NEW ZEALAND IMMIGRATION

27 November 2026

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No.2026-37

AMENDMENTS TO THE IMMIGRATION NEW ZEALAND OPERATIONAL MANUAL

Introduction

This circular outlines changes to operational instructions. A copy of the amended instructions is attached.

All immigration officers dealing with immigration applications should read the amendments and operate in accordance with the amended instructions from the effective date.

Note

The amendments described in this circular will be published in the Immigration New Zealand Operational Manual in due course.

Information about these changes is available on our website www.immigration.govt.nz

Description of changes

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Changes have been made to operational instructions to support the implementation of the legislative changes introduced by the Immigration (Fiscal Sustainability and System Integrity) Amendment Act 2025. These updates relate to people who are liable for deportation and reflect the new framework for release on conditions and the use of electronic monitoring in specified circumstances. The amendments set out the relevant application and decision-making processes, roles and responsibilities, and operational procedures to support the consistent administration of the new provisions.

Appendix 1: Amendments to the INZ Operational Manual effective on and after 27 November 2026

A15.1 Making decisions in terms of the Immigration Act

See also Immigration Act 2009 ss 154-162, 172, 175-177, 380(1), 388(1) and (6), 390, 391

a. All references to the Immigration Act within this chapter refer to the Immigration Act 2009.

b. To make immigration decisions under the Immigration Act a person must be designated by the chief executive as an immigration officer (see A15.1.10) or a refugee and protection officer (see A15.1.25).

c. In addition, from time to time the Minister of Immigration may delegate some of her or his powers under the Immigration Act to immigration officers. These delegations are listed in schedules (see A15.5). Some delegations are for a whole class of officers (for example for all technical advisors); some can only be exercised by officers in particular roles, and are not related to a position in the hierarchy. Further, delegations may effectively act as an administrative constraint on the exercise of statutory decision-making powers.

d. Where a person has not been designated as an immigration officer or a refugee and protection officer, they cannot make any immigration decisions. In addition, the Minister may not delegate any other powers to a person who is not an immigration officer.

e. A person who is designated as a refugee and protection officer cannot also be designated as an immigration officer, and vice versa.

f. To be able to:

   i. sign or cancel a deportation order, or

   ii. consider or cancel a person's liability for deportation

   an immigration officer must be specifically authorised by the chief executive as having the power to do so.

g. The chief executive of the Ministry of Business, Innovation and Employment may at any time revoke a designation (see A15.1.30).

A15.1.5 Designations

See also Immigration Act 2009 ss 388, 390

a. An immigration officer:

   i. is the chief executive, and every person who has been designated by the chief executive as an immigration officer;

   ii. includes any Customs officer designated by the chief executive as an immigration officer, whether individually or by class or position for the purposes of Parts 3 and 4 and sections 279, 280, 282-285, 366 and 367 of the Immigration Act 2009, and regulation 34 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010;

   iii. includes any person designated by the chief executive as an immigration officer, whether individually or by class or position, who:

      - is a head of mission or head of post; or
      - is a member of staff at a New Zealand overseas mission or post who is authorised by the head of mission or head of post to exercise consular functions; or
      - is a member of staff of an overseas branch of the Ministry of Business, Innovation and Employment; or
      - is in the service of the Government of another country;

   iv. includes any other person, including a person employed in the service of the Government of another country, who acts as an agent for the Government of New Zealand in the performance of consular functions, either pursuant to an agreement between the Government of another country and the Government of New Zealand or pursuant to a request by an immigration officer employed in the service of the Government of New Zealand;

   v. includes any person designated by the chief executive as an immigration officer, whether designated individually or by class or position, for the purpose of electronic monitoring implementation and management.

b. The chief executive must specify which functions and powers an immigration officer is authorised to exercise under this Act. An officer may not perform any functions or exercise any powers under this Act unless specifically authorised by the chief executive.

c. A person who has been designated by the chief executive as a refugee and protection officer may perform all the functions and exercise all the powers of a refugee and protection officer.

A15.1.10 Process for being designated as an immigration officer

See also Immigration Act 2009 ss 388, 391(3)

a. To be designated as an immigration officer a person must:

i. complete a training schedule (coordinated by the Ministry of Business, Innovation and Employment technical trainers); and
ii. demonstrate competence in a number of specified areas; and
iii. be deemed competent to carry out the functions of an immigration officer.

b. However, the chief executive may otherwise designate an individual as an immigration officer as he or she sees fit.

