

11th Annual Immigration Law

Latest Developments and Policies on NZ Immigration

8 & 9 August 2013, Pullman Hotel Auckland



Programme highlights

- Examining the Future Directions of Immigration New Zealand (INZ)
- Immigration legislative and policy developments
- Developing jurisprudence of the Immigration and protection tribunal: A critical overview
- Changing law and possible remedies when considering the effect of Climate Change on immigration appeals, deportations and refugee claims
- Panel Discussion on Human rights issues under the Immigration Amendment Act
- Examining Migrant Exploitation
- Changes to the Long Term Business Visa
- Complaints to INZ and Ombudsman: An advocate's perspective: the 5 P's
- Migration research: latest developments and recent research into migrant labour market outcomes
- Labour market changes and policy responses

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Speakers

- **Hon Michael Woodhouse**, Minister of Immigration
- **Arron Baker**, IGMS Senior Business Representative, Ministry of Business, Innovation and Employment
- **Christine Hyndman**, Manager Immigration Policy, Ministry of Business, Innovation and Employment
- **Doug Tennent**, Lecturer, Faculty of Law, University of Waikato
- **Carole Curtis**, Principal, Marshall Bird & Curtis
- **Grant Bayldon**, CEO, Amnesty International NZ
- **George Mason**, General Manager Labour Inspectorate, Ministry of Business, Innovation and Employment
- **Marcus Beveridge**, Principal, Queen City Law
- **Bradley So**, Lawyer, Queen City Law
- **Richard Small**, Solicitor/Director, Pacific Legal Limited
- **Paul Merwood**, Principal Analyst, Migration Research, Evaluation and Analysis, Strategy and Governance Group, Ministry of Business, Innovation & Employment

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11th Annual Immigration Law

Latest developments and Policies on NZ Immigration

Thursday, 8 August 2013

9:00 **Opening remarks from the Chair**

9:15 **Ministerial Address**

The Minister will update the audience on the latest thinking and policies on New Zealand Immigration and the long term plans.

Hon Michael Woodhouse, Minister of Immigration

10:00 **Future Directions of Immigration New Zealand (INZ)**

Immigration New Zealand has embarked on a comprehensive change programme. This is based on its Vision 2015, which is about supporting the government's economic growth agenda through a mix of changes to the global branch footprint (Global Service Delivery Model or GSDM) and to ICT (Immigration Global Management System or IGMS) to enable a more efficient service through online access and outsourced front end immigration processes. Working in partnership with third parties, including with migrants' advisers and lawyers, is a key part of the programme.

Arron Baker, IGMS Senior Business Representative, Ministry of Business, Innovation and Employment

11:00 **Morning tea**

11:30 **Immigration legislative and policy developments**

This year has been a busy legislative period for the Immigration Act, with one Amendment Bill (Mass Arrivals) recently passed and another imminent. The government is also seeking better performance from all of its policies and operational delivery functions, so a number of high profile Immigration categories are under review. The Skilled Migrant Category is acknowledged as world-leading in terms of the outcomes it achieves, but can it work better? It is three years since the current Investor categories came into effect – how are they going? Could the business policies be reconfigured, to achieve better outcomes for New Zealand?

Christine Hyndman, Manager Immigration Policy, Ministry of Business, Innovation and Employment

12:30 **Lunch**

1:30 **Developing jurisprudence of the Immigration and protection tribunal: A critical overview**

This session will focus on the developing jurisprudence in three areas:

- What is meant by exceptional circumstances
- The application of the exceptional circumstances test in humanitarian appeals against deportation by residents
- The developing jurisprudence about the protected person

Doug Tennent, Lecturer, Faculty of Law, University of Waikato

2:30 **Changing law and possible remedies when considering the effect of Climate Change on immigration appeals, deportations and refugee claims**

This session will consider:

- Granting of visas by the Minister in a "special case"
- Cancellation or suspension of the liability for deportation by the Minister
- Section 207: Humanitarian Appeals
- Section 129: claims for Refugee status
- Section 131: claims for Protection status
 - Issues-Tuvalu as the example country of origin and focus on access to safe drinking water on being returned to Tuvalu
 - The status of children
 - The "inability" of the receiving country to "provide medical care ... of a particular type or quality" is not cruel treatment in New Zealand

Carole Curtis, Principal, Marshall Bird & Curtis

3:30 **Afternoon tea**

PANEL DISCUSSION

4:00 **Human rights issues under the *Immigration Amendment Act***

The changes under the Act have been contentious and evoked a huge number of submission and objections. Our expert panel will discuss their thoughts and invite opinions from the audience.

