



Immigration (Mass Arrivals) Amendment Act 2024

Public Act 2024 No 17
Date of assent 4 June 2024
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Immigration (Mass Arrivals) Amendment Act 2024.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Immigration Act 2009.

Part 1

Applications for visas and entry permission

4 Section 4 amended (Interpretation)

In section 4, replace the definition of **passenger** with:

passenger, in relation to a craft,—

- (a) means a person, other than a member of the crew, who is carried in or on the craft with the consent of the carrier, or the person in charge, of the craft; but
- (b) for the purpose of any provision in this Act or secondary legislation made under this Act that deems certain passengers to hold a visa and to have been granted entry permission, does not include a person who is a member of a mass arrival group

5 Section 79 amended (Who may apply for temporary visa)

After section 79(1)(c), insert:

- (d) a person who is a member of a mass arrival group and has the responsibility of applying for a visa under section 103(1)(daa).

6 Section 103 amended (Obligations on persons arriving in New Zealand)

(1) After section 103(1)(d), insert:

(daa) if the person is a member of a mass arrival group and is not the holder of a visa (whether or not the person also has the responsibility in paragraph (c)), to apply in any prescribed manner for a visa and entry permission on the person's first presentation to an immigration officer:

(2) After section 103(2), insert:

- (2A) If a member of a mass arrival group does not comply with subsection (1)(daa), the person must be treated as if they have applied for a visa and entry permission on the person's first presentation to an immigration officer.

Part 2

Mass arrival warrants of commitment

7 Section 311 amended (Implications of liability to arrest and detention)

In section 311(b), replace “for a period not exceeding 96 hours by a constable in accordance with section 313” with “by a constable in accordance with section 313 for no longer than 96 hours (or, for a member of a mass arrival group, no longer than allowed by section 313(2)(b)(ii))”.

8 Section 313 amended (Initial period of detention for up to 96 hours without warrant)

- (1) In the heading to section 313, delete “for up to 96 hours”.
- (2) Replace section 313(2) with:
 - (2) A person arrested and detained under this section may be detained—
 - (a) only as long as necessary to achieve the purpose of the arrest and detention without further authority than this section; and
 - (b) no longer than—
 - (i) 96 hours; or
 - (ii) for a member of a mass arrival group in relation to whom an application for a mass arrival warrant has been made within 96 hours of the member's arrest and detention, the time it takes for that application to be determined. (*See also* section 317AB, which limits the time for an application to be determined.)

9 Section 317A amended (Application for mass arrival warrant)

After section 317A(2)(c)(ii), insert:

- (iii) how the proposed terms of the warrant ensure that the detention is for the least amount of time necessary to achieve the outcomes of the detention; and
- (iv) how the proposed terms of the warrant ensure that the detention is the least restrictive necessary to achieve the outcomes of the detention; and
- (v) how the proposed location of the detention meets—
 - (i) the Government's obligations under the New Zealand Bill of Rights Act 1990; and

- (ii) New Zealand's obligations under the 1951 Convention Relating to the Status of Refugees and any other relevant international obligations.

10 Section 317B amended (Decision on application for mass arrival warrant)

After section 317B(3), insert:

- (3A) Despite subsection (3), when issuing the warrant the Judge may vary, on his or her motion or upon application by a party, the place or places of detention named in the application for the warrant.

11 Section 317C amended (Variation of mass arrival warrant)

After section 317C(5), insert:

- (5A) When issuing the variation to the existing warrant, the Judge may also vary, on his or her motion or upon application by a party, the place or places of detention named in the warrant.

12 New section 317AB inserted (Limited period for decision on mass arrival warrant)

After section 317A, insert:

317AB Limited period for decision on mass arrival warrant

- (1) An application for a mass arrival warrant must be heard by a District Court Judge—
 - (a) as soon as is reasonably practicable; and
 - (b) within 7 days after the application was made.
- (2) However,—
 - (a) the Judge may, within 7 days after the application was made, adjourn the proceeding if satisfied that it is not reasonably practicable to determine the application within 7 days; and
 - (b) if the Judge adjourns the proceeding, the Judge must determine the application within 28 days after the application was made.
- (3) If 1 or more members of a mass arrival group are detained under section 313(2)(b)(ii) pending determination of the application for a mass arrival warrant, an immigration officer must report to the Judge at least once a week (unless varied by the Judge) as to whether the warrant continues to be necessary for a purpose set out in section 317A(1)(a).

13 Section 324A amended (Review of mass arrival warrant)

After section 324A(4), insert:

- (4A) On an application under subsection (2)(a), a District Court Judge may also vary, on his or her motion or upon application by a party, the place or places of detention named in the warrant.

14 Section 330 amended (Approval of premises for purpose of immigration detention)

In section 330, insert as subsection (2):

- (2) Despite subsection (1), the chief executive may not approve a police station or prison as a place that may be used to detain 1 or more members of a mass arrival group under section 313(2)(b)(ii) pending determination of an application for a mass arrival warrant.

Legislative history

28 March 2023	Introduction (Bill 214–1), first reading and referral to Foreign Affairs, Defence and Trade Committee
27 July 2023	Reported from Foreign Affairs, Defence and Trade Committee
7 May 2024	Second reading
22 May 2024	Committee of the whole House (Bill 214–2)
28 May 2024	Third reading
4 June 2024	Royal assent

This Act is administered by the Ministry of Business, Innovation, and Employment.