Note: the chief executive need not be issued with a warrant of designation, and may perform or exercise all the powers and functions of an immigration officer under this Act.

c. The manager should make a request to the chief executive, using the appropriate form, that a person be designated as an immigration officer when the person's manager is satisfied that the person:
i. has completed the required training; and
ii. can demonstrate competence in a number of specified areas; and
iii. should be designated as an immigration officer.

d. If the chief executive decides to designate the person as an immigration officer, a letter will be sent to the person detailing any relevant delegated powers the person may exercise.

e. Any such designation or authorisation:
i. continues in force according to its tenor until it is revoked, even if the chief executive who made it has ceased to hold office, and continues to have effect as if made by the successor in office of that chief executive;
ii. is subject to such restrictions or conditions as the chief executive specifies in writing in the warrant of designation.

A15.1.10.1 Transitional provisions regarding immigration officers

See also Immigration Act 2009 s 462

From commencement of the Immigration Act 2009:

a. immigration officers, including customs officers, designated under the Immigration Act 1987 must be treated as immigration officers designated under the Immigration Act 2009 who are authorised to exercise visa and entry permission decision-making powers; and

b. visa officers designated under the Immigration Act 1987 must be treated as immigration officers designated under the Immigration Act 2009 who are authorised to make decisions relating to visas outside New Zealand.

A15.1.15 Immigration officers' functions and powers

See also Immigration Act 2009 ss 389(1), 389(2)

a. An immigration officer may be authorised to perform or exercise individual functions and powers, or functions and powers of one or more classes.

b. Functions and powers may be classified as follows:
i. visa decision-making;
ii. entry permission decision-making;
iii. compliance and enforcement;
iv. the power of detention;
v. electronic monitoring implementation and management functions and powers, being the functions and powers set out in section 324J of the Immigration Act 2009.

A15.1.20 Warrant of designation

See also Immigration Act 2009 ss 388(3), 388(4), 388(7), 388(8), 388(9)

a. An immigration officer authorised to exercise one or more of the following powers must be issued with a warrant of designation, signed by the chief executive, specifying which of those powers the officer may exercise:
i. the power to deport a person under section 178;
ii. the power of entry and inspection under sections 276, 277, 277A and 278;
iii. the powers under sections 279, 280, 281, 281A and 281B to require information or documents for the purpose of ensuring compliance with this Act;
iv. the powers under sections 282, 283, 284, 285 and 285A at a border;
v. the power of entry and search under section 286;
vi. the power to require biometric information, special biometric information, or both under section 288;

vii. the power to detain a person under section 312.

b. A warrant is sufficient evidence of an officer's designation as an immigration officer and the officer's authorisation to perform the functions and exercise the powers specified in it.

c. To be issued with a warrant, the immigration officer must have received suitable training.

d. Whenever an immigration officer (including a constable exercising the powers of an immigration officer):

   i. seeks entry to any premises, building, or craft in the course of exercising a power; or

   ii. exercises a power of detention

   the officer must produce their warrant of designation and, if requested, state the provision or provisions of the Act under which they are acting.

e. An immigration officer (including a constable exercising the powers of an immigration officer) who, in exercising a power described in (a) above, orally makes a request, requirement, or demand of a person must also produce his or her warrant of designation if called upon to do so by the person.

f. A constable exercising the powers of an immigration officer can meet the requirement to produce his or her warrant of designation by being in uniform or by producing their badge or other evidence of being a constable.

g. Notwithstanding (a) above immigration officers who are not authorised to exercise any of those powers may also be issued with a warrant of designation.

h. The warrant of designation must be:

   i. in a secure place when not in use; and

   ii. used only by the officer to whom it is issued; and

   iii. produced in circumstances where production is required by law (as described in (d) and (e) above); and

   iv. returned to the chief executive of the Ministry of Business, Innovation and Employment when the officer leaves the Ministry or moves to a position which does not require them to exercise the functions of an immigration officer.