Grant Bayldon, CEO, Amnesty International NZ
Carole Curtis, Principal, Marshall Bird & Curtis
Doug Tennent, Lecturer, Faculty of Law, University of Waikato

4:45 **Close of day one**

Friday, 9 August 2013

9:00 **Opening remarks from the Chair**

9:15 **Migrant Exploitation – threat or reality?**

New Zealand has a robust set of legislative and operational mechanisms in the labour market that set out minimum standards and are intended to protect workers, regardless of immigration status. However, the Government is aware that some temporary migrants are employed under conditions that do not comply with New Zealand's minimum employment laws and/or are employed in breach of immigration law or Instructions. This can undermine those businesses that comply with minimum employment standards, and potentially damage New Zealand's international reputation. A number of mechanisms are being introduced to make it easier for abuses to be reported, and employers sanctioned.

Christine Hyndman, Manager Immigration Policy, Ministry of Business, Innovation and Employment
George Mason, General Manager Labour Inspectorate, Ministry of Business, Innovation and Employment

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10:15 Examining the Long Term Business Visa

The recent changes have been the most significant in the last decade. The main driver for change is the high volume of marginal applications coming through. The Business Migration Branch ("BMB") is currently processing about 1000 of these cases and it is understood 20% of the applications are of such dubious quality that they will be very quickly declined. Examine the relevant changes and discuss its practical implications.

- Specific – The business plan is now required to propose a specific business.
- Working Capital – The non recognition of working capital as an acceptable form of investment to meet requirements for residence.
- Existing Business – Purchasing an existing business now has additional requirements.
- New and Existing – Clarity has also been provided with the terms "New" and "Existing". The current definition now provides that it means new or existing to New Zealand or the region of New Zealand in which the business would be located.
- Employment – Before the amendment of the instructions, it was acceptable to meet the benefit test by way of creating employment through employing at least 1 part-time staff member. However, the instructions now require that it must be "full-time" employment.
- Significant Benefit – What does "Significant Benefit" mean?

Marcus Beveridge, *Principal, Queen City Law*
Bradley So, *Lawyer, Queen City Law*

11:15 Morning tea

11:45 Complaints to INZ and Ombudsman: An advocate's perspective: the 5 P's

- Principles – Background to the Client Complaints Resolution Process CCRP (Instruction A9.1 and following)
- Pitfalls – What is a process failure vs just being unhappy with a decision? Can s61 decisions be complained about? Tick-a-box vs "in the round" review?
- Protection – How does "hold on deportation" compare with the old "preserved status"
- Progression Stage 1, stage 2 Ombudsman – how is the ombudsman's new early intervention process working in practice?
- Practical tips – a short list of do's and don'ts. The interplay between CCRP and unreasonable PPI deadlines for lawful clients Can you use the CCRP for EOI and Registration type processes?

Richard Small, *Solicitor / Director, Pacific Legal Limited*

12:45 Lunch

1:45 Migration research: latest developments and recent research into migrant labour market outcomes

This session discusses the main findings from several research projects using the newly developed Integrated Data Infrastructure (IDI). The availability of linked administrative data is a significant advancement in the area of longitudinal migration research, enabling a much broader picture to emerge of the contribution migrants make to labour supply in New Zealand. How big is the recent migrant population? Who works and who receives a benefit? These are some of the fundamental questions we can begin to answer using the IDI.

Paul Merwood, *Principal Analyst, Migration Research, Evaluation and Analysis, Strategy and Governance Group, Ministry of Business, Innovation & Employment*

2:45 Labour market changes and policy responses

New Zealand has a number of temporary migration policies that supplement our local labour supply, while also supporting other Government objectives (e.g. foreign affairs, export education, business growth). The number of people coming to New Zealand through these policies has grown significantly over the past decade, during a time when unemployment has started to rise. This presentation explores the growth in temporary policies, the rationale for them, and considers whether they remain fit for purpose during a time of relatively high unemployment, when the Government is seeking to reduce numbers on welfare.

Christine Hyndman, *Manager Immigration Policy, Ministry of Business, Innovation and Employment*

3:45 Afternoon tea

OPEN FORUM

4:15 The future of NZ Immigration

This is your chance to put those tricky questions to our panel of speakers, express your opinions and discuss your thoughts with both delegates and speakers

4:45 Close of conference

Who should attend?

- Immigration Lawyers
- Immigration Advisors
- Community Law Practitioners
- Immigration Agents

Priority registration form

4 easy ways to register

11th Annual Immigration Law

8 & 9 August 2013

Pullman Hotel Auckland

Corner Waterloo Quadrant & Princes Street

Auckland

New Zealand

Email: seminars@lexisnexis.co.nz

Phone: 0800 800 986

Fax: +64 4 474 3401

Mail: LexisNexis Professional Development

PO Box 472

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Day one

Day two

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