

## Returning Offenders

### Frequently Asked Questions

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#### **Why am I facing removal from Australia?**

If you no longer hold a visa to remain in Australia, for instance if your visa has ceased or has been cancelled, you will be subject to detention and removal from Australia. Recent changes to Australian migration legislation have increased the number of visa cancellations on character grounds. This is mainly due to a new mandatory visa cancellation power which is now applied to all foreign nationals in Australia who, at any time: have been sentenced to a term of imprisonment of 12 months or more; or have been found guilty of sex-based offences involving minors.

#### **Can I continue my appeal after I return to New Zealand?**

Australian immigration authorities will provide advice on appealing your cancellation decision. Different appeal options may apply. If your visa was subject to mandatory cancellation you can put forward a 'revocation request' setting out reasons why your visa should be reinstated. Review of decisions may also be available at the Administrative Appeals Tribunal or Australian Federal Court.

You have the option of returning to New Zealand, rather than waiting in Australian detention, while your revocation request is processed. Australian immigration authorities will notify you of the outcome of your revocation request. If successful, you will be able to return to Australia providing you have not re-offended.

#### **Can I get legal aid from New Zealand to help me to appeal my removal?**

No. You will **not** receive legal aid in New Zealand for any appeals against decisions made by overseas authorities (e.g. cancellation of visas or deportation). Whether you can receive legal aid in Australia is a question for Australian authorities.

#### **What will happen to me when I return to New Zealand?**

The New Zealand Government recently introduced new legislation Returning Offenders (Management and Information) Act 2015. The new law means New Zealanders who have been sentenced to more than one year in an overseas prison and who have been recently released from detention before returning to New Zealand will now be supervised by Community Corrections. This is called a Returning Offenders Order. If you are considered to be at greater risk of reoffending, Corrections may apply to the Court for additional supervision conditions to be placed on you.

#### **Who does the New Zealand law apply to?**

Anyone who was sentenced to imprisonment for more than a year and who returns to New Zealand within six months of being released from custody overseas. Other people who have been released from custody more than six months ago, but who were still subject to monitoring and supervision in an overseas country prior to their return to New Zealand may also be subject to a Returning Offenders Order.

If you have been released from prison more than six months ago but were sent straight to a detention centre, you will still be monitored by Community Corrections.

#### **How long will I have to be supervised in New Zealand on my return?**

The period of supervision will be based on the length of the sentence you served overseas. The shortest time is six months.

#### **What if I return to New Zealand voluntarily?**

The requirement to be supervised will apply regardless of whether you are deported, removed or returned to New Zealand voluntarily.

### **Do I get any credit for the treatment and rehabilitation I have done overseas?**

A Returning Offenders Order will still apply but any past treatment you have completed will be considered when the Court determines what conditions to impose. Community Corrections will assess whether you could benefit from further interventions.

### ***On your arrival in New Zealand***

#### **What can I expect at the airport?**

On your arrival you will be met and spoken to by NZ Police. If you are subject to a Returning Offenders Order, you will also be met by staff from Community Corrections who will discuss the details of your Returning Offender Order, assess your current situation and immediate needs. They will be able to assist you getting in touch with People at Risk Solutions [PARS] if you need help with obtaining a benefit, finding employment and/or sourcing longer term employment. Once you are off the plane and have passed through Customs these discussions are held in private.

#### **Why will Police and Community Corrections be there?**

Police need to check your details and they may ask to take a DNA sample. If you are subject to a Returning Offenders Order, the Probation Officer will give you instructions about when you must report, any special conditions that you must adhere to and may offer support with your longer term plans.

#### **Where will I stay?**

In most cases, Australian authorities will work with you to arrange short-term accommodation for your return to New Zealand. If you are subject to a Returning Offenders Order, the accommodation will need to be approved by a New Zealand probation officer. If the accommodation is deemed unsuitable, your probation officer will assist you in finding suitable alternatives. Please advise your probation officer if you have family/whānau who might be able to assist you in New Zealand.

### **What if I have no money?**

Work and Income in New Zealand is like Centrelink in Australia. They will talk to you about finding employment and can provide income support. They'll sort out some immediate things to support you in the first few days and they'll continue to work with you to support your relocation to New Zealand.

If you are subject to a Returning Offenders Order, you are encouraged to discuss this with your Probation Officer upon your arrival as they may be able to advise you further on this process and your other immediate needs.

### **What if I no longer have any friends and family in New Zealand?**

A probation officer will work with you to establish social support networks. Many agencies and groups are available to help in this way.

### **Why do I have to report to Community Corrections?**

New Zealand law means people who have been in prison in other countries are supervised on release much the same as prisoners released from New Zealand prisons.

### **What does Community Corrections do?**

Corrections' role is to ensure that you are managed and supported while you are subject to a Returning Offenders Order. A probation officer will work with you to help you re-establish yourself in New Zealand. They will help you access the help you need to remain crime free. A probation officer will also hold you to account if you do not do what is required of you under the Order. This could involve you being imprisoned in New Zealand.

### **How often will I have to report to Community Corrections?**

The probation officer will work this out with you. While you are still settling in you will report regularly. You will have standard and may have special conditions that you must comply with. Corrections will work closely with you to make sure

you stay on track.

**What kinds of things can I expect for standard and special conditions?**

Court-imposed conditions apply to all people on a Returning Offenders Order. They involve things like reporting regularly to a probation officer and not moving to a new residential address without the approval of the probation officer. There may also be restrictions on the type of work you can do and the people you can associate with. The Court may also impose conditions to provide a higher level of support for your reintegration and rehabilitation if this is considered necessary. Special conditions include such things as having to attend programmes and counselling, being electronically monitored in the community, not going to certain places, and not taking drugs or alcohol.

**How will I contact family back in Australia?**

Your probation officer will talk to you about the most appropriate ways to contact your family and friends. There may be restrictions on the technology you can access.

**Can I return to Australia to visit or live?**

That depends on the outcome of any appeals processes you have lodged. Australian authorities will notify you of the outcome and whether you will be able to return. You can seek advice from the Australian High Commission or Consulate if you are unsure of your status. Even if your appeal is successful your ROO conditions still apply and you will only be able travel with the permission of your probation officer.

**Can I travel to other countries overseas?**

If you are subject to a Returning Offenders Order, you will need written permission from your probation officer for any international travel. If you try to leave the country without the required approval, you will be stopped at the airport. Once your order is finished, your offending history will be considered by other countries you might travel to. You will need to check with the embassy of the relevant country before making any travel plans.

If you have more questions please talk to the Community Corrections staff at the airport when you arrive in New Zealand or email [info@corrections.govt.nz](mailto:info@corrections.govt.nz) or [deportees@corrections.govt.nz](mailto:deportees@corrections.govt.nz)