A15.1.25 Process for being designated as a refugee and protection officer

See also Immigration Act 2009 s 390

To be designated as a refugee and protection officer a person must:

a. complete a training schedule (coordinated by Immigration New Zealand trainers); and

b. demonstrate competence in a number of specified areas; and

c. be deemed competent to carry out the functions of a refugee and protection officer.

A15.1.30 Revocation or lapsing of designations

See also Immigration Act 2009 s 391

a. Every designation by the chief executive of a person as an immigration officer or a refugee and protection officer, or for any other purpose under this Act, is revocable in writing at will.

b. Every authorisation of an immigration officer to exercise a power or perform a function is revocable in writing at will.

c. A designation lapses when the person leaves the Ministry or the service or employment in respect of which the person was designated.

d. A person whose designation has lapsed or been revoked must immediately surrender the warrant of designation to the chief executive.

A15.1.35 Powers and functions delegated by the Chief Executive

See also State Sector Act 1988 s 41

a. In addition to powers delegated by the Minister of Immigration (see A15.1 (c) above), from time to time the Chief Executive (CE) of MBIE may delegate some of her or his powers and functions under the Immigration Act or other legislation, to people working in the Public Service. The CE may allow sub-delegation of all or certain delegated powers. These delegations and sub-delegations have been reproduced in A15.20 and A15.25.

Note: For the avoidance of doubt, and despite A15.1 (b) and (d) above, a person who is not designated as an immigration officer may exercise powers and functions delegated by the CE (including those sub-delegated).

A15.1.40 Responsibility for implementing and managing electronic monitoring conditions

See also Immigration Act 2009 s 383B

a. The chief executive may, at any time, by notice in writing, nominate 1 or more chief executives of a public service agency to be responsible for implementing and managing electronic monitoring conditions imposed under section 324F(3)(da) of the Immigration Act 2009 (electronic monitoring conditions).

b. A chief executive nominated under (a) may be nominated to:

   i. implement all or any part of the electronic monitoring conditions; or

   ii. manage all or any part of the electronic monitoring conditions; or

   iii. implement and manage all or any part of the electronic monitoring conditions.

c. The chief executive may, at any time, by notice in writing, revoke a nomination made under (a).

d. Before nominating, or revoking the nomination of, a chief executive of a public service agency, the chief executive of that agency must agree on the nomination or revocation.

D5.20 Application for a release on conditions (non-claimant)

See also Immigration Act 2009 s 324B

This section applies to a person who a District Court Judge is satisfied is not a claimant if:

a. in respect of a person detained in custody under Part 9 of the Immigration Act 2009, it becomes apparent that, before the expiry of the period for which detention is authorised:
   i. there will not be, or there is unlikely to be, a craft available to take the person from New Zealand; or
   ii. the person will not, or is unlikely to, supply satisfactory evidence of their identity; or
   iii. the Minister has not made, or is not likely to make, a decision as to the person constitutes a threat or risk to security; or
   iv. for any other reason, the person is unable to leave New Zealand.

b. in respect of a person who is liable to arrest and detention (but is not detained in custody) under Part 9 of the Immigration Act 2009, it becomes apparent that:
   i. there will not be, or there is unlikely to be, a craft available to take the person from New Zealand; or
   ii. the person has not supplied satisfactory evidence of their identity; or
   iii. the Minister has not decided whether to certify that the person constitutes a threat or risk to security; or
   iv. for any other reason, the person is unable to leave New Zealand.

c. An immigration officer may apply to a District Court Judge for an order releasing the person on conditions.

d. The application:
   i. must be made on oath; and
   ii. must include a statement of the reasons why the person should be released on conditions; and
   iii. must include information about whether an electronic monitoring condition imposed under section 324F of the Immigration Act 2009 is appropriate, practicable and can feasibly be implemented at the person's address, including whether the electronic monitoring equipment will function adequately at that address; and
   iv. may include any other supporting evidence.

e. The Judge may determine the application under section 324D of the Immigration Act 2009.

