

CAPTION SHEET

MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT

v

Haiyan LUO

<u>ADDRESS</u>	2B/364 Apirana Ave, Glen Innes, AUCKLAND
<u>DATE OF BIRTH</u>	04/01/1971
<u>COUNTRY OF BIRTH</u>	China
<u>OCCUPATION</u>	Company Director
<u>RACE</u>	Chinese
<u>TOC</u>	Summons

CHARGES

(1) **Section 342(1)(b) Immigration Act 2009**

On or about 22 May 2012 at Henderson supplied information to an immigration officer, namely a letter dated 21 May 2012 relating to the birth of Qinchang Zeng and his inclusion in Mr Zeng's residence application, knowing that it was false or misleading in a material respect

Penalty: 7 years imprisonment and/or \$100,000 fine

(2) **Section 342(1)(b) Immigration Act 2009**

Between 21 May 2012 and 31 July 2012 at Henderson supplied information to an immigration officer, namely a letter in the name of Haiyan LUO explaining why she gave birth to her baby Qinchang in China, knowing that it was false or misleading in a material respect

Penalty: 7 years imprisonment and/or \$100,000 fine

(3) **Section 342(1)(b) Immigration Act 2009**

On or about 5 July 2012 at Henderson supplied information to an immigration officer, namely a Notarial Certificate dated June 25 2012 certifying Qin Chang ZENG as the son of Hai Yan Luo and Xiang Hua Zeng, knowing that it was false or misleading in a material respect

Penalty: 7 years imprisonment and/or \$100,000 fine

(4) Section 342(1)(b) Immigration Act 2009

On or about 5 July 2012 at Henderson supplied information to an immigration officer, namely an Immunisation Record in the name of ZENG Qinchang, knowing that it was false or misleading in a material respect

Penalty: 7 years imprisonment and/or \$100,000 fine

(5) Section 342(1)(b) Immigration Act 2009

On or about 5 July 2012 at Henderson supplied information to an immigration officer, namely a birth Delivery Record in the name of Haiyan LUO, knowing that it was false or misleading in a material respect

Penalty: 7 years imprisonment and/or \$100,000 fine

(6) Section 342(1)(b) Immigration Act 2009

On or about 5 July 2012 at Henderson supplied information to an immigration officer, namely a Birth Certificate for Qinchang ZENG, knowing that it was false or misleading in a material respect

Penalty: 7 years imprisonment and/or \$100,000 fine

(7) Section 342(1)(b) Immigration Act 2009

On or about 5 July 2012 at Henderson supplied information to an immigration officer, namely an Ultrasound Diagnosis Report in the name of LUO Haiyan, knowing that it was false or misleading in a material respect

Penalty: 7 years imprisonment and/or \$100,000 fine

(8) Section 342(1)(b) Immigration Act 2009

On or about 5 July 2012 at Henderson supplied information to an immigration officer, namely a Clinic (Emergency) General Medical Record in the name of Haiyan LUO, knowing that it was false or misleading in a material respect

Penalty: 7 years imprisonment and/or \$100,000 fine

(9) Section 342(1)(b) Immigration Act 2009

On or about 5 July 2012 at Henderson supplied information to an immigration officer, namely an Examination Report of Guangzhou the 8th Peoples Hospital dated 7 February 2012 in the name of Haiyan LUO, knowing that it was false or misleading in a material respect

Penalty: 7 years imprisonment and/or \$100,000 fine

(10) Section 342(1)(b) Immigration Act 2009

On or about 6 July 2012 at Henderson and Hong Kong supplied information to an immigration officer, namely a Visitor Visa Application for Qin Chang ZENG, knowing that it was false or misleading in a material respect

Penalty: 7 years imprisonment and/or \$100,000 fine

(11) Section 342(1)(b) Immigration Act 2009

On or about 6 July 2012 at Henderson and Hong Kong supplied information to an immigration officer, namely a Notarial Certificate dated June 25 2012 certifying Qin Chang ZENG as the son of Hai Yan Luo and Xiang Hua Zeng, knowing that it was false or misleading in a material respect

Penalty: 7 years imprisonment and/or \$100,000 fine

(12) Section 342(1)(b) Immigration Act 2009

On or about 6 July 2012 at Henderson and Hong Kong supplied information to an immigration officer, namely an Immunisation Record in the name of ZENG Qinchang, knowing that it was false or misleading in a material respect

Penalty: 7 years imprisonment and/or \$100,000 fine

(13) Section 342(1)(b) Immigration Act 2009

On or about 6 July 2012 at Henderson and Hong Kong supplied information to an immigration officer, namely a birth Delivery Record in the name of Haiyan LUO, knowing that it was false or misleading in a material respect

