is being used):

- Refuses to engage with the immigration officer and pointedly ignores them while remaining in the house, and/or
- Keeps walking away when the immigration officer politely asks the person if they are available to talk briefly, and/or
- Is the likely owner of a vehicle parked in the driveway of the property that is registered to someone who is unlawfully in New Zealand (which the immigration officer ascertained after running a registration check for the vehicle with New Zealand Police as part of standard risk appreciation practice).

19. *Scenario Two*: immigration officers have lawfully entered a residential property for the purposes of serving a deportation order but do not know what the person named in the order looks like. There are two occupants at the property, but both refuse to identify themselves as the person named on the order. One is likely the named person on the order, but immigration officers need to identify both individuals to determine who.

20. *Scenario Three*: immigration officers have entered a residential property for the purposes of serving a deportation order and on entry determine that the premises is operating as an unlicensed brothel (noting indicators like CCTV on the entrance, publicly displayed price lists for services or payment details, etc). The officers encounter other migrants on the premises, who are not the named person for the deportation order but there is evidence to suggest that they are also sex workers. If confirmed, the provision of commercial sex services would be a breach of visa conditions, and they would likely be liable for deportation.

21. *Scenario Four*: when visiting a commercial premises to serve a deportation order, immigration officers encounter a group of other workers who display some risk behaviours such as:

- Complete avoidance, no eye contact, attempting to evade the officer;
- Ignoring the officer and attempting to leave the premises; or
- Wearing the same uniform and undertaking similar work as the named individual who is working in breach of their visa conditions.

22. In each of these scenarios, immigration officers cannot gather identity information that would allow them to determine whether the migrants encountered are non-compliant with immigration obligations and possibly liable for deportation. This is because the observed behaviours are not sufficient to provide good cause to suspect the person *is already* liable for deportation or turnaround.

23. MBIE's view is that there is an opportunity to improve the effectiveness of compliance action related to deportation and better utilise compliance resources by expanding the situations in which the section 280 power can be used. Rather than limiting its use to situations where a person's behaviour provides good cause to suspect they are already liable for deportation, it could be extended to situations where there is good cause to suspect someone *may be* liable for deportation or turnaround, *and/or in breach of their visa conditions*. This would cover the situations above.

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24. Compliance officials cannot quantify the impact of the change as there is no data recorded about the current use of section 280 powers. However, officials anticipate that the proposed amendment could see this power used daily, increasing productivity and support improved compliance outcomes (namely the deportation of people who no longer have the right to be in New Zealand).

25. This change would build on work already underway through the Fiscal Sustainability and System Integrity (FSSI) Bill, to better balance settings that support the integrity of the system (as determined by the Crown) with those that protect the rights of individuals, and to enable efficiencies where appropriate. It is also a coalition priority to restore law and order and ensure regulatory systems work well. The FSSI Bill also amends the Immigration Act 2009 and was introduced in the House on 7 April 2025.

Affected stakeholders and their views

26. We have identified the following affected groups and the nature of their interest:

- **Regulated group:**

- Migrants who would be subject to the requests for information
- (Secondary) Employers who are identified and penalised for employing a migrant outside their visa conditions

- **Regulators:**

- MBIE's Immigration Compliance and Investigations (ICI) team, which undertakes investigation and compliance activities (including deportation processes) for instances of non-compliance with the Act.
- The Immigration and Protection Tribunal, which considers appeals on deportation liability (a potential outcome of identified non-compliance).
- (Secondary) The Labour Inspectorate, which enforces and monitors compliance with minimum employment standards (should employers who are in breach of these standards be identified through this enhanced compliance power).

27. This proposal primarily impacts migrants who may be asked by MBIE to provide identity-based information. These individuals are not able to be identified or consulted but representatives of impacted parties and government agencies have been consulted on the proposals and their feedback summarised in paragraphs 32-36.

What objectives are sought in relation to the policy problem?

28. The primary objective is to support improved compliance outcomes, including greater identification of non-compliance and swifter deportation of people who do not have a right to be in New Zealand. This is achieved by enabling immigration officers to better use their powers to request identity-based information in situations of concern and detect breaches of immigration requirements.