D5.20.1 Application for release on conditions (claimant)

See also Immigration act 2009 s 324C

This section applies to a person who a District Court Judge is satisfied is a claimant if:

a. in respect of a person detained in custody under Part 9 of the Immigration Act 2009, it becomes apparent that before the expiry of the period for which detention is authorised:
   i. there will not be, or there is unlikely to be, a craft available to take the person from New Zealand; or
   ii. the Minister has not made, or is not likely to make, a decision as to whether the person constitutes a threat or risk to security; or
   iii. for any other reason, the person is unable to leave New Zealand.

b. in respect of a person who is liable to arrest and detention (but is not detained in custody) under Part 9 of the Immigration Act 2009, it becomes apparent that:
   i. there will not be, or there is unlikely to be, a craft available to take the person from New Zealand; or
   ii. the Minister has not decided whether to certify that the person constitutes a threat or risk to security; or
   iii. for any other reason, the person is unable to leave New Zealand.

c. An immigration officer may apply to a District Court Judge for an order releasing the person on conditions.

d. The application:
   i. must be made on oath; and
   ii. must include a statement:
      - of the reasons why the person should be released on conditions; and
      - that explains the threat or risk to security that the person poses; and
      - that explains how releasing the person on conditions is reasonable in all the circumstances, proportionate, and the least restrictive measure necessary to manage the threat or risk to security; and
   iii. must include information about whether an electronic monitoring condition imposed under section 324F of the Immigration Act 2009 is appropriate, practicable and can feasibly be implemented at the person's address, including whether the electronic monitoring equipment will function adequately at that address; and

iv. may include any other supporting evidence.

e. The Judge must determine the application under section 324E of the Immigration Act 2009.

D5.30 Persons detained under warrant of commitment or released on conditions pending making of deportation order

See also Immigration Act 2009 s 322

a. This section applies in the case of a person who was arrested and detained on the suspicion of an immigration officer or a constable that the person constitutes a threat or risk to security and who:
   i. is being detained pursuant to a warrant of commitment issued under section 317, 317AA or 318 of the Immigration Act 2009; or
   ii. has been released on conditions under section 324F of the Immigration Act 2009.

b. If the Minister decides not to certify that a person to whom this section applies constitutes a threat or risk to security, or fails to make a certification not later than 14 days after the initial arrest under section 313 of the Immigration Act 2009:
   i. the person ceases to be liable to arrest and detention under Part 9 of the Immigration Act 2009; and
   ii. in the case of a person being detained under a warrant of commitment, an immigration officer must notify that fact in writing to the manager or other person in charge of the prison or premises identified in the warrant;
   iii. in the case of a person released on conditions under section 317(1)(b)(ii), 313(3)(b), 323(3), 324A(6)(b), 324D, 324E, or 324F, to the person.
   iv. in the case of a person released on an electronic monitoring condition under section 324F of the Immigration Act 2009, an immigration officer must notify that fact in writing to the person and any chief executive nominated to be responsible for implementing or managing (or both) all or any part of the electronic monitoring conditions under section 383B of the Immigration Act 2009.

D5.40 Review of warrant of commitment or release on conditions

See also Immigration Act 2009 s 324

a. At any stage during the currency of a warrant of commitment an immigration officer may apply to a District Court Judge for:
   i. a variation of the warrant of commitment; or
   ii. an order that the person who is detained under the warrant be released on conditions under section 324F of the Immigration Act 2009; or
   iii. an order that the person be released from custody.

b. At any stage when a person is released on conditions under section 324F of the Immigration Act 2009 an immigration officer may apply to a District Court Judge for:
   i. an order that the person who is released on conditions be detained under a warrant of commitment; or
   ii. a variation of conditions.

c. Subject to (e) below, a person detained under a warrant of commitment may apply to a District Court Judge for:
   i. a variation of the warrant of commitment; or
   ii. an order that the person be released on conditions under section 324F of the Immigration Act 2009.

d. Subject to (e) below, a person released on conditions may apply to a District Court Judge seeking a variation of those conditions.

e. An application under (c) or (d) above must be made with the leave of a District Court Judge, which may be granted only if the Judge is satisfied that new information has become available that:
   i. is material to the person's on-going detention or release on conditions; and
   ii. was unavailable at the time the warrant of commitment or the decision to release on conditions was made.

f. An application for a review of a warrant of commitment or release on conditions must be considered in accordance with sections 317, 317AA, 318, or 323, of the Immigration Act 2009 as appropriate.

g. This section does not apply to mass arrival warrants of commitment and further mass arrival warrants of commitment as defined in sections 317B and 317E(1)(a) of the Immigration Act 2009. Those warrants should be dealt with in the manner specified at D5.75.20.

