

House of Representatives

Supplementary Order Paper

Wednesday, 8 May 2013

Immigration Amendment Bill

Proposed amendments

Hon Michael Woodhouse, in Committee, to move the following amendments:

New clause 14A

After *clause 14* (after line 19 on page 15), insert:

14A Section 343 amended (Aiding and abetting)

- (1) In section 343(1)(b), delete “(by arriving in New Zealand in a manner that does not comply with section 103 or by arriving in New Zealand without holding a visa where the other person requires a visa to travel to New Zealand)”.
- (2) After section 343(2), insert:
 - “(3) For the purposes of subsection (1)(b), a person unlawfully enters New Zealand if the person—
 - “(a) arrives in New Zealand in a manner that does not comply with section 103; or
 - “(b) arrives in New Zealand without holding a visa, if the person requires a visa to travel to New Zealand; or
 - “(c) arrives in New Zealand as the holder of a visa but the visa was—
 - “(i) granted in a false identity; or
 - “(ii) procured through fraud, forgery, false or misleading representation, or concealment of relevant information; or
 - “(d) is granted a visa on arrival in New Zealand but the visa is—
 - “(i) granted in a false identity; or
 - “(ii) procured through fraud, forgery, false or misleading representation, or concealment of relevant information; or

- “(e) is granted entry permission but the entry permission is—
- “(i) granted on the basis of a visa granted in a false identity; or
 - “(ii) procured through fraud, forgery, false or misleading representation, or concealment of relevant information; or
- “(f) enters New Zealand in any other manner and, in doing so, does not comply with the requirements of this Act.
- “(4) To avoid doubt, a person unlawfully enters New Zealand within the meaning of **subsection (3)** whether or not any action has been taken under this Act in relation to the visa or entry permission used by the person for the purpose of entering (for example, conviction of the person for procuring a visa by fraud or revocation of the person’s entry permission).”

Explanatory note

This Supplementary Order Paper amends the Immigration Amendment Bill by inserting *new clause 14A*, which amends section 343 of the principal Act. Section 343 is an offence provision relating to a person aiding and abetting another person to enter, be in, or remain in New Zealand unlawfully or to breach any condition of the person’s visa.

The amendment contained in this SOP clarifies the meaning of unlawful entry.
