

29 April 2026

**Submission** to Committee Secretariat of Education and Workforce Committee on the ***Immigration (Enhanced Risk Management) Amendment Bill***.

As a Catholic Justice and Peace Commission committed to upholding Catholic Social Teachings (CST) we welcome the challenge of responding to the *Immigration (Enhanced Risk Management) Amendment Bill* in such a way that will enhance a balanced approach that upholds human dignity, protects the common good, respects the rule of law, and gives particular consideration to the vulnerable, including migrants, refugees, and children. We do not advocate for ‘open borders’ nor do we condone the unchecked expansion of State power. We acknowledge the Government’s stated objectives of this Bill to strengthen immigration integrity, address serious offending, and respond to migrant exploitation.

Our concerns are that several provisions of this Amendment Bill risk undermining fundamental principles of justice, including natural justice, that will increase disproportionate harms for migrants and refugees, and undermine social cohesion and proportionality if enacted without stronger safeguards.

For this reason, we give our conditional support of the Bill in its current form, with the expectation that stronger moral and human rights protections and safeguards are incorporated into final legislation. We therefore support some elements of the Bill, notably measures addressing migrant exploitation, while seeking further amendments to ensure proportionality, fair process, and protection of vulnerable persons and families.

**On Human Dignity, Natural Justice, and the Rule of Law**

Through CST we understand that public authority must act in ways consistent with the dignity of the human person, and that justice requires fair procedures particularly where decisions affect liberty, family life, or safety. Policies that predominantly frame migrants as *risks* or *threats* risk instrumentalising human beings rather than treating them as persons.<sup>1</sup>

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<sup>1</sup>Pope St. John Paul II. Pontifical Council for Justice and Peace. (2004). *Compendium of the Social Doctrine of the Church*. Vatican.

[https://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20\\_060526\\_compendio-dott-soc\\_en.html](https://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20_060526_compendio-dott-soc_en.html) n. 505, 297-298, 187.

Law in Aotearoa New Zealand similarly affirms rights relevant to immigration decision-making, including the right not to be arbitrarily detained and the right to natural justice by public authorities that determine rights, obligations, or interests.<sup>2</sup> Where the Bill narrows appeal rights and expands compliance powers, Parliament should ensure that administrative efficiency is not achieved at the expense of fairness, transparency, and access to meaningful review.<sup>3</sup> “Public authorities should see to it that the natural right is respected that places a guest under the protection of those who receive [them]”. (CCC n.2241).<sup>4</sup>

We recommend the strengthening or inserting of provisions that require decision-makers and Immigration and Protection Tribunal to explicitly consider vulnerability, family unity, children’s interests, and the proportionality of deportation outcomes alongside public safety factors.<sup>5</sup>

Any immigration reform must therefore be person-centred, not solely risk-centred.

**Imago Dei:** We understand the Bill expands or modernises compliance tools, including enabling information requests where there is good cause to suspect deportation liability, turnaround, or visa condition breaches, and modernises information-sharing provisions and the use of digital credentials.<sup>6</sup>

While system efficiency and safe information-sharing can benefit the common good, CST requires that coercive and surveillance-adjacent powers protect the person and avoid unnecessary harms to marginalised communities.<sup>7</sup>

We recommend stronger statutory safeguards and reporting duties concerning the use of information-sharing powers, with clear privacy protections and transparency about the “good cause” threshold and its application.

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Pope Francis. (2024, May 24). *Message for the 110th World Day of Migrants and Refugees 2024*. Vatican. <https://www.vatican.va/content/francesco/en/messages/migration/documents/20240524-world-migrants-day-2024.html>

<sup>2</sup> Ministry of Justice. (1990, August 28). *New Zealand Bill of Rights Act 1990*. New Zealand Legislation. <https://legislation.govt.nz/act/public/1990/109/en/latest/#DLM225524> Liberty of the person

<sup>3</sup> *Ibid.* Search, arrest, and detention  
JPIL. *Compendium*. n. 173, 469, 353.

<sup>4</sup> Libreria Editrice Vaticana, Citta del Vaticano [United States Catholic Bishops Conference]. (1993). *Catechism of the Catholic Church*. Vatican. <https://www.usccb.org/sites/default/files/flipbooks/catechism/543/>

<sup>5</sup> JPIL. *Compendium*. n. 212-214

*Bill of Rights Act 1990*. Freedom from Discrimination.

