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# Standing Committee on Public Safety and National Security

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Chair: Jean-Yves Duclos





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Thursday, March 12, 2026

• (1540)

[Translation]

**The Chair (Hon. Jean-Yves Duclos (Québec Centre, Lib.)):** I call this meeting to order.

Good afternoon, everyone.

Thank you for attending meeting number 28 of the House of Commons Standing Committee on Public Safety and National Security.

Pursuant to the Standing Orders of the House of Commons, the committee is meeting on its study of Canada's ability to remove foreign nationals with a criminal record.

I would like to give a warm welcome to the witness, who is from New Zealand. We have many reasons to be very grateful to him. He is Steve Watson, general manager, immigration compliance and investigations, New Zealand's Ministry of Business, Innovation and Employment.

I believe the sound checks have already been done and were successful, so I will give the floor to you, Mr. Watson, for five minutes of opening remarks.

[English]

**Steve Watson (General Manager, Immigration Compliance and Investigations, Ministry of Business, Innovation and Employment of New Zealand):** Thank you, and good afternoon or good morning, as it is here. *Kia ora koutou*, which means “warm greetings” in the language of New Zealand's indigenous people.

Thank you for the lovely introduction.

As said, my name is Steve Watson, and I lead the part of New Zealand's immigration system that deals with removals and criminal prosecutions for criminal offending against New Zealand's immigration law, including migrant exploitation, human trafficking and people smuggling.

Today I want to talk to you about one aspect of my role that you've asked for information on, which is deportations and removals. Specifically, today I want to provide you with insight into how New Zealand manages foreign national offenders who are liable for removal.

New Zealand's deportation turnaround legislation and processes that apply to the removal of foreign national offenders are unique to our country, so they sometimes won't be aligned or it's not possible to do a linear comparison with Canada's processes, but hopefully I can give you some assistance.

We have a number of information-sharing processes with other government agencies, which I'll outline further in the presentation, that you may or may not have in your own jurisdiction. We have sharing agreements with agencies such as the New Zealand Police, our corrections or prison service and our Ministry of Justice.

I'm going to keep today's presentation reasonably high level, and I won't reference specific legislation or the details of those agreements, but I make the offer to you to talk further about this or provide any further information that you might require subsequent to this hearing.

The immigration compliance team is responsible for a range of immigration enforcement work. That includes managing returns cases and investigating visa breaches by migrants, employers and educational institutions that look after foreign students. We have a low-level compliance function that gives infringement notices or minor prosecutions to employers who breach the Immigration Act, and we monitor migrants in the community who are currently on active criminal charges or on reporting conditions. We also do a lot of joint work with other agencies in terms of the wider harm to New Zealand's communities.

New Zealand's immigration system, like many, is founded on the expectation that migrants must meet entry requirements. When they're here, they must comply with their visa conditions, be of good character and not commit criminal offences whilst here in our country. This includes a clear expectation that people leave New Zealand when they no longer hold a lawful basis to remain, so they must leave before the expiration of their visa.

New Zealand prioritizes the removal of foreign national offenders who are liable for deportation and also those migrants who present a high risk to our communities. Criminal offending is our number one priority.

I'll say little bit about the term "removals". It describes all processes for requiring foreign nationals, who have no right to remain in New Zealand, to leave. There are three main streams of deportation. For residents who have committed serious offences, we can cancel their residence permission. Temporary visa holders such as students, visitors or workers who commit criminal offences will be made liable for deportation. Then there are persons who have overstayed or remained in New Zealand past the expiry of their visa.

All of these attract appeal rights, right through to a judicial review at our Supreme Court. Not everyone avails themselves of those appeal rights, but we do obviously have to respect that.

Most of our deportations are around criminal liability and are based on bad character.

We also have a role in the compliance team of turning around people at the border who've been deemed inadmissible because they have criminal convictions overseas and, if we find out about that upon arrival, we will detain them and turn them around.

We do have a graduated compliance model so our responses are proportionate to the harm, risk-based and tailored to the individual's circumstances. While some non-compliance is resolved through education, facilitation or voluntary departure, cases involving criminality, a bad character, or refusal to engage are treated by higher priority. Like in many countries around the world, there is high public interest in New Zealand in migrant offending.

In terms of custody and detention, most of our low-priority cases are resolved through community-based limits on movements, such as reporting conditions. We have recently passed legislation where we can do electronic monitoring for some criminal offenders in the community. For our serious cases, we make every effort to deport directly from prison or immediately following the court hearing.

