

25 January 2023

C162338

S 9(2)(a)

Tēnā koe S 9(2)(a)

Thank you for your email of 7 December 2022 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about people in prison who are subject to a deportation order. Your request has been considered under the Official Information Act 1982 (OIA).

Corrections does not decide which sentence or order an individual is subject to, and instead manages individuals at the direction of the courts and the New Zealand Parole Board. Additionally, Corrections does not decide who is subject to deportation, this is the responsibility of Immigration New Zealand. Our top priority is public safety, and we are working to support people who are subject to a sentence or order managed by Corrections who are awaiting deportation.

Where deportation has been ordered by Immigration New Zealand, and the person is subject to a sentence of imprisonment, the Minister of Immigration may provide notice in writing to the Prison Director that the person be released into the custody of Police, for the purpose of deportation, subject to but not limited to:

- a copy of the order being served on the prisoner;
- their appeal period against the order having expired; or
- any such appeal having been determined and the deportation order not quashed.

Corrections' Chief Executive may, by notice in writing to the Prison Director, order the release of a prisoner who is subject to a deportation order into the custody of Police for the purpose of deportation in the 28 days preceding the prisoner's Final Release Date / Statutory Release Date (s55 (6) of the Parole Act 2002).

If a person cannot be deported on their release from prison, Immigration New Zealand may apply to the court for a warrant to detain them further in custody. If a warrant is not sought, or is not granted by the Court, the person will reside in the community and be subject to any applicable prison release conditions, alongside conditions managed by Immigration New Zealand, until they can be deported.

You requested:

- A summary of how many current prisoners in New Zealand have an active deportation alert.

I.e Are ordered to be deported home after their sentences.

- A breakdown of location of prisoners, sentence lengths and nationalities.

Please find below information on the number of people in prison that have an active deportation alert, broken down by prison and length of sentence as at 15 December 2022. Corrections records an immigration alert when we are advised a person is liable to be deported. These alerts are not always updated when the final decision is made by Immigration New Zealand. Therefore, the figures below are a combination of those who are confirmed to be deported on release and those who are liable for deportation.

Prison	Sentence Under 5 years	Sentence 5-9 years	Sentence 10-14 years	Sentence 15-19 years	Sentence Over 20 years	Indeterminate Sentence	Total
Auckland Region Women's Corrections Facility	1	-	1	-	1	1	4
Christchurch Women's Prison	-	1	-	-	-	-	1
Auckland South Corrections Facility	4	10	4	14	4	18	54
Auckland Prison	1	1	2	-	-	-	4
Christchurch Men's Prison	3	3	-	-	-	2	8
Hawke's Bay Regional Prison	1	-	1	-	1	-	3
Manawatu Prison	-	-	-	1	-	-	1
Mt Eden Corrections Facility	-	-	1	-	-	1	2
Northland Region Corrections Facility	2	1	5	3	-	-	11
Otago Corrections Facility	1	1	-	1	-	3	6
Rimutaka Prison	2	-	2	1	1	3	9
Rolleston Prison	1	-	-	-	-	1	2
Spring Hill Corrections Facility	3	2	1	3	-	-	9
Tongariro Prison	3	4	1	2	-	1	11
Waikeria Prison	1	1	3	-	-	1	6
Whanganui Prison	-	-	-	-	-	3	3
Total	23	24	21	25	7	34	134

Corrections does not actively collect information about citizenship or country of birth when people are received into our custody, as this does not affect their day-to-day management. However, as part of the induction interview, people in prison are asked to identify their 'ethnicity'. Staff record the prisoner's response, but the information is not verified.

Your request for the nationality of individuals in prison with a deportation alert is, therefore, refused as the information that you have requested does not currently exist in a form that can be readily supplied to you and would instead require Corrections to initiate a project to extract, analyse and present the data in the form requested. Therefore, this part of your request is refused under section 18(g) of the OIA, as the information requested is not held by Corrections. Immigration New Zealand may be able to provide you with the statistics of where people are being deported to.

Please note that the Ombudsman has advised that information is not considered to be held by an agency in instances where a request necessitates research or analysis of source data in order to generate fresh information in a form different from that in which the base data is held.

When a person in prison identifies as a foreign national, or where staff believe that they could be, they are advised of their rights under the Corrections Act 2004. They are also informed of their rights under the Vienna Convention on Consular Relations to have the diplomatic representative of their country advised of their imprisonment and to have access to a consular representative.

- The cost to facilitate a prisoner, per day

This information is published in our Annual Reports which can be found on our website [here](#).

Please note that this response may be published on Corrections' website. Typically, responses are published quarterly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

I trust the information provided is of assistance. I encourage you to raise any concerns about this response with Corrections. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Ben Clark
National Commissioner (acting)