Penalty: 7 years imprisonment and/or \$100,000 fine

(14) Section 342(1)(b) Immigration Act 2009

On or about 6 July 2012 at Henderson and Hong Kong supplied information to an immigration officer, namely a letter in the name of Haiyan LUO explaining why she gave birth to her baby Qinchang in China, knowing that it was false or misleading in a material respect

Penalty: 7 years imprisonment and/or \$100,000 fine

(15) Section 342(1)(b) Immigration Act 2009

On or about 6 July 2012 at Henderson and Hong Kong supplied information to an immigration officer, namely an Ultrasound Diagnosis Report in the name of LUO Haiyan, knowing that it was false or misleading in a material respect

Penalty: 7 years imprisonment and/or \$100,000 fine

(16) Section 342(1)(b) Immigration Act 2009

On or about 6 July 2012 at Henderson and Hong Kong supplied information to an immigration officer, namely a Clinic (Emergency) General Medical Record in the name of Haiyan LUO, knowing that it was false or misleading in a material respect

Penalty: 7 years imprisonment and/or \$100,000 fine

(17) Section 342(1)(b) Immigration Act 2009

On or about 6 July 2012 at Henderson and Hong Kong supplied information to an immigration officer, namely an Examination Report of Guangzhou the 8th Peoples Hospital dated 7 February 2012 in the name of Haiyan LUO, knowing that it was false or misleading in a material respect

Penalty: 7 years imprisonment and/or \$100,000 fine

EXHIBITS

Documents

WITNESSES

2 x Immigration officer

1 x Civilian

SUMMARY OF FACTS

Haiyan LUO

1. The Defendant is a Chinese national who first arrived in New Zealand in May 1999 and in March 2000 obtained residency in New Zealand on the basis of her marriage to a New Zealand citizen.
2. In September 2008 the Defendant married Xianghua ZENG a Chinese national.
3. The couple set up a number of businesses in Auckland and on 14 October 2008 the defendant sponsored her husband for residency based on his marriage to her as a New Zealand resident.
4. The residency application for ZENG was delayed due to Immigration New Zealand (INZ) concerns and difficulty in verifying his identity and information supplied with his application.
5. On 22 May 2012 a letter was received from the Defendant's authorised Immigration Consultant advising INZ that a child had been born to the couple in China and detailed the child's name as Qinchang ZENG, date of birth 12 April 2012.
6. It was requested that this child be added to the residency application of Xianghua ZENG. This is what forms the basis of the charge (CRN 0938).
7. A further letter dated 23 May 2012 written by the defendant was received by INZ in which she explains why she had returned to China to give birth to her baby. This document forms the basis of the charge (CRN 0939).
8. Under INZ policy, evidence of the dependent child's relationship to parents must be provided when a child is included in an application for a visa or applies for a visa.
9. On 5 July 2012 INZ, Henderson Branch, received a further letter from the Defendant's authorised Immigration Consultant enclosing a number of identity documents and documentation in relation to the Defendants medical care and delivery of the baby. These documents form the basis of the charges (CRN'S 0940-0946)
10. These documents included; a Notarial Certificate in the name of Qin Chang ZENG, Immunisation Record for Qinchang ZENG, Birth Delivery Record, Birth Certificate, a

Ultrasound Diagnosis Report, Clinic (Emergency) General Medical Record, an Examination Report of Guangzhou the 8th Peoples Hospital in the name of the Defendant, and English translations for the documents.

11. On 6 July 2012 a Visitor Visa application and supporting documents in the name of Qinchang ZENG was received at the INZ Visa Application Centre in Ghangzhou, for forwarding and processing in Hong Kong by an immigration officer. The application had been signed by the Defendant and sent via her Authorised Immigration Consultant.
12. Included with the Visitor Visa application were the same documents that had been included for Qinchang Zeng's residence application submitted to INZ in Henderson the previous day. Included were the same identity and medical records, translations, and letter from the defendant saying why she had travelled to China to give birth. These documents form the bases of the charges (CRN'S 0947-0954)
13. INZ undertook steps to verify information and documents provided in relation to the child who was now included in Mr Zeng's residence application.
14. INZ enquiries revealed:
 - a. The baby Quinchang ZENG was not the biological child of the Defendant and her husband.
 - b. The Defendant and her husband had not legally adopted Quinchang ZENG
 - c. The medical records concerning the Defendant's alleged pregnancy, the birth of Quinchang ZENG and identity documents were fraudulent or fraudulently obtained.
15. On 19 October 2012 INZ received an affidavit in the name of the Defendant admitting the hospital records had been created to show she had given birth to the baby.
16. On 29 April 2015 the Defendant was interviewed and admitted supplying some of the documents to INZ but denied supplying a number of documents that were in the Chinese language, stating that her brother had supplied the documents to Immigration.
17. By way of explanation the Defendant stated that she did not want people to know that the baby was not her biological child as it would be embarrassing to the child.
18. The Defendant is a married woman who is a self-employed company director. She has previously appeared before the court.