<sup>6</sup> *Immigration (Enhanced Risk Management) Amendment Bill | Ministry of Business, Innovation & Employment*. (2009). <https://www.mbie.govt.nz/immigration-and-tourism/immigration/immigration-legislation-reviews/immigration-act-2009-amendments/immigration-enhanced-risk-management-amendment-bill>

<sup>7</sup> JPIL. *Compendium*. n.168-170

This would require public reporting (with privacy protections) on the use and impacts of expanded powers, including equity impacts and numbers affected by appeal restrictions and information-sharing.<sup>8</sup>

### **The Right and Duty of the State to Regulate Borders**

CST clearly recognises the legitimate authority of states to regulate immigration for the sake of the common good: “Political authorities... may make the exercise of the right to immigrate subject to various juridical conditions”. (CCC n.2241)

The moral question is how such authority is exercised. Expanded deportation settings can produce severe impacts on long-settled persons and families, particularly when strong community ties and dependent children are involved.

We agree with the emphasis to create stronger abilities to deport serious offenders and to maintain confidence in the system,<sup>9</sup> as we too recognise the right to uphold community and national safety. However, any legislation that insists on extending powers of punishment and exclusion must be balanced by mercy, rehabilitation, and a commitment to the common good that includes the future wellbeing and welfare of families and children.<sup>10</sup> The Bill at this stage should ensure that victim participation provisions are balanced with the broader public interest, and do not inadvertently amplify punitive outcomes without adequate consideration of rehabilitation and family consequences.<sup>11</sup>

We therefore recommend explicit, transparent balancing criteria that include family unity, duration of residence, rehabilitation evidence, and the best interests of children alongside the provisions being made for serious offending and victim impacts.<sup>12</sup>

### **The Preferential Option for the Poor and Vulnerable**

Migrants, especially those seeking asylum, overstayers, and children, are among the most vulnerable populations in society. Policymakers should give special moral weight to how laws affect those least able to defend their own rights. Media reporting highlights significant concerns that the Bill removes or restricts appeal rights to the Immigration and Protection Tribunal for some categories of migrants, including long-term residents and

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<sup>8</sup>*Bill of Rights 1990*. Search, arrest, and detention

<sup>9</sup> Stanford, E. (2026, March 18). *Immigration (Enhanced Risk Management) Amendment Bill to hold people to account for serious offending*. The Beehive. <https://www.beehive.govt.nz/release/immigration-enhanced-risk-management-amendment-bill-hold-people-account-serious-offending>

<sup>10</sup>JPII. *Compendium*. n.214-215.

Pope Francis. (2024, September 29). *Message for the 110th World Day of Migrants and Refugees 2024*. <https://www.vatican.va/content/francesco/en/messages/migration/documents/20240524-world-migrants-day-2024.html>

<sup>11</sup>JPII. *Compendium*. n.512, 244, 247.

<sup>12</sup>JPII. *Compendium*. n. 157

*Bill of Rights 1990* Liberty of the Person

children. Government documents reportedly raised potential inconsistencies with the *Convention on the Rights of the Child* in relation to these changes.<sup>13</sup>

Further in international law, *The Refugee Convention* includes exclusion clauses which must be applied carefully, and UNHCR has emphasised that exclusion decisions should be clear, reasoned, and accompanied by fair procedures because of their grave and often irreversible consequences.<sup>14</sup>

Measures that create consequences for non-engagement in biometrics or that expand “bad faith” concepts can unintentionally penalise genuine claimants who face barriers such as trauma, mental health needs, language limitations, or distrust of authorities rooted in the persecution experience. The independent ‘Casey Review’<sup>15</sup> highlighted serious concerns on detention practices of asylum and refugee claimants in Aotearoa New Zealand reinforcing the need for “less-restrictive” approaches, and offering significant alternatives and numerous recommendations that follow UNHCR guidelines, particularly in regard to developing legislation where liberty maintains the default position, that least-restrictive measures are used, and clear statutory safeguards against arbitrary detention and broad discretion is in place. While the Government accepted all findings in the review by Victoria Casey KC and implemented important operational reforms, including ending long-term detention of asylum seekers in Corrections facilities, these principles are not clearly embedded in the Amendment Bill itself. The Bill expands arrest, detention-adjacent, and compliance powers without expressly codifying the Casey Review’s core principle that liberty should be the default, leaving key protections policy-based rather than legislatively guaranteed.

We suggest any biometric or “bad faith” consequences should incorporate a clear “good reason”/ reasonable accommodations framework and do not operate as automatic bars where genuine protection needs exist. There is a need for exclusion-related amendments to be drafted and implemented consistently with UNHCR guidance that emphasise narrow interpretation, support full examination, and fair hearing obligations.

