

House of Representatives

Supplementary Order Paper

Wednesday, 22 July 2009

Immigration Bill

Proposed amendments

Keith Locke, in Committee, to move the following amendments:

Clause 4(1)

Omit paragraph (a)(iii) from the definition of **biometric information** (*line 6 on page 27*).

Clause 5(2)(a)

Omit “might” and substitute “will be likely to” (*line 29 on page 45*).

Clause 5(3)(a)

Omit “or the international relations of New Zealand” (*line 11 on page 46*).

Clause 30

Omit subclause (2) (*lines 1 to 15 on page 70*) and substitute the following:

- (2) If **subsection (1)** applies, the Minister may rely on the information to make a decision under Part 3, 4 or 6.
- (3) **Subsection (1)** does not apply to refugee and protection claims.

Clause 89(1)

Add the following paragraph (*after line 37 on page 122*):

- (e) that the carrier or person or person in charge of any craft cannot be held responsible under **subsection (1)(a)** if the passenger is to claim asylum in New Zealand under the Refugee Convention 1951.

Clause 152

Omit this clause (*lines 18 to 26 on page 181*).

Clause 174B

Omit this clause (*lines 3 to 8 on page 209*).

Clause 195(1)(b)

Add after “or have other equivalent or appropriate experience whether in New Zealand or overseas)”, “at least one of whom has extensive experience in refugee law” (*line 19 on page 231*).

Clause 231(2)

Omit “even if they consider that the information does not meet the criteria set out in **subsection 5 (2) and (3)**, unless the chief executive of the relevant agency consents to its release” and substitute “until the chief executive of the relevant agency has been consulted” (*lines 1 to 4 on page 255*).

Clause 234

Omit this clause (*lines 14 to 36 on page 257 and lines 1 to 9 on page 258*).

Clause 271A

Omit this clause (*lines 21 to 27 on page 300*).

Clause 273

Omit from paragraph (b) “96” and substitute “72” (*line 29 on page 302*).

Clause 275

Omit from subclause (4) “96” and substitute “72” (*line 9 on page 304*).

Clause 285(10)

Omit after “do not” and substitute “can” (*line 16 on page 315*).

Clause 289(2)

Omit from paragraph (b) “; and” and substitute “.” (*line 11 on page 319*).

Omit paragraph (c) (*line 12 on page 319*).

Clause 350

Omit subclauses (2) and (3) (*line 37 on page 368 and lines 1 to 18 on page 369*).

Explanatory note

This Supplementary Order Paper amends the Immigration Bill. These amendments are as follows:

Clause 4(1) excludes iris scans from biometric information.

Clause 5(2)(a) amends and tightens the definition of what information is to be regarded as classified.

Clause 5(3)(a) omits the term “international relations of New Zealand” as a reason for withholding classified information.

Clause 30 amends the bill so that the Minister does not rely on classified information in refugee and protection claims.

Clause 89(1) amends the bill in relation to responsibility of carriers for allowing on board those who claim asylum in New Zealand.

Clause 152 omits the clause relating to deportation of those deemed “security risks”.

Clause 174B omits the clause denying appeal rights and reviews in relation to transit visas.

Clause 195(1)(b) provides that at least one member of the Immigration and Protection Tribunal tasked with hearing decisions in relation to refugee matters includes at least one member with extensive expertise in refugee law.

Clause 231(2) amends the bill in relation to the powers of government departments to control the disclosure of classified information by the Tribunal and the courts.

Clause 234 omits this clause so that so that appeals may be taken in cases involving classified information.

Clause 271A omits this clause which denies bail and is contrary to *habeus corpus*.

Clause 273 provides that detention without warrant is limited to 72 hours which has been the status quo since 1999.

Clause 275(4) provides that detention without warrant is limited to 72 hours which has been the status quo since 1999.

Clause 285(10) provides that the length of time a person has been detained can be taken into account by a District Court Judge when deciding on extending any period of detention. Otherwise New Zealand could end up in the situation of detaining people indefinitely.

Clause 289(2) provides that classified information need not necessarily be treated as accurate. Classified information may include hearsay and rumours and to treat information such as this as accurate is manifestly inappropriate.

Clause 350 omits subclauses that would prevent the Human Rights Commission from considering particular immigration proceedings.