In terms of detention, we have a limited four-hour power of detention immediately after arrest of a foreign national who's liable for deportation. We then take them to a police station where a decision is made. We have 96 hours to decide whether to detain them on a warrant of commitment, which is sought through the court, or whether to release them on conditions. The 96 hours also allows us time to book travel, where appropriate, to remove people from the country.

In terms of information sharing, all foreign nationals who are under investigation by the police, are charged with a criminal offence or have been convicted by the court are of interest to Immigration New Zealand for the reasons I've outlined. We expect visitors to our country to obey the law the same as we do for our own people. We and the police have a data-matching system. It has some problems, mostly around identity. We do have to validate some identity. It's just a straight name-to-name match, so we do have to do a little bit of work to validate that. The police will tell us of all foreign nationals they're aware of who are charged with criminal offences or have been sentenced to imprisonment. It captures most foreign national offenders who commit serious offences.

Where a person is on a community-based sentence, or is not sentenced to a term of imprisonment, we work very closely with our corrections and probation service so that we can deport them at the earliest opportunity. This means that as soon as they have served

the minimum part of their sentence in New Zealand, we would put them on a plane and return them home.

I'll quickly run through our priorities. Priority one is prison releases, criminal offenders and national security matters. There are four subcategories under priority one: those who threaten national security, which is a joint piece of work we do with our security agencies; people who have been granted residence but who have committed a serious enough offence to make them liable for deportation; prison releases and home detention sentences; and people who've committed visa fraud.

Our second priority is a tier down from that. It's around people whose offending shows that they have adverse character issues. It may be minor assaults, street violence or a drunken charge. That's just a small snapshot of the offending where people are not sentenced to imprisonment, but they demonstrate poor character sufficient that we would want to revoke their visas and deport them from New Zealand.

That concludes my opening introduction. I would be really happy to take questions from members.

• (1545)

**The Chair:** Thank you for that excellent introduction.

We turn to MP Lloyd for six minutes.

**Dane Lloyd (Parkland, CPC):** Thank you, Mr. Chair.

Thank you, Mr. Watson, for being our witness all the way from New Zealand today.

Does New Zealand maintain a public web page where they provide information about criminals who are wanted for deportation?

**Steve Watson:** No, we don't have that facility at all. In some serious cases, we may use the media or put discreet media articles on our website asking for specific cohorts of people, but we do not name individuals.

**Dane Lloyd:** Is there a reason for that?

**Steve Watson:** I'm not sure of the reason. There is privacy legislation that protects the identity of some migrants, but for those who have committed a criminal offence, we may name them. It normally takes a form such as, "This person has been convicted in the court, and will be subject to deportation", but we don't specifically name the people we're actively looking for, generally because it's a small country and it may drive them further underground.

**Dane Lloyd:** Something we've heard during this study is that foreign governments can be very uncooperative in some cases when we're trying to return their citizens. They'll use things like not providing travel documents.

Is this an experience that New Zealand has had, and have you been able to find a good workaround?

**Steve Watson:** Yes, it is an experience we have had, and it changes depending on the geopolitical situation, of course.

I really want to be at pains to say that we have no issues with our Five Eyes friends. At the moment, we're having problems with the Vietnamese in terms of getting travel documents, but mostly we have good relationships with our consular partners in New Zealand. Whilst there sometimes can be delays, generally we will ultimately get a travel document. It generally depends on the relationships between the countries. Sometimes there can be diplomatic tension that plays out in difficulty getting travel documents.

We're a small country, and we have really good connections. The other thing that we leverage is our Five Eyes partners, who may sometimes have better connections than us.

• (1550)

**Dane Lloyd:** In 2024, there was a notable case in Canada—I'm not sure if you're aware—where an ISIS-inspired attack against Toronto's Jewish community was foiled. One of the alleged terrorists was able to evade immigration screening and claimed asylum in Canada in 2018 despite there being public videos circulated of this alleged terrorist participating in ISIS propaganda videos in Iraq.

I wonder if you can tell us about New Zealand's screening. Do you have an effective screening system that allows you to find cases like this and prevent them from getting visas to travel to New Zealand?

**Steve Watson:** Yes, we do. We have a very good information-sharing relationship with our Five Eyes partners. We work quite closely with our national security agencies, which will notify us of anyone who is on any watch-lists or is a person of interest to them. We factor that into our visa decision-making.

**Dane Lloyd:** Is there anything specific that you think New Zealand does better than other Five Eyes partners?

**Steve Watson:** Not specifically, no. The information sharing with our security agencies, because the enforcement community is small, is done on a relationship basis. We're very quick and agile in terms of sharing information.

**Dane Lloyd:** I only have a bit of time left, but I noticed in researching some of your commentary that you've talked about the exploitation of migrant communities by organized crime—scamming these people, breaching their visa conditions.