D5.75 Mass arrival warrants of commitment

a. A mass arrival warrant of commitment may be granted for members of a mass arrival group as defined at C8.5, but not for unaccompanied minors as defined at C8.5.5.

b. Mass arrival warrants of commitment are subject to the provisions specified at D5.15.

c. An approved form of custody, as specified at D5.60, must be used for persons detained under a mass arrival warrant of commitment.

d. Provisions specified at D5.65 must be applied to minors who are to be detained.

D5.75.1 Applying for a mass arrival warrant of commitment

a. An immigration officer may apply to a District Court Judge for a mass arrival warrant of commitment authorising the detention, for a period of not more than six months, of the members of a mass arrival group if:
   i. the warrant is necessary to:
      - effectively manage the mass arrival group; or
      - manage any threat or risk to security or to the public arising from, or that may arise from, a member or members of the mass arrival group; or
      - uphold the integrity or efficiency of the immigration system; or
      - avoid disrupting the efficient functioning of the District Court (including the warrant of commitment application process); and
   ii. the members of the mass arrival group are detained in custody under Part 9 of the Immigration Act 2009; and
   iii. it becomes apparent that one or more circumstances described in paragraphs (a) to (d) of section 316(1) of the Immigration Act 2009 will apply to each member of the mass arrival group to be detained under the warrant of commitment.

b. Every application for a mass arrival warrant of commitment must be made under oath and include:
   i. the number of persons to whom the warrant is to apply; and
   ii. identity information in respect of each of the persons; and
   iii. particulars of the craft, or of each of the group of craft, on which the persons arrived (if known); and
   iv. a description of the circumstances in which the craft, of the group of craft, arrived; and
   v. a statement of why the warrant is necessary in terms of D5.75.1(a)(i); and
   vi. a statement of how the requirements at D5.75.1(a)(iii) relate to each person to whom the warrant is to apply.

c. An application for a mass arrival warrant of commitment may, but is not required to, include other supporting evidence or information relating to the members of the mass arrival group included in the warrant.

D5.75.5 Applying for a variation of a mass arrival warrant of commitment

a. An immigration officer may apply for a variation of a mass arrival warrant of commitment issued under D5.75.1 for it to include one or more persons who are members of the mass arrival group, but who were not known to the immigration officer who made the original application for a mass arrival warrant.

b. An application for a variation of a mass arrival warrant must be made under oath and include:
   i. a copy of the original application and warrant; and
   ii. identity information in respect of each person to be added in the warrant; and
   iii. a statement of how the requirements at D5.75.1(a)(iii) relate to each person to be included in the warrant.

D5.75.10 Imposition of reporting requirements on an immigration officer

a. A District Court Judge may order an immigration officer to report to the court, on a day or days determined by the court but no more than once every 28 days to the duration of the warrant, on the continuing applicability of the reasons for the warrant.

b. A District Court Judge may shorten the period of a warrant if he or she is satisfied that the reasons for the warrant will no longer apply.

D5.75.15 Applying for a further warrant of commitment in respect of members of a mass arrival group

a. An immigration officer may apply to a District Court judge for a further warrant of commitment, effective for a period of not more than 28 days, applying to:
   i. all or specified members of a mass arrival group (as members of a mass arrival group); or
   ii. one or more members of a mass arrival group (as individuals).

b. An application for a further warrant of commitment in respect to members of a mass arrival group must include the evidence, and be made in the manner, specified at D5.75.1(b).

D5.75.20 Review of a mass arrival warrant of commitment or a further mass arrival warrant of commitment.

See also Immigration Act 2009 s 324A

a. At any stage during the currency of a warrant of commitment an immigration officer may apply to a District Court Judge for a variation of the mass arrival warrant of commitment to:
   i. shorten the period that the warrant applies; and/or
   ii. provide for one or more persons detained under the warrant to be detained in a place or places other than the place or places that are specified currently.

b. At any stage during the currency of a mass arrival warrant of commitment, an immigration officer may, in respect of a particular individual detained under the warrant, apply to a District Court Judge for:
   i. a warrant of commitment for the individual under section 316 of the Immigration Act 2009; or
   ii. an order that the individual be released on conditions under section 324F of the Immigration Act 2009; or
   iii. an order that the individual be released.

