Immigration Amendment Bill 2012 (2012 No 16-2)

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Purpose

The aim of this Bill is to amend the Immigration Act 2009 (the Act) to “enhance New Zealand's ability to deter people-smuggling to New Zealand”.

The Bill as introduced is described in Bills Digest No 1973.

Main changes

Identification

The bar-2 Bill clarifies the meaning of identity information to be provided in applications for warrants of commitment and makes it clear that the persons included in a mass arrival warrant must be identified by one or more of “a name of the person (which may be the name that the person is known by or a name assigned to that person)”, biometric information in relation to that person, or a physical description of the person (Part 1, Clause 12, inserting new subsection (6)).
Reversion to individual warrants

The bar-2 Bill enables a District Court Judge to treat an application for a mass arrival warrant as a group of applications for individual warrants of commitment if, having considered certain specified matters, he or she is not satisfied that the criteria for the issue of a mass arrival warrant are met (Part 1, Clause 12, substituting New Section 317B; amending New Section 317C).

Review of mass arrival warrants

The Bar-2 Bill provides for applications for review of massive arrival warrants, and how a District Court Judge must consider and determine those applications. A power is provided for a judge to determine that for one or more persons detained under the warrant to be detained in a place or places other than the place or places currently specified in the warrant for those persons (Part 1, Clause 14, amending New Section 324A).

Regulations for suspension of claims

The bar-2 Bill provided that regulations suspending the processing and determining of certain claims should do so by reference to a set of circumstances or characteristics common to the relevant claims, or to the claimants making them. It also sets out the circumstances in which these regulations might be made as follows:

- where there were problems accessing or assessing information relevant to decisions on the claims to be suspended; or
- in circumstances where a decision on the claims was unlikely to produce a “robust” outcome (Part 1, Clause 15, amending Section 403 of the Act by substituting new paragraph (ka) and inserting new subsections (2) and (3)).

Places of detention

The bar-2 Bill makes amendments to new form 5 to “provide for the situation where different people under a mass arrival warrant might need to be detained in different places” (Schedule 2 of the Bill, substituting new Form 5).

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2 Immigration Amendment Bill, 2012 No 16-2, As reported from the Transport and Industrial Relations Committee, Commentary, p. 4.