Can you talk about effective ways in which New Zealand has protected vulnerable migrants from exploitation by organized crime?

**Steve Watson:** We have a couple of visa products. A person who is certified as a victim of human trafficking can be given a trafficking visa to remain here, to escape the situation and to give evidence or not. The primary purpose of that visa is the protection of that person, to allow them to access welfare services and the like.

For people who report exploitation by their employer, we have a fast-track process to put them on what is called a migrant exploitation protection visa, which is an open work visa for six months, which allows them to move from the exploitative employer, find a new employer and get their immigration pathway back on track. The principal reason for that visa is for the person to escape the current exploitative situation. That also allows us to work with that person, to gather information from them, to see if they want to be a witness or even just provide information that allows us to take action against that employer. If we prosecute an employer for migrant exploitation, or even for some lesser charges, we can put them on a stand-down list to stop them from employing further migrants for six months.

**The Chair:** Thank you, MP Lloyd.

[Translation]

Mr. Ramsay, you have the floor for six minutes.

[English]

**Jacques Ramsay (La Prairie—Atateken, Lib.):** *Kia ora*, Mr. Watson.

Thank you so much for taking time for this.

Are you in Wellington?

**Steve Watson:** I am.

**Jacques Ramsay:** My favourite song is *Wellington*, by the Mutton Birds. It goes, "I wish I was in Wellington".

**Steve Watson:** I think they're performing on the weekend, actually.

**Jacques Ramsay:** I'd like to know if you maintain clear data to know the number of illegal foreign nationals and the number of illegal or foreign nationals who have offended? Is that the sort of statistic that you maintain?

**Steve Watson:** Yes, it is. Once a year, we produce what is called an estimate of people who are unlawfully in New Zealand. It has to be an estimate, because it's a snapshot in time. It was about 21,000 people last year.

In terms of criminal offending, we have a very accurate database, because every piece of information that's shared with us by the court system, the police or the other criminal jurisdictions is recorded in our case management files, and they are actively recorded under our priority one.... We have a very good list of everything that is reported to us. As I said, the reporting is not infallible, but it's about 99% reliable.

• (1555)

**Jacques Ramsay:** Is there a minimum sentencing where the offenders become eligible for being expelled?

**Steve Watson:** Any temporary migrant who is sentenced to imprisonment will be made liable for deportation. For any resident who is sentenced to imprisonment, there is a kind of scale by how long they've been here. If a person has been here for 10 years, they're well settled, and they are sentenced to a minor term of imprisonment, for example, and may not be deported. In terms of the lower level offending, we do have some discretion for very minor offences like speeding tickets or things that are not against public order. We may, on a special case review, allow the person to remain, but it's on a case-by-case basis, and there's a little bit of discretion in there.

**Jacques Ramsay:** One of the things you alluded to was that people were being expelled as soon as they finished their term in prison. I'm assuming that you have due process before being expelled, so would that mean that those procedures would take place during the time the person is in jail? That is something interesting that we may be able to learn from you.

**Steve Watson:** Yes. I'll use an example of 12 months, because it's easy to work it out. A person will be sentenced to 12-months' imprisonment. They'll be eligible for parole at probably seven months. We would engage with them within a month of their being sent into prison. We would serve them all their paperwork. That would allow them the due process of appeals, which can take up to 42 days. By the time they are able to be released, everything is ready. The flight is booked. The escorts are prepared. We literally pick them up from the prison gates and take them to the airport.

**Jacques Ramsay:** How about the people who abscond? I've spent enough time in New Zealand to know that even though it's a small country, you can get lost easily, especially in South Island. How do you go about finding those people?

**Steve Watson:** We would use what I would call basic modern investigation techniques. We start with their last place of [*Technical difficulty—Editor*] with all of the other agencies in the community that will share information with us. We have a single police force in New Zealand. We can have access to other government departments' records if we request them properly—things like our social development agency and a number of other government agencies. We also have what's called a crime line, or a dob-in line, where we receive anonymous information. We also, in the more serious cases, operate human source intelligence—so informants—and all of that information is processed through our intelligence system and refines where we can look to find people.

**Jacques Ramsay:** I would just point out, too, that the recent Bill C-12 that is in the Senate right now will allow us that communication that Mr. Watson is...between agencies, which we had in Canada. However, now we should be on par with New Zealand.

**Steve Watson:** That's good to hear.

**Jacques Ramsay:** Hopefully, we'll beat New Zealand in rugby sometime in the next 10 years.

• (1600)

**The Chair:** Maybe even before then, but we'll see.

[*Translation*]

Before that, I'll give the floor to Mrs. DeBellefeuille for six minutes.

