



3 July 2015

Alex Harris

(by email: [fyi-request-2812-64acedfd@requests.fyi.org.nz](mailto:fyi-request-2812-64acedfd@requests.fyi.org.nz))

File No: OIA 1496

Dear Alex,

I refer to your request under the Official Information Act 1982 (the OIA) received on 5 June 2015 requesting the following information from Immigration New Zealand (INZ):

The Immigration Act 2009 gives immigration officers, and the department, various powers of arrest and detention, either without warrant or under a warrant of commitment. I would like to request the following information under the OIA:

- how many people are currently detained under section 312 (Limited power of detention for up to 4 hours)? How many have been detained under this section in the past year?
- how many people are currently detained under section 313 (Initial period of detention for up to 96 hours without warrant)? How many have been detained under this section in the past year? If there are statistics available on the average length of detention, or a breakdown of detention periods (0-24 hours, 24-48 hours etc), then I'd like a copy.
- how many people are currently detained under a warrant of commitment (sections 316-324)? If statistics are kept, I'd like a breakdown of detention periods; if anyone has been held longer than 6 months, I'd like a breakdown of their nationality and their length of detention in days.
- how many people have been detained under a warrant of commitment in the past year? If there are statistics available on the average length of detention, or a breakdown of detention periods (1-7 days, 8-14 days etc), then I'd like a copy.
- Is anyone currently detained under s163 (Deportation liability of persons threatening security), or has anyone been detained under this clause in the past year?

#### Our response

'Currently' has been defined for the purposes of this response as a snapshot in time when the recorded data was gathered – 8.00 am on Monday 22 June 2015.

The reporting period for the past year has been defined as between 1 June 2014 and 31 May 2015.

**How many people are currently detained under section 312 (Limited power of detention for up to 4 hours)? How many have been detained under this section in the past year?**

There are currently 6 people who are detained under section 312.

There have been 51 people detained in the past year under section 312.

**How many people are currently detained under section 313 (Initial period of detention for up to 96 hours without warrant)? How many have been detained under this section in the past year? If there are statistics available on the average length of detention, or a breakdown of detention periods (0-24 hours, 24-48 hours etc), then I'd like a copy.**

There are currently 30 people detained under section 313.

There have been 497 people detained under section 313 in the past year.

Statistics on the average length of detention or a breakdown of detention periods are not available to be provided. This part of your request is refused under section 18(f) of the Official Information Act 1982 as the information cannot be made available without substantial collation or research. In accordance with section 18A of the OIA we have considered whether fixing a charge or extending the time for a response would result in this information being able to be provided however it is our view that it would not.

**How many people are currently detained under a warrant of commitment (sections 316-324)? If statistics are kept, I'd like a breakdown of detention periods; if anyone has been held longer than 6 months, I'd like a breakdown of their nationality and their length of detention in days.**

There are currently 20 people detained on a warrant of commitment.

Statistics on the breakdown of detention periods are not available to be provided. This part of your request is refused under section 18(f) of the Official Information Act 1982 as the information cannot be made available without substantial collation or research. In accordance with section 18A of the OIA we have considered whether fixing a charge or extending the time for a response would result in this information being able to be provided however it is our view that it would not.

**How many people have been detained under a warrant of commitment in the past year? If there are statistics available on the average length of detention, or a breakdown of detention periods (1-7 days, 8-14 days etc), then I'd like a copy.**

There have been 319 people detained on a warrant of commitment in the past year.

Statistics on the average length of detention or a breakdown of detention periods are not available to be provided. This part of your request is refused under section 18(f) of the Official Information Act 1982 as the information cannot be made available without substantial collation or research. In accordance with section 18A of the OIA we have considered whether fixing a charge or extending the time for a response would result in this information being able to be provided however it is our view that it would not.

**Is anyone currently detained under s163 (Deportation liability of persons threatening security), or has anyone been detained under this clause in the past year?**

There is not currently anyone detained under s163 of the Immigration Act 2009, nor has there been anyone detained under this section in the past year.

You have the right to contest the decision to withhold information by seeking an investigation and review of that decision by the Ombudsman, whose address for contact purposes is:

The Ombudsman  
Office of the Ombudsman  
P O Box 10-152  
WELLINGTON

If you wish to discuss any aspect of your request or this response, please contact Martin Prowse,  
Business Advisor, Business Support, Immigration New Zealand at [martin.prowse@mbie.govt.nz](mailto:martin.prowse@mbie.govt.nz) or 04  
896 5525.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Ivil', with a stylized flourish at the end.

John Ivil  
Acting General Manager – Compliance, Risk and Intelligence Services  
Immigration New Zealand  
Ministry of Business, Innovation and Employment