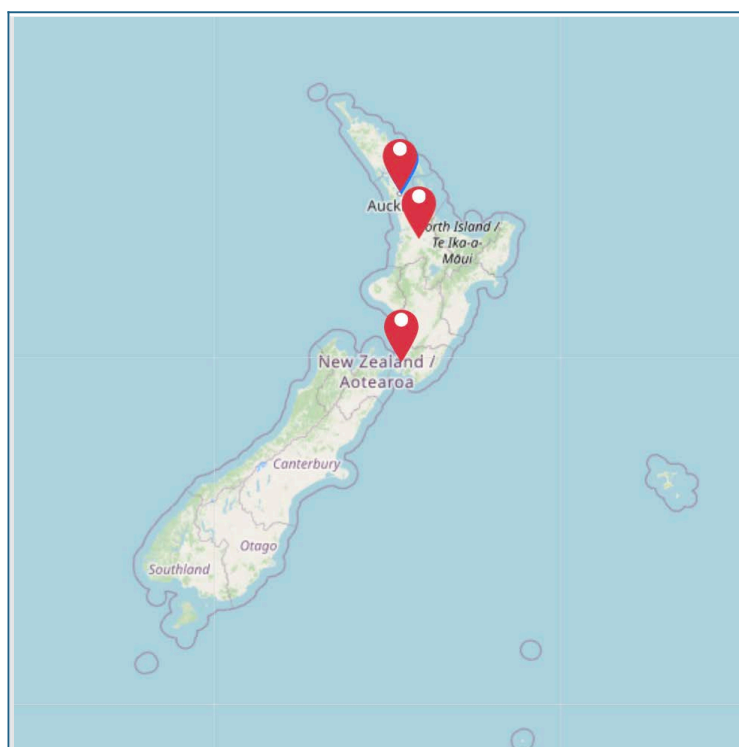


New Zealand Immigration Detention Data Profile



Quick Facts	
Immigration detainees (2019)	Not Available
Detained asylum seekers (2015)	13
Detained minors (2017)	Not Available
Persons expelled (2011)	664
International migrants (2019)	1,068,739
New asylum applications (2019)	720

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/asia-pacific/new-zealand>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	Not Available	2019	Number of detained asylum seekers	13	2015
				12	2013
				62	2005
Total number of detained minors	Not Available	2017	Number of dedicated long-term immigration detention centres	1	2016
	0	2014		1	2014
	0	2013			
	0	2012			
	0	2011			
Number of criminal facilities	3	2015	Number of persons removed/returned (voluntary returns and deportations)	664	2011
				688	2010
				740	2009
				838	2008
Criminal prison population	9,914	2016	Percentage of foreign prisoners	1.9	2016
	8,906	2015		3.5	2013
	8,520	2014			
Prison population rate (per 100,000 of national population)	210	2016			
	190	2014			

Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	4,800,000	2020	International migrants	1,068,739	2019
	4,529,000	2015		1,039,000	2015
	4,500,000	2012		1,132,800	2013
International migrants as a percentage of the population	23	2015	Estimated number of undocumented migrants	15,760	2010
	25.1	2013		15,769	2009
Refugees	2,724	2019	Ratio of refugees per 1000 inhabitants	0.31	2016
	1,564	2018		0.35	2012
	1,474	2017			
	1,348	2016			
	1,337	2015			
	1,403	2014			
Total number of new asylum applications	720	2019	Refugee recognition rate	25.9	2014
	511	2016			
	288	2014			
	508	2012			

DOMESTIC LAW

LEGAL TRADITION

Legal tradition	Name	Observation Date
	Common law	

LAWS AND REGULATIONS

Constitutional guarantees?	Yes/No	Constitution and Articles	Year Adopted	Last Year Amended
	Yes	Section 22 of the Bill of Rights on "Liberty of the Person", provides that "Everyone has the right not to be arbitrarily arrested or detained".	1990	1990

LAWS AND REGULATIONS

Core pieces of national legislation	Name	Year Adopted	Last Year Amended
	Immigration Act 2009	2009	2016
	Immigration Amendment Act 2013	2013	2015
	Correction Act 2004 as amended by the Public Act 2013 No. 5	2004	2013

GROUND FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION

Immigration-status-related grounds	Name	Observation Date
	Detention for unauthorised entry or stay	2016
	Detention to effect removal	2016
	Detention to establish/verify identity and nationality	2016
	Detention for failing to respect non-custodial measures	2016

GROUND FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION

Non-immigration-status-related grounds providing for administrative detention in immigration legislation.	Name	Observation Date
	Detention on public order, threats or security grounds	2016