**Claude DeBellefeuille (Beauharnois—Salaberry—Soulanges—Huntingdon, BQ):** Thank you very much, Mr. Chair.

Mr. Watson, when you're a Quebecker, you always try to find a family connection or some other link with the people you meet. I can tell you that my grandson, who currently lives in Australia with his parents, also has a lot of family in New Zealand. They have told us that it's really a very beautiful country. It's on my list to go meet my grandson's family in New Zealand.

That said, I noticed in the document we were given that New Zealand has increased the number of deportations of foreign nationals compared to other years.

Could you share your best practices with us? What has enabled New Zealand to deport more people than last year, for example?

[*English*]

**Steve Watson:** That's a good question. I am [*Technical difficulty—Editor*].

Prior to COVID, we were deporting quite a few people. Obviously, when COVID came, the ability to deport people was compromised. We are just now returning to previous levels.

In terms of how we achieved those additional numbers, we took more of a case management approach to our lower-priority deportations. Our priority deportations—criminals—are always there, and picking them up from prison is actually quite an easy thing to do. It's very straightforward. However, with regard to the people who are in the community, we've spent a lot of time actively working with them so that they go home under their own steam. The main increase was in what we would call “voluntary departures” or “self-deportations”. We would visit these people weekly and kind of convince them that it was the wrong thing to do to stay in New Zealand. We would convince them to return home. Unfortunately, we're not allowed to offer them any incentive to do that, but we can disincentivize them from remaining. If they're on our radar, they can't work. They can't even work illegally, because we will be keeping an eye on them.

There are two things that work in that space. One is that you allow people who are not criminals or who are not serious criminals the ability to control their own destiny. Sometimes that is an empowering thing for people, and they will realize the error of their ways and just simply go home. It also means that it's a cost-saving for the government because sometimes their family...and often they'll have offshore remittances once they've made up their mind to return home.

There is a third incentive that we can offer them, which is that, if they do return home voluntarily without being deported or through a co-operative action, after a period of time they can then have the opportunity to return to New Zealand, and that's never off the table. So, it's a case management approach for our less serious overstayers.

[Translation]

**Claude DeBellefeuille:** Mr. Watson, you say that these people are accompanied to the airport when they leave prison, to ensure that they leave your country. I imagine that New Zealand—this is the case for Canada—has signed treaties with certain countries to prevent people from being removed to those countries, because the political situation there is unstable.

What do you do with these people who have served their sentence, who have a removal order, but whom you can't send back to their country because the political situation or an international treaty prohibits you from doing so?

[English]

**Steve Watson:** We monitor the case until their prison release and we ask our corrections colleagues to work through the parole system, so that when they're eligible for parole, we can engage with them again, long before they're released. We would know that we're not able to remove them. We don't hold them in detention.

If they're still liable for deportation, we would manage them in the community through a residence and reporting agreement, which is a lawful document that says "you must reside at this address and you must report to our officers at a period of time".

For matters where it's a serious national security threat or they are a serious threat to the community, we may detain them, but in recent times, based on United Nations advice and human rights advice, where possible we will allow people to remain in the community, particularly if there is no prospect of deportation. Otherwise, essentially they are held in a corrections facility.

We don't have immigration detention, so they are held in jail with no prospect of release or no prospect of deportation. There have been some overseas court decisions and the United Nations frowns very heavily on this, and I think it's the right decision: I think we have to treat people in a fair and humane way.

• (1605)

[Translation]

**Claude DeBellefeuille:** Thank you.

**The Chair:** Thank you very much, Mrs. DeBellefeuille.

Ms. Kirkland, the floor is yours for five minutes.

[English]

**Rhonda Kirkland (Oshawa, CPC):** Thank you very much.

I appreciate this conversation. We can always learn things from each other, and it's always a great opportunity for us to learn from you. Hopefully, we can reciprocate down the road, Mr. Watson.

As per the Canada Border Services Agency's removals program, persons subject to removal have to pay their own return travel. Of course, if the person is unable to pay, which will happen often, the

Canada Border Services Agency will do so on their behalf, and we'll attempt to recover the cost if the person seeks to return to Canada. In New Zealand, who bears the cost of removals?

**Steve Watson:** We have a similar process. As I alluded to before, where people can pay their own removal costs, we encourage that, because it gives them an opportunity to return, and it's the right thing to do. Where people simply cannot pay and we need to remove them, the state pays. I have a budget for that, which needs to be carefully managed because it's a public appropriation, but there is an expectation, as you said, Ms. Kirkland, that if the person wishes to return, they have to repay that debt in full.