29. A secondary objective is reducing negative outcomes for migrants, as unlawful people are more vulnerable to exploitation or living in precarious situations. Both objectives need to be balanced against ensuring that checks against misuse of power are retained and

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individual rights are upheld (given the possible consequences of the powers in questions are arrest, detention, and deportation from New Zealand), and efficient use of resources.

What consultation has been undertaken?

30. To achieve introduction of the Amendment Bill by October 2025, the Minister of Immigration agreed to a short period of targeted consultation with key stakeholders. MBIE has consulted as broadly as possible within time constraints, by undertaking a short and targeted period of stakeholder engagement with:

- government agencies (including, for the proposals in this RIS: MBIE's ICI and Litigation teams, the Ministry of Justice, the Department of Corrections, and the Legislation Design and Advisory Committee (LDAC))
- independent statutory bodies (e.g. the Immigration and Protection Tribunal)
- representatives of impacted parties (the New Zealand Law Society's Immigration and Refugee Committee, and the INZ Focus Group, which includes employers, migrant groups and immigration lawyers).

31. Wider or public consultation was not feasible in the time available. Through the targeted consultation process, MBIE received a broad range of perspectives which have been factored into the analysis.

32. There will be two more opportunities for consultation:

- targeted consultation with the above stakeholders on an exposure draft of the Bill, in September 2025,
- through the six-month Select Committee stage, at which point members of the public are invited to provide written and oral submissions on the Bill.

33. Government agencies had the following feedback on this proposal:

- The ICI team strongly supports the amendment of this power, as its current construction is unfit for purpose and the power is not used. By comparison, they anticipate that the amended power could be used daily. This change would lead to productivity increases and improved compliance outcomes, as people who do not have a right to be in New Zealand are more quickly identified and deported.
- The Ministry of Justice has expressed some concerns about the potential infringement on section 21 of the New Zealand Bill of Rights Act 1990 and resourcing implications for the IPT (detailed below).
- LDAC had no legislative design concerns about this proposal.

34. Other stakeholders provided limited feedback, with the only comment noting that this seemed like a reasonable change given the range of circumstances where the powers could not currently be used (from the New Zealand Law Society).

Section 2: Assessing options to address the policy problem

What criteria will be used to compare options to the status quo?

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35. The options will be assessed using the following criteria, in line with the objectives for this work:

- **Improved compliance outcomes:** will this lead to greater detection and addressing of breaches of immigration laws and instructions?
- **Maintains checks on the use of power and upholds individual rights:** are there appropriate checks preventing the unfettered exercise of the power? Is the proposal consistent with an individual's right to be secure against unreasonable search or seizure, provided in section 21 of the New Zealand Bill of Rights Act 1990?
- **Administrative cost:** how much additional burden will be placed on MBIE and the IPT due to increased identification of individuals who may be liable for deportation?
 - i. We do not think these options would have other administrative impacts for the regulators as there will be no changes to the process for exercising this power, and all options would be delivered within existing resourcing and prioritisations.
 - ii. There is no change to any administrative cost on the regulated parties because of this proposal. If a breach of obligations is identified because of the use of this amended power, then associated administrative burden and costs for these groups would apply, but these are unchanged by this proposal.

What scope will options be considered within?

36. We have only considered options that can be delivered within existing resourcing and prioritisations, Confidential advice to Government

What options are being considered?

Option One – Status quo

37. Immigration officers who have good cause to suspect that a person *is liable* for deportation or turnaround can, for the purpose of establishing whether that is the case, ask that person to:

- supply their full name/s, date of birth, country of birth, nationality, and residential address; and/or
- produce any identity documents for inspection; and/or
- surrender any identity document produced for inspection; and/or
- provide details of where their identity documents can be found if they do not currently have them in their possession.

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Option Two – expanding the situations where an immigration officer can exercise their powers under s 280(1)(a) and (b) of the Act, to instances where a person *may be* liable for deportation or turnaround, *or may be in breach of their visa conditions*

38. Immigration officers who have good cause to suspect that a person *may be liable* for deportation or turnaround, *or may be in breach of their visa conditions*, can, for the purpose of establishing whether that is the case, ask that person to:

- supply their full name/s, date of birth, country of birth, nationality, and residential address; and/or
- produce any identity documents for inspection.

39. This would mean immigration officers could ask for these identity details and to see identity documents in a wider range of situations to verify compliance.

