

SUMMARY OF FACTS

Ministry of Business, Innovation and Employment

v

Zi Xiang LIN

Address Unknown

Hamilton

Date of Birth : 22 August 1967

Immigration Client Number : 40077609

Charge: **Produces a False Passport**

Act / Section : **Section 142(1)(d)(i) Immigration Act 1987**

Penalty: 7 Years Imprisonment / \$100,000 fine

INTRODUCTION

1. The defendant LIN is a 49 year old Chinese National who has been living unlawfully in New Zealand since 2005.
2. Until March 2017, Immigration New Zealand (INZ) were unaware he was living in the country.
3. On 9 March 2017 the defendant was located by INZ compliance officers on a Hamilton house building site as a result of their search for a work

colleague who was also a Chinese national and believed to be working unlawfully on this same site.

4. When initially approached, the defendant was seen to try and run away but was stopped by police who were also in attendance.
5. The defendant was in possession a Licenced Builders Practitioner's ID card and a NZ drivers licence in the name of Jiew Min CHONG.
6. These name details with a date of birth 15/11/1968, came back to a Hong Kong identity which Hong Kong Immigration subsequently determined does not exist in their records.
7. The defendant was detained under Section 313 of the Immigration Act and when spoken to a later stage he would not disclose his real identity except to say he was a Chinese national and used the Hong Kong passport to enter New Zealand.
8. In a subsequent interview by INZ investigations at Springhill Prison, the defendant confirmed his real name and admitted entering New Zealand in 2005 using the false passport.
9. The passport has subsequently been recovered by INZ.

CIRCUMSTANCES

10. INZ have since been able to establish the following facts:
11. Between February 2001 and 2005 the defendant acquired a Hong Kong Special Administrative Region of People's Republic of China (HKSAR) Passport number H01461080K0.

12. This document had his photograph and name details of Jiew Min CHONG, date of birth 15 November 1968, place of Birth: Hong Kong.
13. On 2 May 2005 the defendant arrived in Fiji on a limited visa visitor visa using this passport.
14. On 23 May 2005 he left Fiji and arrived at Auckland New Zealand whereby he presented the passport to INZ Border officers and was granted a 3 month Visitor visa.
15. The defendant has not used this passport to travel since this arrival date.
16. In 2009 this Hong Kong passport was reported lost or stolen to the Hong Kong authorities.
17. They have since determined that their records of Passport Number H01461080K0 does has the same sex, place of birth, passport number, date of issue and expiry, however the photograph, name and date of birth are unknown to them.
18. An initial examination of this passport by an INZ document examiner clearly shows to have been altered on the identity page.
19. The defendant's 26 year old daughter Yan LIN has been living in New Zealand since 2009 and is the director of two house construction companies operating in Hamilton and Auckland.
20. She assisted INZ in the recovery of the passport.

DEFENDANT COMMENTS

21. In explanation the defendant said he thought he was able to use the passport because it was genuine and it was given to him by a friend.
22. He said he could not remember any other details of how and when and why he got the passport but said he travelled to New Zealand because he wanted to visit the country.
23. He has refused to disclose his Hamilton place of residence nor of any other detail of his time in New Zealand apart from being self employed and working on building sites for cash.
24. He admitted he has a daughter who is a New Zealand resident and also live in Hamilton, but denied that his work was in connection with her construction companies.
25. He said he has wanted to go back to China for some time now but did not to how to arrange it.