**Rhonda Kirkland:** Do you have any comments on how often your government is able to recover those costs?

**Steve Watson:** It's very difficult, because the person is offshore and we have no jurisdiction. It's extremely unlikely that we recover costs. I think it's probably under 10% of cases.

**Rhonda Kirkland:** Could you comment on the situation where an individual refuses to co-operate with immigration authorities and they go "no contact" and you start to wonder where they are. I know you touched on it, but could you comment on some of the enforcement tools New Zealand uses to locate and remove them? I think you mentioned that you're using some digital tools as well.

**Steve Watson:** Yes, we obviously have good information sharing with people.

In terms of digital tools, we're using AI a bit to triage and suck information out for us in order to identify where people are, but the main way we find people who have gone underground or who are difficult to locate is through some good old-fashioned investigative work: asking questions, a bit of surveillance and following the trail a little. One of the things we've changed is trying to understand where the person is working, because it's much easier for us to look someone up at work. It also allows us, then, to have evidence to prosecute the offending employer.

In terms of digital tools, we don't really have anything special. We just have a case management tool that allows us to keep and record information. We do data-matching with some other agencies, which allows us to see where a wanted person may have touch-points with other government agencies.

We have a lot of liaison with groups that represent diasporas in New Zealand. It's our experience that the various groups that represent the ethnic diasporas in New Zealand are very anti others who don't stick to the rules. More often than not, they will hand them over. They do the right thing, because they feel these people are doing a disservice to their culture.

• (1610)

**Rhonda Kirkland:** I appreciate the urgency of your government to make sure those who are incarcerated.... I'm sure you have bureaucratic slowdowns, like every other country. The goal, obviously, is to make sure they're ready to go from prison to airport.

Are there a number of cases where timing just can't work out for that to happen, or are you pretty successful?

**Steve Watson:** We're pretty successful.

**Rhonda Kirkland:** That's great.

**Steve Watson:** Generally, if a person makes an asylum claim in prison, we obviously can't remove them. We just go through the prison release process, then monitor them in the community.

**Rhonda Kirkland:** The urgency—

**The Chair:** Thank you.

**Rhonda Kirkland:** Is that my time? It goes by so quickly.

Thank you, sir.

**The Chair:** Unfortunately, yes, it's often like that. I'm sorry, Madam Kirkland.

MP Acan has the floor for five minutes.

**Sima Acan (Oakville West, Lib.):** Thank you very much, Mr. Chair.

Mr. Watson, thank you very much for joining us today.

In this committee, we heard from Brian Sauv , the president of the National Police Federation, the union that represents members of the RCMP. We discussed how our government is hiring 1,000 new officers at both law enforcement agencies involved at the border, the CBSA and the RCMP.

I come from a technical background. I did projects in the past in public safety and security. I am curious as to what types of tools and technologies are used when identifying criminal admissibility and executive removals in New Zealand.

**Steve Watson:** Are you talking about what types of IT systems we use?

**Sima Acan:** That's IT or any other technical system. This can include CCTV or anything used in removal processes that involves tech.

**Steve Watson:** We're not very high-tech, to be fair. We have a case management system.

We have facial recognition software at the border. This has some ability to identify people who are not eligible for entry. The New Zealand police have closed-circuit TV and security cameras around the streets, but we, as yet, don't use those for identifying people who are unlawfully in New Zealand. I'm not sure we would be able to reach that threshold, at this stage.

**Sima Acan:** Thank you very much. I understand that facial recognition is usually used at airports in certain areas.

In Canada, as you know, we have the Immigration and Refugee Protection Act. It is similar to your Immigration Act since they both serve the purpose of the regulation of immigration.

Today, we tabled new legislation for lawful access, which has very strong support from all levels of law enforcement in Canada. I know that Australia also has a very strong lawful access provision, giving law enforcement the tools to access the data relevant to assist in investigations.

From a legislative standpoint, are there any statutory mechanisms that empower law enforcement to collect, share and operationalize intelligence when addressing criminality in New Zealand?

• (1615)

**Steve Watson:** Yes, we have some statutory provisions in our Immigration Act that we can request information under. However, the main vehicle that we use for information sharing is, in fact, our Privacy Act. There is a principle in our Privacy Act that says that, for the purposes of law enforcement, you can share personal information. There's a form through which it has to be requested. Basically, if we want to request information from another agency, we give the person's name and the reason we want the information—so, for example, because they have breached the Immigration Act or have committed whatever offence—and request any holdings they may have on that person that may assist us with that investigation. It's quite successful.

**Sima Acan:** I'm curious about the length of this process. In Canada, we need to have a judicial permit to get access to that information. It's a lengthy process. The police have mentioned that it can take up to 11 weeks in really serious cases.