D5.75.25 Persons not to be treated as members of a mass arrival group

a. If a person is dealt with under D5.75.15(a)(ii) or D5.75.20(b), he or she:
   i. will no longer be treated as a member of the mass arrival group for the purposes of the Immigration Act 2009; and
   ii. will not be subject to requirements at C8.10, C8.15 or C8.20 or requirements applying to members of mass arrival groups elsewhere in immigration or operational instructions.

b. If a person, or persons, to whom (a) above applies has already been granted a visa under instructions C8.20 at the time of the Judge's determination, the validity and conditions of that visa, or those visas, already granted will not be affected by the application of (a) above.

D5.80 Release on conditions

See also Immigration Act 2009 s 324

This section applies if a District Court Judge orders a person's release under section 317(1)(b)(ii), 317AA(2)(b)(ii), 318(3)(b), 323(3), 324A(6)(b), 324(D), or 324E of the Immigration Act 2009.

a. The judge must impose the following conditions:
   i. a condition that the released person report to a specified place for specified period or at specified times in a specified manner;
   ii. if the person is a claimant, a condition that the released person attend any:
      - interview that a refugee and protection officer may require under section 149(1)(f) of the Immigration Act 2009; or
      - hearing with the Tribunal.

b. In addition to the conditions in subsection (a), the Judge may impose any other conditions that the Judge thinks fit to impose in the circumstances, including, without limitation, the following conditions:
   i. a condition that the released person remain in specified places or areas at specified times or at all times;
   ii. a condition that the released person does not enter or remain in specified places or areas at specified times or at all times;
   iii. a condition that an immigration officer may, if satisfied that the request is reasonable in all circumstances, agree to a request from the released person that the released person be temporarily excused from compliance with a condition or conditions imposed on the released person under (b)(i) or (ii), for example, including, but not limited to, a request from the released person to attend a medical appointment or a job interview (if the released person is entitled to work in New Zealand).
   iv. a condition that the released person provide a guarantor who is responsible for;
      - ensuring compliance with any conditions imposed under this section; and
      - reporting any failure to comply with those conditions;
   v. a condition that the released person refrain from associating with any 1 or more named individuals, or individuals associated with 1 or more named organisations;
   vi. a condition that the released person take a specified action for the purpose of facilitating the person's deportation or departure from New Zealand;
   vii. a condition requiring the person to submit to electronic monitoring in accordance with section 324J to monitor compliance with a condition imposed under D5.80(b);
   viii. any other condition relevant to the management of any threat or risk relating to the released person (including any threat or risk that the person may harm themselves or another person or may abscond).

c. The Judge may impose a condition under D5.80(b) if satisfied that,—
   i. when considered alongside any other conditions that are being imposed, the condition is the least restrictive measure necessary to manage the threat or risk; and
   ii. when considered individually, the condition is the least restrictive measure necessary to manage the threat or risk.

d. The purpose of a condition imposed under subsection (b)(i) or (ii) is to limit the released person's ability to leave or enter the specified places or areas—
   i. because there is a threat or risk that the individual may abscond; and
   ii. in order to be able to place the person on the first available craft leaving New Zealand.

e. In determining whether to impose an electronic monitoring condition under D5.80(b), the Judge must consider whether imposing the condition is reasonable in all circumstances, feasible, proportionate, and the least restrictive measure necessary to manage the threat or risk.

f. If the Judge imposes a condition under (a) or (b), they must specify an initial term, not exceeding 3 months, for which the condition applies (an initial term).

g. An immigration officer may apply to the Judge for an extension of;
   i. the initial term for a further term not exceeding 3 months (an extended term); or
   ii. any extended term or terms for, in each case, a further term not exceeding 3 months.

h. An application for an extension under (H) must be made in the manner provided for in section 324B or 324C (as applicable) of the Immigration Act 2009.

i. The Judge may grant an extension if satisfied that the criteria for release on conditions under section 324D or 324E (as applicable) of the Immigration Act 2009 still apply to that person.