LENGTH OF DETENTION

Maximum length for administrative immigration detention in law.	Number of Days	Observation Date
	No Limit	2016
	28	2016

LENGTH OF DETENTION

Maximum length of time in custody prior to issuance of a detention order	Number of Days	Observation Date
	4	2016

LENGTH OF DETENTION

Maximum length of detention for asylum-seekers	Number of Days	Observation Date
	No Limit	2016

PROCEDURAL STANDARDS				
Provision of basic procedural standards	Name	In Law	In Practice	Observation Date
	Information to detainees	Yes		2016
	Right to legal counsel	Yes		2015
	Access to free interpretation services	Yes		2015
NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)				
Types of non-custodial measures	Name	In Law	In Practice	Observation Date
	Supervised release and/or reporting	Yes	infrequently	2016
	Provision of a guarantor	Yes	infrequently	2016
	Designated non-secure housing	Yes	infrequently	2016
VULNERABLE PERSONS				
Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Asylum seekers	Provided	Yes	2016
	Accompanied minors	Provided	Yes	2015
	Unaccompanied minors	Prohibited	No	2015
MANDATORY DETENTION				
Mandatory detention	Filter	Name	Observation Date	
	No	Yes	2016	
EXPEDITED REMOVAL AND RE-ENTRY BAN				
Re-entry ban	Name	Observation Date		
	Yes	2016		
COVID-19 UPDATES				
Latest Update	Update Status			Observation Date
	<p>The GDP has been unable to find any reports indicating that authorities have taken measures to assist migrants and asylum seekers, including those in detention. Visits to prisons have been suspended in New Zealand from 19 March 2020. Authorities had already taken some health and hygiene measures last year due to a measles epidemic which happened in Mt Eden and in the women's prison in Auckland. However, from 27 March 2020, prisons were placed on "level-four lockdown" and two inmates at Hawke's Bay Regional Prison are in isolation amidst fears they may have contracted the coronavirus - but one has refused to be tested. New Zealand's immigration department has announced that given that the country is in a State of Emergency due to the Covid-19 crisis, the Refugee Status Unit office is closed until further notice. Scheduled interviews are cancelled and document processing is on hold.</p>			2020

INTERNATIONAL LAW

Relevant international treaties and date of ratification			
International treaties	Name	Ratification Year	
	CRPD, Convention on the Rights of Persons with Disabilities	2008	
	OPCAT, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2007	
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2002	
	CTOCSP, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2002	
	CRC, Convention on the Rights of the Child	1993	
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1989	
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1985	
	ICCPR, International Covenant on Civil and Political Rights	1978	
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1978	
	VCCR, Vienna Convention on Consular Relations	1974	
	PCRSR, Protocol to the Geneva Convention Relating to the Status of Refugees	1973	
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	1972	
CRSR, Geneva Convention Relating to the Status of Refugees	1960		
Ratio of relevant international treaties ratified	13/19		
Relevant international treaties and date of ratification			
International treaty reservations	Name	Reservation Year	Observation Date
	CRC Article 37	1993	1993
	CAT Article 14	1989	1989
Relevant international treaties and date of ratification			
Individual complaints procedure	Name	Acceptance Year	
	CEDAW, Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999	2000	
	CAT, declaration under article 22 of the Convention	1989	
ICCPR, First Optional Protocol to the International Covenant on Civil and Political Rights, 1966	1989		
Relevant international treaties and date of ratification			
Ratio of complaints procedures accepted	Number	Observation Date	
	3/7		
	3/7		

Relevant international treaties and date of ratification				
Relevant recommendations issued by treaty bodies	Name	Recommendation Excerpt	Recommendation Year	
	Human Rights Committee	38. The State party should: (a) Ensure that migrants and asylum seekers who unlawfully enter the State party's territory, including those who fall under the definition of mass arrival, are detained only for a short period of time in order to document their entry, record their claims and determine their identity if it is in doubt; (b) Ensure that migrants and asylum seekers detained in correctional and police facilities are separated from the rest of the detainee population.	2016	
	Committee against Torture	18. ..." (b) Ensure that detention should be only applied as a last resort, when determined to be strictly necessary and proportionate in each individual case, and for as short a period as possible; (c) Establish, in case it is necessary and proportionate that a person should be detained, statutory time limits for detention and access to an effective judicial remedy to review the necessity of the detention; (d) Adopt all necessary measures to ensure that stateless persons whose asylum claims were refused and refugees with adverse security or character assessments are not held in detention indefinitely, including by resorting to noncustodial measures and alternatives to closed immigration detention."	2015	
Non treaty-based international human rights mechanisms				
Relevant recommendations by UN Special Procedures	Name	Recommendation Excerpt	Recommendation Year	Observation Date
	Working Group on arbitrary detention	105. On the basis of its findings, the Working Group makes the following recommendations to the Government: (c) Deprivation of liberty of asylum seekers, refugees, and immigrants in an irregular situation should continue to be used only as a measure of last resort and for the shortest possible time; (l) The authorities should ensure that no asylum seeker or immigrant in an irregular situation is detained in correctional facilities or other places of detention together with convicted prisoners;	2015	2015
Non treaty-based international human rights mechanisms				
Relevant recommendations of the UN Universal Periodic Review	Recommendation Issued		Year Issued	Observation Date
	No		2009	2017
	Yes		2014	

