

## **TERMS OF REFERENCE**

### **REVIEW OF APPARENTLY UNLAWFUL IMMIGRATION DECISION**

#### **Background**

In the course of internal audit activity relating to the Pacific Division Manukau Branch (within the Service International Group of Workforce) an irregular residence decision was recorded. A desk-top review of available information relating to this decision indicates that it may have been made outside the Department's authorisation.

The residence decision relates to the Katekeimoa family (4 persons) from Kiribati. The Deputy Secretary, Workforce assisted this family with making their applications for residence, but has assured me in writing that she had no knowledge of, or involvement in the Department's consideration of the application for residence.

This residence decision appears irregular in that:

- The application for residence was raised under the 2004 PAC Kiribati category in December 2005. The Katekeimoa family may not have been eligible for consideration under this category as they had neither registered nor been successful in the 2004 ballot. Members of the Katekeimoa family had earlier (July 2005) made a legitimate registration for the 2005 PAC Ballot (Kiribati).
- The application for residence was re-raised under the PAC Quota (PAC Residual Places) in January 2006, but this may have been beyond the cut-off date for this category (which closed on 31 March 2005).

#### **Review**

The review should:

1. Determine whether the residence decision was made within or outside the Department's authority, referring to Government Residence Policy (GRP) relating to PAC Residual Places policy;
2. Identify who was responsible for making this decision, and the delegated authorities held by the person(s) involved in this decision and the basis upon which it was made;
3. Comment on how the consideration of the application for residence and the Department's residence decision complied with the GRP and on any irregularities in the decision process used by the person(s) responsible;
4. Highlight issues relating to this decision or the processes surrounding it for further attention by the Chief Executive.

The reviewer will have access to any Departmental staff and resources needed to address the terms of reference for this review.

This review will be carried out under a RESTRICTED classification, to protect the privacy interests of the family and staff involved.

The reviewer will report to the Chief Executive by Friday 11 May 2007.