Immigration Factsheets

Entry at the border

September 2021

Refused entry

- There are certain conditions that all temporary visitors to New Zealand must meet in order to be eligible for entry. The onus is on the visitor to satisfy Immigration New Zealand (INZ) that they meet all of the entry requirements at the time they travel to New Zealand:
  - To hold a genuine and valid passport;
  - To be of good character, including a personal history that shows they are a law-abiding citizen;
  - To be of good health;
  - To have sufficient funds to support their stay in New Zealand - namely at least $1,000 per month for maintenance and accommodation, or $400 per month if the accommodation has been prepaid;
  - To have a genuine, bona fide and credible reason for visiting New Zealand;
  - INZ must believe that the person will abide by the conditions of any visa granted to them, including not undertaking work while in New Zealand (this includes any activity undertaken for gain or reward);
  - INZ must believe that the person is genuinely intending to depart New Zealand at the end of their stay;
  - Evidence of means to leave New Zealand (which can include actual travel tickets).

- The table below shows the number of people refused entry when they arrived at the New Zealand border, over the past five financial years.

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<tbody>
<tr>
<td>Total</td>
<td>1,208</td>
<td>1,204</td>
<td>1,383</td>
<td>950</td>
<td>65</td>
</tr>
</tbody>
</table>

- The main reasons people are refused entry include:
  - Not being considered to be genuine (bona fide) temporary entrants (e.g. likely to breach the conditions of any visa granted or remain in New Zealand unlawfully)
  - Not meeting character requirements for the grant of a visa (normally by not declaring serious criminal convictions, deportation or exclusion from a foreign country on arrival).
All passengers who are refused entry permission are liable for turnaround and subject to Section 313 of the Immigration Act 2009 which means that they liable for arrest and detention. Section 315 of the Immigration Act 2009 allows an Immigration Officer to consider releasing the passenger on Residence and Reporting Requirements rather than having them arrested under S313. However, the decision as to whether to offer or agree residence and reporting requirement is a matter for the absolute discretion of an immigration officer. This option is subject to strict guidelines. The officer makes a decision as to whether the passenger meets the threshold to be released on reporting conditions in conjunction with these guidelines, and in consultation with a senior border officer.

Denied boarding

- When passengers check in overseas the Immigration New Zealand’s Advance Passenger Processing (APP) system validates their entitlement to travel to or through New Zealand. Passenger information entered into airlines’ systems is screened against Immigration New Zealand’s database at time of check in. The airline receives a boarding directive – ‘OK to Board/Board with Outward Ticket’ or ‘Do Not Board’ – for that passenger.
- Immigration Border Officers may also intervene where a passenger is identified as being a possible risk by the Risk Targeting Programme (RTP) team based at Auckland International airport. The RTP team profiles and identifies risk passengers by analysing information through the airline reservation system as people start checking in for their flights. This advance information enables early intervention with high-risk passengers. When a risk passenger is identified, the Risk Targeting team contacts the Airline Liaison Officer if there is one at that location, or airline ground staff, to intercept the passenger.
- The travel document will be examined, and the passenger interviewed. This may include a telephone interview of the passenger by the Risk Targeting team. Those found not to be bona fide, or genuine, passengers will not be allowed to board their flight.
- The table below shows the number of denied boarding decisions by Immigration Border Operations over the past five financial years.

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<tr>
<td>Advance Passenger Processing (APP)</td>
<td>2,778</td>
<td>2,534</td>
<td>2,705</td>
<td>3,138</td>
<td>1,277</td>
</tr>
<tr>
<td>Risk Targeting Programme (RTP)</td>
<td>815</td>
<td>848</td>
<td>567</td>
<td>409</td>
<td>23</td>
</tr>
<tr>
<td>Total</td>
<td>3,593</td>
<td>3,382</td>
<td>3,272</td>
<td>3,547</td>
<td>1,300</td>
</tr>
</tbody>
</table>

- The main reasons people are denied boarding include:
  - An alert being recorded against their name/passport number
  - The passenger requiring a visa to travel to New Zealand but not holding one or the visa has expired or been used
The passport presented is recorded as being lost/stolen/invalidated or the passenger’s identity is in serious doubt
- The passenger is unable to meet entry requirements for New Zealand
- New Zealand citizens are denied boarding on flights to New Zealand due to attempting to travel with expired, invalidated or no passports.

Role of airlines

- Commercial carriers flying to New Zealand are subject to obligations under the Immigration Act 2009 and associated Regulations. Obligations include the requirement to obtain and provide Advance Passenger Processing (APP) data to Immigration New Zealand for all passengers and crew before boarding, to comply with APP boarding directives and to check people travelling to New Zealand hold the required documentation for immigration purposes.
- Failure of airlines to correctly comply with these obligations may result in risk to New Zealand by the carrier uplifting people who may be excluded, considered ineligible or otherwise pose a threat to New Zealand and its immigration system.
- The Immigration Act 2009 provides for an infringement regime for carriers who fail to comply with their obligations. This was introduced in July 2012 and provides an alternative to prosecution action, which can be costly and time consuming.
- Airlines may be served an infringement notice requiring they pay an infringement fee when breaches occur. Infringement fees are set at:
  - $1000 for failing to obtain/provide correct APP data
  - $5000 for failing to comply with an APP directive to not board a passenger or uplifting with no travel document or visas.
- The majority of airline infringements relate to passenger information requirements not being met.
- There were seven infringement notices served in the 2020-21 financial year.
- Airlines may also be prosecuted for obligation breaches and upon conviction may be sentenced to imprisonment for up to three months, a fine of up to $50,000, or both.
- There have been 15 prosecutions of airlines for failing to comply with their obligations under the Immigration Act 2009 since 2011 – one in 2011 (Singapore Airlines), six in 2012 (Malaysia Airlines, Lan Airlines (LATAM’s previous name), Jetstar, Cathay Pacific and Aerolineas Argentinas (two)), one in 2013 (Malaysia Airlines), one in 2014 (Singapore Airlines), one in 2015 (Cathay Pacific) two in 2016 (Jetstar and LATAM), one in 2017 (LATAM), one in 2018 (AirAsia X) and one in 2020 (China Eastern Airlines).
- The airlines involved were all fined – with fines ranging from $5,000 per charge to $12,000.