



03 May 2024

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DOIA 2324-2159

Tēnā koe Madhur

Thank you for your email of 4 April 2024 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following:

*At what stage does resolutions office of Immigration New Zealand ("INZ") get involved in deportations?*

*On what grounds is a referral to resolution branch made?*

*Who makes the referral?*

*I also request an organizational chart containing clear lines of authority within INZ.*

On 10 April 2024 we had requested that you clarify the definition of clear lines of authority within Immigration New Zealand (INZ). On this date, you had advised us to send the latest organisational chart of INZ.

### **Our Response**

*At what stage does resolutions office of Immigration New Zealand ("INZ") get involved in deportations?*

The role of the Deportations team within Immigration Resolutions is to provide appropriate information and analysis to the Minister of Immigration or delegated decision makers for the Minister of Immigration to make informed decisions on whether a New Zealand resident should be deported from New Zealand or not. The Deportations team receive referrals for residence class visa holders who are liable or potentially liable for deportation within New Zealand. Upon receipt of the referral, if it is determined there are sufficient grounds to proceed, an analyst within the Deportations team will prepare a deportation case. The case is then referred to a decision maker to determine whether the residence class visa holder should be deported from New Zealand or not.

The Ministerial team within Immigration Resolutions provides appropriate information and analysis to the Minister of Immigration or delegated decision makers for the Minister of Immigration to make informed decisions on whether to approve requests for ministerial intervention in individual cases. Under section 154 of the Immigration Act 2009, persons liable for deportation who unlawfully reside within New Zealand may request ministerial intervention to prevent their deportation.



*On what grounds is a referral to resolution branch made?*

The Deportations team receive referrals based on the following sections of the Immigration Act 2009:

- Where a residence class visa is granted because of an administrative error (section 155)
- Where it appears that an individual holds a residence class visa under a false identity, or has been convicted of holding a residence class visa under a false identity (section 156)
- Where it appears that false, forged, or misleading information was provided, or relevant information was concealed within the individual's application for a residence class visa, or within a visa application based on which a residence class visa was granted (section 158).
- Where an individual has failed to meet the conditions, or breached the conditions on their resident visa (section 159)
- Where a residence class visa holder is liable for deportation because of a criminal conviction (section 161)
- Where an individual's refugee or protected person's status is cancelled (section 162)

Requests for ministerial intervention to prevent the deportation of a person unlawfully in New Zealand are made directly to the office of the Associate Minister of Immigration, either by the person liable for deportation or their representative.

*Who makes the referral?*

The Deportations team receives referrals from various groups within INZ and MBIE. This includes but is not limited to Visa Operations, Refugee and Migrant Services, Immigration Risk and Border, and Immigration Compliance and Investigations. Referrals are also received from external stakeholders such as the New Zealand Police, the Department of Corrections, and the Department of Internal Affairs.

If the office of the Associate Minister of Immigration agrees to consider a request to prevent the deportation of a person unlawfully in New Zealand, it passes the case to the Ministerials team in Immigration Resolutions.

*I also request an organizational chart containing clear lines of authority within INZ.*

Please see the attached appendix for the latest INZ organisational chart.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

If you wish to discuss any aspect of your request or this response, please contact [inzoias@mbie.govt.nz](mailto:inzoias@mbie.govt.nz)

Nāku noa, nā



Debbie Te Awhe  
Associate Deputy Secretary Immigration (Acting)  
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