40. Before asking for identity information or documents, the immigration officers would be required to:

- inform the suspected person that they may be liable for deportation or turnaround, or may be in breach of their visa conditions, and
- warn them that if they do not comply with the immigration officer's request without reasonable excuse, then they are liable to arrest and detention under the Act.

Further (non-regulatory) options were considered but excluded

41. We have considered whether there was a non-regulatory option to address the problem but have not progressed these as the identified root cause of the problem faced is the wording of the Act.

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How do the options compare to the status quo/counterfactual?

	Option One – <i>Status Quo</i>	Option Two – expanding situations where an immigration officer can exercise powers under s 280(1)(a) and (b) of the Act
Improved compliance outcomes	0	++ An immigration officer would be able to request identity information in all the scenarios of concern, which would support greater identification of immigration non-compliance. This increases the integrity of the process and demonstrates efficient use of the ICI resources, producing a reduction in the overstayer population.
Maintains checks on the use of power and upholds individual rights	0	- The same standard of proof ('good cause to suspect') remains as it is under the status quo, but there is greater potential infringement on an individual's right to privacy and to be secure against unreasonable search or seizure under section 21 of the NZBORA. We suggest, given the need for this change for to identify people in breach of their legal obligations, this is a reasonable infringement.
Administrative cost	0	0 Deportation cases may arise more frequently, owing to improved identification of potentially liable migrants. This will place an added burden on ICI and IPT resources. For the ICI, this would likely be offset or exceeded by efficiency gains from improved performance of compliance functions resulting from the change. However, subject to volumes, there may be a need to increase resourcing for the IPT which will not have the same efficiency gains. This will be reassessed as monitoring enable modelling of volumes.
Overall assessment	0	+ (RECOMMENDED OPTION)

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

42. We recommend Option Two, as it is most likely to deliver the highest net benefits.
43. Option Two will ensure that immigration officers are able to seek identifying information in the scenarios of concern, which based on judgments from the regulator MBIE's ICI, will support improved efficiency and productivity of compliance action. It also supports wider compliance objectives than just deportation compared to status quo.
44. Significant compliance resource is allocated to locating migrants who are liable or likely liable for deportation, with anywhere from two to six staff attending a site visit. By expanding the ability to request identity-based information during planned compliance activities (e.g., site visits), ICI will be able to identify more people from site visits, increasing productivity. This will be more fiscally responsible and further better the integrity of the immigration system. ICI judges that this will offset or exceed the increased resource burden that may arise from more frequent deportation processes as more non-compliance is identified.
45. There are some concerns about the potential for Option Two to lead to greater infringement on the migrant's rights to privacy and to be secure against unreasonable search or seizure, under section 21 of the New Zealand Bill of Rights Act 1990.
46. We suggest that in this context, it will be reasonable for an immigration officer to ask someone for identifying information (i.e., their full name/s, date of birth, country of birth, nationality, and residential address) or to see their identity documents. While this is personal information, it is the sort of information that is regularly shared with a range of organisations and agencies (for example, banks and insurance providers, utility and service providers).
47. It is also necessary to request this information to identify people who are in breach of their legal obligations. ICI estimates that amended versions of these powers would be used daily, as they are frequently encountering situations that would meet the revised threshold. This compares to the current very infrequent use of powers, which is so low that it does not get recorded.
48. Immigration officers will still be required to have 'good cause to suspect' someone may be liable for deportation, turnaround or in breach of their visa conditions. While this would allow for a wider range of suspicious behaviours to trigger the power, there still needs to be that suspicious behaviour to prompt the officer.
49. We have limited this proposal to the powers under section 280 (1)(a) and (b) of the Act (seeking identity details and inspection of identity documents), to mitigate the potential infringement on the right to be secure against unreasonable search or seizure. The powers under §280 (1)(c) and (d) of the Act enable an immigration officer who has good cause to suspect the migrant is liable for deportation to request the surrender of identity documents or information of the location of said documents.
50. This change could lead to an increase in the number of deportation appeals made to the IPT. A person who is facing deportation cannot be deported while they have an appeal lodged with the Tribunal. The administrative cost of an appeal to the IPT is significant and an increase in volumes would increase these costs and could lead to a greater backlog of

cases¹¹ and longer wait times.¹² The IPT membership¹³ may need to be increased to respond to the increased volumes, which would have associated fiscal costs.