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<sup>13</sup> Bonnett, G. (2026, April 27). *Power in immigration bill “invokes images of ICE”, critics say*. RNZ. <https://www.rnz.co.nz/news/political/593549/power-in-immigration-bill-invokes-images-of-ice-critics-say>

<sup>14</sup> United Nations. (1951, July 28). *Convention relating to the Status of Refugees*. OHCHR. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees>  
UNHCR. *Executive Committee meetings note on the exclusion clauses EC/47/SC/CRP.29*. (1997, May 30). The UN Refugee Agency. <https://www.unhcr.org/publications/note-exclusion-clauses>

<sup>15</sup> Casey, V. (2022, March 23). *Report to Deputy Chief Executive (Immigration) of the Ministry of Business, Innovation and Employment RESTRICTION OF MOVEMENT OF ASYLUM CLAIMANTS*. <https://www.mbie.govt.nz/dmsdocument/20130-report-to-deputy-chief-executive-immigration-of-the-ministry-of-business-innovation-and-employment-restriction-of-movement-of-asylum-claimants>

Furthermore, from a CST informed standpoint, reducing access to independent review mechanisms heightens the risk of injustice, particularly for those most vulnerable. We strongly support safeguarding those vulnerable to ensure system integrity and human dignity are maintained. We promote systems, legislation, and safeguards that recognise the human face of displacement: trauma, barriers to engagement, and the reality that many migrants and refugees journey under extreme stress and fear.<sup>16</sup> Assurances on proposed “bad faith” and biometric measures must include robust safeguards so that people with genuine protection needs are not wrongly excluded due to trauma, language, disability, or barriers to engagement. Any extension of exclusion concepts (including serious crimes) needs to align with international standards, implemented with narrow interpretation, and fair procedures.<sup>17</sup>

### **Subsidiarity, Proportionality, and Due Process**

Broad removal of humanitarian appeal rights risks pushing distressing cases into narrower, less accessible pathways, increasing hardship and potentially undermining trust in the system. CST insists that authority be exercised at the appropriate level, with checks, transparency, and avenues for appeal. Expanding ministerial and officer discretion while narrowing review pathways risks concentrating power in ways that conflict with subsidiarity and due process. Legal commentators have warned that limiting Tribunal oversight may simply shift disputes to higher courts, increasing costs and reducing practical access to justice for migrants.<sup>18</sup>

We recommend amending the Bill to ensure decisions that severely affect rights and family unity retain meaningful procedural fairness, including reasons, disclosure to the extent compatible with safety, and effective review/appeal options.

It is our strong conviction that social cohesion is not strengthened by opacity or fear, but by trust, fairness, and accountability.<sup>19</sup> We therefore believe a statutory requirement should be added: that new enforcement powers be exercised proportionately, with explicit consideration of vulnerability, and best interests of family and children where relevant.

We ask that a tightly defined humanitarian appeal path is restored and/or an “exceptional circumstance” review for temporary and visitor visa holders where there is credible

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<sup>16</sup>Francis. *Message for the 110th World Day*.  
JPII. *Compendium*. n. 24, 66, 71.

<sup>17</sup>United Nations. (1951b, July 28). Convention relating to the Status of Refugees. OHCHR.  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees>  
UNHCR. *Executive Committee*

<sup>18</sup> Bonnett, G. (2026, April 27). *Power in immigration bill*

<sup>19</sup>JPII. *Compendium* n. 192–196

evidence of: children’s best interests, family unity concerns, trafficking/exploitation indicators, serious illness/disability, or risk of severe harm.

### **Worker Exploitation and Trafficking**

We welcome the Bill’s emphasis on addressing migrant exploitation, including increased penalties and new infringement tools for employer noncompliance.

The Bill includes measures intended to strengthen the prevention of trafficking and severe migrant exploitation, with the inclusion of increased criminal penalties for migrant exploitation, now carrying a maximum sentence of 10 years’ imprisonment, and expanded investigative and information-sharing powers aimed at identifying organised exploitation networks.

We also note and agree with the Government’s intention to retain mechanisms that allow trafficking and exploitation victims to remain lawfully in Aotearoa New Zealand while assisting investigations, which is essential for effective disruption of trafficking operations.<sup>20</sup>

Our concern is that these protections are largely policy-based rather than guaranteed in statute, and the Bill does not establish a clear protection status or enforcement firewall for trafficking victims. Media and legal commentary have warned that broader enforcement powers, without explicit safeguards, may discourage victims from coming forward, potentially increasing their vulnerability to trafficking rather than reducing it.

From a Catholic Social Teaching perspective, effective anti-trafficking law must ensure that victims are treated first and foremost as **persons needing protection**, not primarily as compliance risks.

We recommend maintaining and strengthening the exploitation and employer compliance provisions to ensure resourcing for enforcement, and safe reporting pathways are in place for exploited workers.

