



23 May 2024

Ref: DOIA 2324-2432

Wendy Yang

Email: fyi-request-26727-4d8a3b94@requests.fyi.org.nz

Tēnā koe Wendy

Thank you for your email of 10 May 2024 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), information regarding overstayers, specifically those from the People's Republic of China.

For parts one, two, and three of your request, namely:

1. *Please provide the overall data on the number of overstayers and the age distribution, separated by gender.*
2. *Please provide the data on the number of overstayers from China and the age distribution, separated by gender.*
3. *Please provide information on the regions in China from which the overstayers originate, along with the respective numbers of overstayers in each region, separated by gender and age groups.*

MBIE is refusing this part of your request under section 18(f) of the Act, as the information requested cannot be made available without substantial collation or research. In accordance with section 18A of the Act we have considered whether fixing a charge or extending the timeframe to respond to your request would assist with answering your request however it is our opinion that it would not.

We can advise that the most recent estimate of people who have overstayed their visa was from December 2017. That report estimated that there were around 14,000 individuals, who were unlawfully in New Zealand at that time. To ensure the integrity of this data, Immigration New Zealand (INZ) took a sample of approximately 2,000 people from the data set and manually investigated each client record to establish which clients were in New Zealand unlawfully. This proportion was then applied to the complete data set to get an estimate of the total number of individuals unlawfully in New Zealand. That information cannot therefore reliably be broken down into gender, country of origin, or any other statistical category. Please find a copy of this report attached to this response, attached as Appendix A.

There is no updated list available. MBIE is working on a revised methodology which will allow a new and more accurate list to be generated. We do not have a timeframe yet for when the revised methodology will be completed and a new list generated.

In part four of your request, you asked to provide the data for each year between 2018 and 2023 including male-to-female ratio and the age distribution for:

- A) *How many Chinese overstayers obtained visas through a partnership with New Zealanders under section 61?*
- B) *How many Chinese overstayers obtained visas through Ministerial Intervention (special direction) based on a partnership with New Zealanders?*

There is no requirement for a person to declare their partnership status to INZ when making a request to be granted a visa under section 61 of the Immigration Act 2009. Therefore MBIE is refusing part A of your request under section 18(e) of the Act as the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

The information in part B of your request is held on a large number of individual files and not held in a reportable format. To provide this information Ministry staff would need to manually review each individual case file, therefore this part of your request is being refused under section 18(f) of the Act as the information requested cannot be made available without substantial collation or research.

In accordance with section 18A of the Act we have considered whether fixing a charge or extending the timeframe to respond to your request would assist with answering your request; however, it is our opinion that it would not.

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
National Manager Compliance
Immigration Compliance and Investigations

OVERSTAYERS

Overstayers are people who remain in New Zealand after their visas expire without applying for a further visa.

Immigration New Zealand (INZ) records all arrivals and departures from New Zealand and we are aware when someone has not departed before their visa has expired. There is an express obligation under the Immigration Act 2009 for all people unlawfully in New Zealand to leave the country. The legal obligation to leave New Zealand before a temporary visa expires is clearly communicated on visas.

People who are overstayers, regardless of nationality, must appreciate that if there are no special circumstances that call for the grant of a visa they are expected to leave New Zealand, or face deportation. If a person is deported they face a ban of up to five years from applying to come to New Zealand again.

In the 2017/18 financial year (1 July 2017 – 30 June 2018) INZ deported 642 people who were unlawfully in New Zealand and liable for deportation. INZ also negotiated the voluntary departure of a further 2,304 overstayers which avoided the New Zealand taxpayer paying the deportation costs and allowed the person to apply to return to New Zealand without a travel ban.

Immigration New Zealand encourages people who are unlawfully in New Zealand to contact us to discuss their circumstances and determine what the best option is for them. They can contact us on our free phone 0508 55 88 55.

People who are in New Zealand unlawfully can end up being exploited by unscrupulous employers and many create a significant financial stress for family attempting to house and support them. If an individual has any information about the whereabouts of people unlawfully in New Zealand we encourage them to contact us.

Immigration New Zealand is grateful for the public's assistance in helping to locate anyone unlawfully.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

ESTIMATED OVERSTAYERS 2000 to 2017

* Totals include Rest of World (generally nationalities where there were fewer than 200 cases) figures.

Note:

- › Gaps occur where the nationality was included in the Rest of World estimate. For example, the October 2006 report was the first year South Korea was split out from Rest of World.
- › The increase in overstayer numbers reported in the December 2017 estimate can, in part, be attributed to a change in methodology. The previous estimate methodology relied to some extent on personal judgement about whether an individual had left New Zealand. Under the new estimate methodology a person classified as unlawfully in the country is regarded as an overstayer unless there is clear evidence they have left New Zealand.

	Jul 2000	Nov 2001	Oct 2002	May 2003	Nov 2003	Apr 2004	Oct 2005	Apr 2006	Oct 2006	Apr 2007	Oct 2007	Apr 2008	Oct 2008	Apr 2009	Oct 2009	Apr 2010	Oct 2010	May 2011	Aug 2012	Sep 2013	Oct 2014	Jan 2016	Dec 2016	Dec 2017
Samoa	5456	3621	3822	3500	3713	3900	3149	3742	3582	4085	4198	4036	3661	4082	3981	3945	3540	3509	2983	2686	2,451	2,124	1,853	1,549
Tonga	5073	2774	2940	2736	2816	2496	2352	2497	2136	2284	2294	2270	2181	2457	2786	2995	2982	3109	3044	2889	2,536	2,381	2,432	2,498
China	558	800	912	1225	1968	2050	2880	2591	2584	2261	2312	2066	2056	1965	1877	1678	1785	1632	1604	1617	1,406	1,226	1,299	1,529
Thailand	1809	1968	1617	1560	1328	1232	801	695	539	473	489	412	400	443	409	384	415	366	301	268	220	192	205	184
USA	316	1148	1056	775	999	952									402									
Great Britain	1184	1066	888	1330	1292	816	1372	1276	1034	1029	830	1060	671	729	581	611	649	535	506	486	486	495	471	589
Fiji	912	684	702	742	810	750	603	731	599	686	786	743	653	713	919	1045	1031	1055	853	771	699	473	444	434
Tuvalu		609	680	664	744	**	450	489	502	518	483	489	463	469	510	501	498	535	484	466	463	400	366	358
India	451	420	533	832	924	1066	880	807	680	630	620	558	556	534	535	510	591	581	678	785	790	763	912	1,310
Malaysia	465	450	370	410	490	574	765	698	645	613	695	686	632	683	638	629	526	525	447	392	383	364	441	790
Indonesia	342	280	295	345	264	292	296	335	278	243	206	192	173	157	165	140	136	139	144	121	114	104	105	107
Brazil					126	194	252	274	176	182	196	236	211	227	187	172	149	158	172	107	92		63	124
Philippines							168	156	141	130	141	138	145	173	182	154	165	164	120	93	87	90	111	129
Kiribati							105	106	81	90	98	82	91	99	105	130	121	110	140	121	118	108	91	96
Czech Rep						156	99	102	76	68	49	46	35	28	24	17	12	26	14	17	15			
South Korea									506**	492	573	469	456	416	502	392	438	356	354	312	269	271	285	323
South Africa																								176
Rest of World							5628	4589	3804	3614	3517	3496	3164	2596	2480	2055	2578	2230	2200	2020	2,033	1,634	1,816	3,699
Est totals*	20657	18287	18134	18405	20440	20328	19800	19091	17364	17397	17487	16979	15548	15769	15880	15760	15614	15030	14044	13151	12,162	10,848	10,894	13,895