INSTITUTIONAL INDICATORS				
Institutions responsible for immigration detention				
Custodial authority	Agency	Ministry	Ministry Typology	Observation Date
	Immigration New Zealand	Ministry of Labour	Labour	2015
	Department of Corrections	Ministry of Justice	Justice	2010
	Immigration Service	Ministry of Labour	Labour	2010
	Department of Corrections	Ministry of Justice	Justice	2009

Institutions responsible for immigration detention															
Detention Facility Management	Entity Name				Entity Type				Observation Date						
	Red Cross				Private Not-For-Profit				2015						
	Auckland University of Technology				Private For-Profit				2015						
	Refugee Services Aotearoa New Zealand Inc.				Private For-Profit				2015						
	Serco				Private For-Profit				2010						
	Non-governmental organisations				Private Not-For-Profit				2010						
	Immigration Service				Governmental				2010						
	Department of Corrections				Governmental				2009						
Institutions responsible for immigration detention															
Types of detention facilities used in practice	Immigration detention centre (Administrative)	Immigration field office (Administrative)	Transit centre (Administrative)	Reception centre (Administrative)	Offshore detention centre (Administrative)	Hospital (Administrative)	Border guard (Administrative)	Police station (Criminal)	National penitentiary (Criminal)	Local prison (Criminal)	Juvenile detention centre (Criminal)	Informal camp (Ad hoc)	Immigration detention centre (Ad hoc)	Surge facility (Ad hoc)	Observation Date
															2015
Detention monitoring institutions															
Authorized monitoring institutions	Institution				Institution Type				Observation Date						
	New Zealand Human Rights Commission				National Human Rights Institution (or Ombudsperson) (NHRI)				2016						
	New Zealand Human Rights Commission (central NPM)				OPCAT National Preventive Mechanism (NPM)				2016						
	Office of the Ombudsmen				OPCAT National Preventive Mechanism (NPM)				2016						
	Independent Police Conduct Authority (IPCA)				OPCAT National Preventive Mechanism (NPM)				2016						
	Office of the Children's Commissioner				OPCAT National Preventive Mechanism (NPM)				2016						
	Inspector of Service Penal Establishments				OPCAT National Preventive Mechanism (NPM)				2016						
Detention monitoring institutions															
Is the national human rights institution (NHRI) recognized as independent?	Is the NHRI recognized as independent by the International Coordinating Committee of National Human Rights Institutions?											Observation Date			
	Yes											2016			
Detention monitoring institutions															
Does NHRI have capacity to receive complaints?	Does NHRI have capacity to receive complaints?								Observation Date						
	Yes								2016						
Detention monitoring institutions															
Does NHRI publicly release reports on immigration detention?	Does NHRI publicly release reports on immigration detention?								Observation Date						
	No								2016						
Detention monitoring institutions															
Does national preventive mechanism (NPM) carry out visits?	Does NPM carry out visits in practice?								Observation Date						
	Yes								2015						

Detention monitoring institutions

Does NPM have capacity to receive complaints?	Does NPM have capacity to receive complaints?	Observation Date
	Yes	2015

Outsourcing and privatisation

Types of privatisation/outsourcing	Types of Privatisation/Outsourcing	Observation Date
	Detention facility management	2016

Outsourcing and privatisation

Detention contractors and other non-state entities	Name of entity	Type of entity	Detainee transport	Food services	Health care	Social services	Laundry services	Legal counselling	Management	Owner of detention facility	Recreation	Security	Telephone service	Translation services	Observation Date
		Serco	For profit												

More information about immigration detention in New Zealand is available at the website of the Global Detention Project (www.globaldetentionproject.org)