### **Summary of Recommendations**

To recap our recommendations provided throughout our submission. We seek amendments to the Bill on:

#### **1. Human dignity, vulnerability, and children to be explicit decision factors**

##### **Bill Clauses:**

Sections 154–161 (expanded deportation liability)

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<sup>20</sup> Stanford, E. (2025, September 4). *Strengthening deportation & immigration compliance*. The Beehive. <https://www.beehive.govt.nz/release/strengthening-deportation-immigration-compliance>

Sections 201–207 (appeal rights and humanitarian grounds)

**Recommendation:** Amend provisions to require decision-makers and the Immigration and Protection Tribunal to explicitly assess vulnerability, including trauma, disability, length of residence, family unity, and the best interests of children, alongside public safety and victim impact considerations, when determining deportation liability and appeals.

## **2. Preserve natural justice and meaningful review**

**Bill clauses:** Sections 201–207 (reduction or removal of appeal rights)

Ministerial intervention and compliance decision provisions

**Recommendation:** Ensure that any narrowing of appeal rights is paired with a clearly defined alternative review mechanism that provides reasons, transparency, and access to independent oversight where decisions have serious consequences for liberty, safety, or family life.

## **3. Restore a narrowly defined humanitarian or exceptional-circumstances pathway**

**Bill clauses:** Sections 201, 206–207 (who may appeal on humanitarian grounds)

**Recommendation:** Insert a tightly defined humanitarian or exceptional-circumstances review for temporary and visitor visa holders where credible evidence exists of:

- children’s best interests,
- family separation,
- trafficking or exploitation indicators,
- serious illness or disability, or
- risk of severe harm.

This pathway should be discretionary and reviewable, not automatic.

## **4. Apply proportionality to expanded deportation powers**

**Bill clauses:** Sections 154–161 (extended deportation timeframes / thresholds)

**Recommendation:** Require these sections to include express proportionality criteria, such as duration of residence, evidence of rehabilitation, community ties, and family impacts, to ensure deportation outcomes are not disproportionate, particularly for long-settled persons and families.

## **5. Stronger safeguards for compliance, information-sharing, and biometrics**

**Bill clauses:**

Sections 280–281 (information requests)

New Sections 294AAC–294AAJ (expanded information-sharing)

Proposed additions on biometrics and “bad faith.”

**Recommendation:** Add statutory safeguards requiring

- a clearly defined “good cause” threshold,
- privacy protections and purpose limits,
- reasonable accommodations for trauma, disability, or language barriers, and
- public reporting (with anonymisation) on use and impacts, including equity and vulnerability outcomes.

## **6. Statutory protection for trafficking and exploitation victims**

Migrant exploitation and enforcement provisions

Deportation and compliance settings affecting exploited workers

**Recommendation:** Strengthen the Bill by embedding statutory protections not only policy assurances so that trafficking and exploitation victims:

- have safe reporting pathways,
- are protected from enforcement while cooperating with investigations, and
- are treated primarily as persons needing protection, not compliance risks.

### **Conclusion:**

We are navigating a fine line between legislation that can improve the safety and security of a nation, who we “allow” to remain or enter our country, and discriminating against those in most need of our welcome, support and care. Our faith narrative is based on those forced from their homelands through persecution or necessity into foreign lands, with and without welcome, safety, or care. We are always conscious of how we can best welcome and respond to the stranger and dispossessed within our midst. We have offered our concerns, opinions and recommendations for this Bill from a perspective of faith.

We conclude with the words of our late Pope Francis in his response to mass deportation in the United States through one of his final public letters last year, that we believe is relevant to the further development of this legislation. It is offered as a reflection if not a warning:

*The rightly formed conscience cannot fail to make a critical judgment and express its disagreement with any measure that tacitly or explicitly identifies the illegal status of some migrants with criminality. At the same time, one must recognize the right of a nation to defend itself and keep communities safe from those who have committed violent or serious crimes while in the country or prior to arrival. That said, the act of deporting*

*people who in many cases have left their own land for reasons of extreme poverty, insecurity, exploitation, persecution or serious deterioration of the environment, damages the dignity of many men and women, and of entire families, and places them in a state of particular vulnerability and defenselessness.*

*This is not a minor issue: an authentic rule of law is verified precisely in the dignified treatment that all people deserve, especially the poorest and most marginalized. The true common good is promoted when society and government, with creativity and strict respect for the rights of all [...] welcomes, protects, promotes and integrates the most fragile, unprotected and vulnerable. This does not impede the development of a policy that regulates orderly and legal migration. However, this development cannot come about through the privilege of some and the sacrifice of others. What is built on the basis of force, and not on the truth about the equal dignity of every human being, begins badly and will end badly.<sup>21</sup>*

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<sup>21</sup> Pope Francis. (2025, February 10). *Letter of the Holy Father to the Bishops of the United States of America*. Vatican. <https://www.vatican.va/content/francesco/en/letters/2025/documents/20250210-lettera-vescovi-usa.html>