What is your experience when it comes to the length of time for processing this form and getting the approval?

**Steve Watson:** It's much quicker than that. In really serious cases, we would escalate it, and we could get the information the same day.

The other thing that I was going to mention is that, between some agencies, like the police and us, we have approved information-sharing agreements, which gives them permission to proactively share with us. For example, if a migrant is convicted of an offence, we would not need to ask the police about that; they will tell us. That is done through a legal agreement vehicle called an approved information-sharing agreement, which is a process under our Privacy Act.

For the transactional stuff, it really depends on the workload. If we needed information quickly, if it was a really serious offence and if public safety depended on it, I'm confident that we could get the information from the police or the other agencies, if not that day, the next day.

**Sima Acan:** Very quickly—

**The Chair:** I'm sorry, MP Acan. We must now turn to MP DeBellefeuille for two and a half minutes, please.

[*Translation*]

**Claude DeBellefeuille:** Thank you very much, Mr. Chair.

I find it quite amazing that we can speak today with someone on the other side of the world, in New Zealand, so that they can share best practices with us.

I also want to congratulate our interpreters, who make it so that you can understand me, Mr. Watson, and that everyone can understand each other. Our interpreters are good, and I wanted to say hello to them. There's even a male voice, which is quite rare. I'd like to thank them very much.

Mr. Watson, you have answered all my questions. I found our discussions very interesting, and I have no further questions for you, so I'll let the chair manage the time. However, I'd like to thank you for participating in our study and for being so generous. I know we aren't in the same time zone, so it's a lot of effort and energy on your part.

Thank you once again, on behalf of the committee, for coming to testify.

**The Chair:** Thank you, Mrs. DeBellefeuille, for your usual kindness.

As well as being kind to the witness, you're being kind to the next speaker, who is Mr. Au.

[*English*]

You have five minutes, please.

**Chak Au (Richmond Centre—Marpole, CPC):** Once again, thank you for participating in the hearing.

I have a few questions, so I will just go right into them.

I want to get some clarification. I read the background information, and it seems to me that in New Zealand a person can be deported if there is a certain time of imprisonment, even if the judge's sentencing doesn't require it.

**Steve Watson:** That is the case, and it's quite a technical piece of work in our legislation. I don't have the specific details, but you are right. There is a sliding scale of imprisonment for residence visa holders. Concerning a person who is on a temporary visa, no matter what period of imprisonment they are sentenced to, if we deem them to be of bad character, we will deport them.

• (1620)

**Chak Au:** For example, in your case, if the offence was committed within the first five years of obtaining residence, the court has the power to impose a sentence of at least two years in prison.

Then, the court can sentence less than what is permissible, but the prisoner can still be deported.

**Steve Watson:** Yes, that's right. The decision is made on the maximum available sentence for that offence. I'm not sure about Canada, but in New Zealand, it's very rare that a person receives five years for a five-year imprisonment. You know, there's always a starting point, and then there are mitigations, and judges make decisions. They have judicial independence.

**Chak Au:** Yes, I asked that question because, in Canada, we've seen cases in which the judge cut down the sentence to avoid the person being deported. I find this to be very enlightening.

We are stuck between the concern over public safety and human rights. Again, how do you strike a balance between public safety concerns and also safeguarding human rights, especially in cases such as people who have already committed a crime, exhausted all legal applications to stay and then finally claim asylum or claim to be a refugee?

How do you avoid that kind of situation from happening in New Zealand?

**Steve Watson:** You used the words “strike the balance”. That is the exact name of our strategy. In a case such as you have referred to, if it's a second, third or subsequent claim, obviously we are required to consider that claim, but we do have a fast-track process, and we work very closely with our refugee determinations team for those people who are third, fourth and subsequent claims. If they are found to be unfounded, again we prioritize those, and we work very quickly.

Once the claim has been determined, we will then start to engage with the client and begin the removal process once all appeals have been exhausted.

They are complex cases, and we've had a couple where we've had multiple claims, but we generally get there in the end. It just takes time, and you have to follow due process.

**Chak Au:** You seem to have a very effective and also a very tight timeline for processing those deportation cases. How successful have you been in following the timeline? Is it that in most cases you were able to fit into the timeline you specified in the process?

**Steve Watson:** Yes, it's particularly so for criminal offending. When people are in jail, we get early notification, and we prioritize those cases. The work is done at the earliest possible opportunity, and then the case just sits ready to go. Again, as I said, when they're released from prison, they are picked up and put on a plane.