j. When conditions are imposed on a released person under this section (except under subsection (b);

   i. the conditions must be notified in writing to the person before their release, and apply from the time the person is released; and

   ii. the notice of conditions must include a warning that the conditions apply from the time of the person's release and that, if the person fails to comply with any condition, the person may be detained under section 312 or arrested and detained under section 313 of the Immigration Act 2009.

k. The released person does not need to obtain agreement from an immigration officer under subsection (b)(iii) to seek urgent medical or dental treatment or to take action to avoid or minimise a serious risk of death or injury to the released person or any other person even if doing that thing will mean that they will, or are likely to, breach a condition or conditions imposed on the released person under subsection (b)(i) or (ii).

l. When an electronic monitoring condition is imposed on a released person under subsection (b);

   i. the condition must be notified in writing to the person before their release, and applies from a specified date; and

   ii. the notice of the condition must include a warning that the condition applies from the specified date and that, if the person fails to comply with the condition, the person may be detained under section 312 of the Immigration Act 2009 or arrested and detained under section 313 of the Immigration Act 2009.

D5.85 Electronic Monitoring condition

See also Immigration Act 2009 s 324J

a. All references to the Immigration Act within this chapter refer to the Immigration Act 2009. This section applies to an electronic monitoring condition imposed under section 324F(3)(da) of the Immigration Act.

b. Information about a person that is obtained through electronic monitoring may be used only for the following purposes:
   i. to verify compliance with a condition imposed under section 324F(3)(b) of the Immigration Act;
   ii. to detect non-compliance with a condition imposed under section 324F(3)(b) of the Immigration Act;
   iii. to provide evidence of non-compliance with a condition imposed under section 324F(3)(b) of the Immigration Act;
   iv. to verify that a person who is subject to a condition imposed under section 324F(3)(da) of the Immigration Act, has not tempered or otherwise interfered with the ability of electronic monitoring equipment to operate effectively and accurately or attempted to remove it from their body;
   v. where reasonably necessary to locate a person who is subject to a condition imposed under section 324F(3)(b) of the Immigration Act, in order to place them on the first available craft leaving New Zealand.

c. A person who is subject to an electronic monitoring condition:
   i. may be required to have attached to their body electronic monitoring equipment that may only be removed by an authorised person or an immigration officer; and
   ii. must not tamper or otherwise interfere with the ability of the equipment to operate effectively and accurately or attempt to remove it from their body; and
   iii. must present themselves at any place where the equipment is located when required to do so by an authorised person or an immigration officer; and
   iv. must allow an authorised person or an immigration officer access to any place where the equipment is located for the purposes of;
      - Inspecting the equipment
      - Servicing the equipment
      - Removing the equipment from the person's body
      - Recovering the equipment.

d. In addition to complying with conditions notified in writing under section 324F(10) of the Immigration Act, must comply with written instructions from an authorised person or an immigration officer:
   i. that are reasonably necessary for the effective administration of the electronic monitoring condition (for example, an instruction to regularly charge the equipment); and
   ii. for removal of the equipment from the person's body; and
   iii. for recovering the equipment; and

e. Fails to comply with an electronic monitoring condition if the person does not comply with those written instructions.

f. An authorised person or an immigration officer must give reasonable notice in writing to the person who is subject to an electronic monitoring condition before accessing any place under subsection (3)(d) of the Immigration Act.

g. For the purpose of these instructions, authorised person means a person who:
   i. is authorised in writing by an immigration officer, whether individually or by class or position, to implement and deliver electronic monitoring services; and
   ii. has produced that written authority to a person who is subject to an electronic monitoring condition.

D5.85.1 Departmental Annual report about use of electronic monitoring

See also Immigration Act 2009 s 324K

The annual report of the Department must include the following information about the use of electronic monitoring in the year reported on:

a. the total number of persons who were subject to an electronic monitoring condition during the year reported on; and

b. the total number of persons who were subject to an electronic monitoring condition during each month of the year reported on; and

c. The average duration of an electronic monitoring condition; and

d. The percentage of persons who, while subject to an electronic monitoring condition, were detained under section 312 of the Immigration Act 2009 for failing to comply with an electronic monitoring condition; and

e. The percentage of persons who, while subject to an electronic monitoring condition, were detained under section 313 of the Immigration Act 2009 for failing to comply with an electronic monitoring condition; and

f. A description of the processes and systems that relate to electronic monitoring that were in place during the year reported on.