



27 October 2023

Aulia Sastra Hidayat

Email: fyi-request-24266-18d931d1@requests.fyi.org.nz

Ref: DOIA 2324-0707

Tēnā koe Aulia,

Thank you for your email of 28 September 2023 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following information:

- 1. The total number of cases where individuals or entities were arrested and prosecuted for exploiting illegal overstayer immigrants in New Zealand over the past 10 years.*
- 2. Information on the types of exploitation or offenses for which these individuals or entities were arrested and prosecuted, such as labour exploitation, human trafficking, or other related offenses.*
- 3. Any statistics or data related to the demographics of the exploited overstayer immigrants, including their nationalities and age groups.*
- 4. Details on any government support or services provided to the exploited overstayer immigrants during or after legal proceedings, including but not limited to immigration assistance, counselling, or social services.*
- 5. An overview of the policies, programs, or initiatives implemented by Immigration New Zealand and the Ministry of Business, Innovation, and Employment (MBIE) to prevent the exploitation of illegal overstayer immigrants in New Zealand.*
- 6. Any partnerships or collaborations between government agencies, non-governmental organizations, or international organizations aimed at addressing the exploitation of illegal overstayer immigrants.*

Our response

- 1. The total number of cases where individuals or entities were arrested and prosecuted for exploiting illegal overstayer immigrants in New Zealand over the past 10 years.*

MBIE can advise that, in the previous seven years, there have been a total of 12 investigation cases with 18 individuals (18 convictions recorded) involved with exploitation related charges. MBIE does not hold data on whether these cases involved exploitation of illegal overstayer immigrants or temporary visa holders. This is due to the fact that section 351 of the Immigration Act 2009 defines exploitation as including both 'temporary workers' and 'unlawful employees'.

In order to fully answer this part of your request we would need to manually search all of the investigation records for the past 10 years. The information is not readily recorded in this level of detail in MBIE's systems, and this question is therefore refused in reliance on section 18(f) of the Act.

In accordance with section 18A of the Act we have considered whether extending the due date or consulting with you would alleviate this however it is our opinion that it would not.



2. Information on the types of exploitation or offenses for which these individuals or entities were arrested and prosecuted, such as labour exploitation, human trafficking, or other related offenses.

Out of the 18 convictions noted in question 1, one case was convicted and charged under “People Trafficking” (Crimes Act 1961 section 98D). The other 17 convictions were under “Exploitation” (Immigration Act 2009 sections 350 and 351).

3. Any statistics or data related to the demographics of the exploited overstayer immigrants, including their nationalities and age groups.

The 18 individuals convicted for exploitation or people trafficking can be broken down into the following nationalities and age ranges. Note that three of the convictions were recorded against companies so they are not included in the age or nationality breakdown.

Age	Number of individuals
30-39	2
40-49	4
50-59	6
60-69	3

Nationality	Number of individuals
Bangladesh	3
China	1
Fiji	1
India	5
Malaysia	1
New Zealand	1
Philippines	2
Tonga	1

4. Details on any government support or services provided to the exploited overstayer immigrants during or after legal proceedings, including but not limited to immigration assistance, counselling, or social services.

Visa holders are not allowed to stay in New Zealand after their visa expires. They are under an obligation to leave New Zealand and are liable for deportation under the Immigration Act 2009. A person who is unlawfully in New Zealand has no lawful ability to make an application for a further visa.

Section 61 of the Act provides the Minister of Immigration (delegated to the Associate Minister of Immigration and to senior immigration officers) with the power, in his or her absolute discretion, to grant a visa of any type to a person unlawfully in New Zealand and otherwise liable for deportation (unless they are subject to a deportation order).

If an individual is granted a visa under section 61, this would allow a person who had been exploited to apply for a Migrant Exploitation Protection Visa (MEPV). The following link provides information about the MEPV: [If you do not leave New Zealand before your visa expires | Immigration New Zealand](#)

A person who is unlawful and who wants to request a visa can find out more information on this process on that same Immigration New Zealand website.

Any assistance provided to an individual who alleges they have been exploited is done on a case-by-case basis as the individual circumstances will vary.

5. An overview of the policies, programs, or initiatives implemented by Immigration New Zealand and the Ministry of Business, Innovation, and Employment (MBIE) to prevent the exploitation of illegal overstayer immigrants in New Zealand.

The following links provide useful information regarding policies implemented by MBIE to assist with the prevention of exploitation of migrants in New Zealand.

- [Addressing temporary migrant worker exploitation | Ministry of Business, Innovation & Employment \(mbie.govt.nz\)](https://www.mbie.govt.nz/our-work/immigration/immigration-compliance-and-investigations/addressing-temporary-migrant-worker-exploitation)
- [Migrant exploitation Bill passed | Beehive.govt.nz](https://www.beehive.govt.nz/news/migrant-exploitation-bill-passed)
- [Government Response to Report of the Education and Workforce Committee on Inquiry into migrant exploitation presented to the House of Representatives in accordance with Standing Order 256 J.1 \(bills.parliament.nz\)](https://www.parliament.nz/bills/2022/government-response-to-report-of-the-education-and-workforce-committee-on-inquiry-into-migrant-exploitation-presented-to-the-house-of-representatives-in-accordance-with-standing-order-256-j-1)
- [Worker Protection \(Migrant and Other Employees\) Bill \(bills.parliament.nz\)](https://www.parliament.nz/bills/2022/worker-protection-migrant-and-other-employees)
- [Migrant exploitation | Immigration New Zealand](https://www.immigration.govt.nz/our-work/immigration-compliance-and-investigations/migrant-exploitation)
- [Migrant Exploitation Protection Work Visa: Visa details | Immigration New Zealand](https://www.immigration.govt.nz/our-work/immigration-compliance-and-investigations/migrant-exploitation-protection-work-visa)

There is also a Cabinet paper entitled *Short term support for migrants on the MEPV* which will be proactively released shortly. This paper is therefore refused in reliance on section 18(d) of the Act as it will soon be publicly available.

6. Any partnerships or collaborations between government agencies, non-governmental organizations, or international organizations aimed at addressing the exploitation of illegal overstayer immigrants.

MBIE has existing relationships with a range of organisations in New Zealand (such as the Salvation Army and the Citizens Advice Bureau) who are able to provide support for individuals who allege they have been exploited.

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, please contact OIA@mbie.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā



Stephanie Greathead
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