Again, because we prioritize criminal offending, we are able to work through those cases quite quickly. We put most people working on that. What that does mean, though, is a trade-off in terms of the cohort of people who are just here unlawfully and don't commit any crimes. We tend to not have the time to deal with those. We then use other approaches with them such as phone calls and text messaging to try to maintain some contact.

Yes, we prioritize criminal offending because it's what the country expects us to do. The government is very clear that, when you are a temporary visitor to New Zealand or you have been allowed to reside here, you obey the rules, and there are consequences for not obeying the rules.

**Chak Au:** My final question is about case management—

**The Chair:** I'm sorry, MP Au. I would like to be more generous, but unfortunately, we've exceeded the time.

That leads us to MP Ehsassi for five minutes, please.

**Hon. Ali Ehsassi (Willowdale, Lib.):** Thank you, Mr. Chair.

Thank you also to Mr. Watson for appearing before our committee. I found this very informative.

I wanted to follow up on the question that MP Lloyd asked you about the strengths of the procedures in New Zealand with respect to deportations and removals. I understand that through the Five Eyes, you have been privy to how our system works. What would you say is the strength of the Canadian system?

• (1625)

**Steve Watson:** I have to confess that I'm not overly familiar with your system, but of the little I do know, you have a similar approach to New Zealand's in that it's a balanced approach. You have strong humanitarian considerations and you prioritize criminal offending. In my experience of dealing with the Canadians, they always seek information and are always very helpful.

I'm not really answering the question, because I'm not really familiar with it, but—

**Hon. Ali Ehsassi:** We can move on to the next question.

As an example, in the event that among the Five Eyes, several countries have designated a group as a sponsor of terrorism or as engaging in terrorist activity within their own jurisdictions, should they come to New Zealand requesting information? Would that information that has been requested be forthcoming from your authorities on that basis?

**Steve Watson:** Yes, I would say so. There are channels for pushing that information through, and we are a very active and co-operative member of the Five Eyes.

**Hon. Ali Ehsassi:** You don't just look at whether a particular individual they're asking for information about actually engaged in criminal activity only in your jurisdiction; you would also be forthcoming with information if that individual had engaged in criminal activity in another jurisdiction.

**Steve Watson:** Yes, that's correct.

**Hon. Ali Ehsassi:** I'll follow up on the question my colleague, MP Acan, asked about data-sharing permission forms. How does that process work? I think she had a follow-up question for you. She wasn't quite sure how the forms operate and who authorizes them.

**Steve Watson:** We've used our lawyers to design a template that meets the legal requirements, because we're requesting information using a piece of legislation. We have made it as simple as possible. Across the government, the forms are pretty standard. Depending on the seriousness or the nature of the information requested, we're

quite permissive in terms of our frontline officers making the requests directly to the other agency themselves.

In a case that's a bit more complex, I would probably expect a one-up sign-out or some legal advice, but it's a well-used, long-established process that we use, and it's based on a lot of trust between government agencies. We trust each other to not drop the ball and to not get this wrong, because we are dealing with other people's information and managing other agencies' information. I'm sure, as in Canada, privacy breaches where sensitive information has got out into the public domain through public service incompetence are treated very seriously.

**Hon. Ali Ehsassi:** Thank you.

**The Chair:** MP Au, you have five minutes.

**Chak Au:** Thank you very much. I'm glad I have more time to ask questions.

I want to ask a question about case management, because you mentioned that you use the case management approach. In your case, which department is the primary gatekeeper for case management to make sure that the ball is not being dropped? Is it the correctional department, the justice department or the police?

**Steve Watson:** Each of those agencies maintains its own systems to maintain the integrity of the data. To enact the approved information-sharing agreements, we have what we call APIs and business rules that allow the data to be shared mechanically, particularly in the proactive space.

Where we share data by using the form or the manual request, the integrity of that is basically maintained by training and quality assurance checks on those requests to make sure that they are lawful and we're not just going fishing. We have a very good all-of-government agreement about the management and sharing of information, which we are held accountable to by our Parliament.

• (1630)

**Chak Au:** New Zealand's humanitarian appeal test requires exceptional circumstances, or unjust or unduly harsh impacts. How often were the criminals able to use that kind of test to avoid being deported?

**Steve Watson:** It doesn't happen very often. Occasionally, the higher courts will overturn our decision. It's generally based on a family reason. We are still able to successfully deport criminals who have New Zealand-born children and New Zealand families because the courts have upheld that thinking. Just being married to a New Zealand partner or having New Zealand-born children is not in itself an exceptional circumstance. Sometimes courts will make decisions and that's what they do. We can either appeal that or accept it.

**Chak Au:** Your minister has the absolute discretion to cancel or suspend deportation liability. How has it been, in your experience, with allowing the minister to have that power? Has it been abused? Have people been accused of inconsistency or does it give the minister too much power?