51. We are proposing to start monitoring the use of section 280 powers provided Cabinet agrees to advance Option Two. This will help us develop a clearer estimate of the impact during the legislative process. We will continue to engage with IPT officials on the potential volumes as this work progresses.

Is the Minister’s preferred option in the Cabinet paper the same as the agency’s preferred option in the RIS?

52. Yes.

What are the marginal costs and benefits of the preferred option in the Cabinet paper?

Affected groups <i>(identify)</i>	Comment <i>nature of cost or benefit (e.g., ongoing, one-off), evidence and assumption (e.g., compliance rates), risks.</i>	Impact <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	Evidence Certainty <i>High, medium, or low, and explain reasoning in comment column.</i>
Additional costs of the preferred option compared to taking no action			
Regulated groups	Migrants who are asked to provide identity information under the expanded application of the powers may be identified as liable for deportation.	Medium impact. These changes will not make a greater number of people liable for deportation, but it will provide more opportunities for them to be identified.	Medium (the assumed increase in the levels of identification of non-compliance leading to deportation processes are based on judgements only).
Regulators	MBIE ICI will likely need to progress a greater number of deportation processes because of increased identification of non-compliance.	Low impact.	
Others (e.g., wider govt, consumers, etc.) <i>For fiscal costs, both increased costs and loss of revenue could be relevant</i>	IPT may face an increase in the number of appeals for deportation.	Low-medium impact	
Total monetised costs		N/A	N/A
Non-monetised costs		<i>Low-medium</i>	<i>Medium</i>

¹¹ In 2024, 1,128 appeals were received by the IPT, and 821 were disposed of, meaning work on hand increased by 75% (from 412 to 719 on hand at 30 June 2024). This year, to 30 April, the IPT has received 1,240 appeals and disposed of 850. The work on hand has increased to 1,109 (an increase of 54%).

¹² The average age of cases on hand at the IPT is 172 days. This increased from 116 days as at 30 June 2024.

¹³ The IPT is a judicial decision-making body, and there are currently 19 members and a Chair who is a District Court Judge. The salaries or payments for all Tribunal members are set by the Remuneration Authority, with a permanent legislative authority (PLA) supporting this.

Additional benefits of the preferred option compared to taking no action			
Regulated groups	N/A	No particular benefit	High
Regulators	MBIE ICI will experience efficiency gains from utilising existing opportunities (via site visits) to identify more instances of non-compliance	High impact	High
Others (e.g., wider gov't, consumers, etc.)	IPT	No particular benefit	Medium
Total monetised benefits		N/A	N/A
Non-monetised benefits		<i>High</i>	<i>High</i>

Section 3: Delivering an option

How will the proposal be implemented?

53. The changes will be implemented through the Immigration Enhanced Risk Management Bill, which is scheduled for introduction in October 2025, Confidential advice to Government
54. The implementation of the changes will require minimal operational changes for MBIE. MBIE is developing an implementation plan for all proposals in the Bill. For the proposals in this RIS, the following implementation steps have been identified:
- Update Immigration Instructions, Standard Operating Procedures, Practice Notes and template letters for MBIE's Operational Teams
 - Deliver training to immigration officers
 - Update monitoring and reporting requirements on prosecutions and infringements
 - Develop an external communications plan to ensure migrant communities and advocates, employers and industry representatives, and Licensed Immigration Advisers understand the changes and what they mean for them.
55. The implementation planning will be completed once the Bill is introduced, and delivery will progress in parallel to the Parliamentary process, to ensure readiness at the point the Bill is enacted.

How will the proposal be monitored, evaluated, and reviewed?

56. MBIE's ICI team currently does not record information on the use of the section 280 powers because of its infrequent use at present. Subject to agreement to this change, ICI will begin recording instances when the power is exercised prior to implementation. This tracking will continue after implementation to monitor the frequency of use.
57. MBIE will continue to monitor the number of visa holders that are made liable for deportation. As of April 2025, the Minister of Immigration receives quarterly reporting on compliance and investigations activity. Reporting on deportation outcomes because of this proposal could be included in this report.

58. A review of the changes will be undertaken 12 months after implementation, with findings provided to the Minister of Immigration. The review will consider any change in the frequency of use of the section 280 powers and subsequent deportations, and the corresponding resourcing impact for ICI and the IPT. This will be developed in consultation with the Ministry of Justice.