**Steve Watson:** The minister delegates to senior officials the thinking and the prep work. The minister regularly has what we call calibration meetings with her delegated decision-makers. She also has an associate minister who does a lot of this work for her and who also is part of those calibration meetings.

The key here is that the minister very rarely intervenes in cases. If she does, she always gives good reasons for it. I don't believe there's any abuse of that process. It's a very thorough process. It's managed by very senior officials such as myself and my colleagues. It's just part of our legislation that we work with.

**Chak Au:** Thank you.

**The Chair:** We'll go to MP Powlowski to end this portion of our meeting.

You have five minutes, please.

**Marcus Powlowski (Thunder Bay—Rainy River, Lib.):** Mr. Watson, I'm curious about your use of the term “bad character” and the removal of people of bad character. I would have thought that if you broadly interpreted the meaning of bad character, you'd include pretty well all the members of the Conservative Party on the other side.

**Some hon. members:** Oh, oh!

**Marcus Powlowski:** I don't think that's likely the basis of your interpretation.

You gave us some ideas of what constituted bad character. I'm hearing comments from the other side. Besides being a member of the Conservative Party, what are the other criteria that constitute “bad character” in New Zealand?

**Steve Watson:** We start with criminal offending. Stepping back from there, there are breaches of the civil jurisdiction, which could be people committing, say, tax evasion or something that is a non-criminal. It's quite broad, but generally we would consider bad character to be criminal offending. You jest, but sometimes alignment with some sort of ideology can be considered to be of bad character, and that's quite a difficult one to deal with.

It's generally criminal offending or how they conduct themselves in the community. If they conduct themselves in the community in a way that causes harm or offence to other people, that is not.... There's not a lot of it in New Zealand because we are quite an open and understanding society. We certainly tolerate a lot of different ideologies.

• (1635)

**Marcus Powlowski:** I also understand that part of your mandate is looking at the exploitation of foreign workers. I was interested in this. I understand that New Zealand brings in about 5,000 workers from Vanuatu every year as temporary foreign workers in agriculture. I'm interested in this. I lived in Vanuatu for five years. I understand there are some cases of exploitation.

Moreover, my understanding is that the work permits the New Zealand government issues are for one specific business to be able to employ someone. I think we in Canada do the same thing. This opens the door for exploiting workers who may feel that if they complain they're going to be sent home. What does your government do to ensure being tied to one single employer doesn't result in the exploitation of workers by unscrupulous employers?

**Steve Watson:** We have two schemes.

The scheme you're talking about is called the “recognized seasonal employer”. Those employers have to jump through quite a number of hoops to be accredited. They are audited on their pastoral care, their plans and their accommodation. They have to provide worker accommodation and that has to be of a suitable standard.

They also have to demonstrate to us that their internal processes are compliant in terms of things like minimum wage and wage deductions. If they don't and they are audited by us, they may lose the ability to hire migrant workers, which basically means that they're dead in the water as a business. There's a strong incentive to comply.

For the broader labour market, we have what's called an “accredited employer” scheme. It's quite similar. Employers have to demonstrate to us that they have all the checks and balances in place to prevent migrant exploitation. What that does is allow us to investigate, monitor more and audit their processes on a risk-based cycle to ensure they're behaving properly.

The final thing it does—and I'm conscious of time—is that those who operate outside those schemes are deemed to be “high risk” by us. That allows us to prioritize them and pay them a lot of attention, because generally they're the ones who will be committing the exploitation.

**Marcus Powlowski:** Thank you for appearing before us. I appreciate it.

**The Chair:** Thank you for saying that, MP Powlowski.

I will repeat, on behalf of all members of this committee, that you have our gratitude and appreciation for your time and input into this exercise.

Despite the physical distance between you and us, we feel very warmly appreciative of your strong and warm contribution. We wish you a great day. I know it's the beginning of your day.

We look forward to perhaps meeting you in person at some point. Thank you again and enjoy the rest of the day.

Yes, please go ahead, Mr. Watson.

**Steve Watson:** In closing, I noticed that a lot of the members still had further questions. I'm happy to take those questions through email. You have my email contact through your secretariat. Please forward them. I'll get people who are a lot deeper in the business and who have a lot more knowledge than I do to answer them for you, because I too value this interaction, and I am really happy to provide more information.

Thank you.

**The Chair:** That's a generous offer. We will be sharing your contact details for the use of MPs.

Thank you again.

**Steve Watson:** *Mā te wā.*

[*Translation*]

**The Chair:** We will now adjourn the meeting.

[*English*]

Thank you very much. I'm looking forward to the next steps.

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