



Immigration and Protection Tribunal

Second
Annual Report
2011/2012

Judge Hastings

November 2012

Introduction

This is the second annual report of the Immigration and Protection Tribunal. It is the first to cover 12 months, from 1 July 2011 to 30 June 2012.

The Immigration Act 2009 imposes no reporting requirements on the Immigration and Protection Tribunal. Nevertheless, on 19 April 2011, the then Minister of Justice accepted the Chair's offer to provide him, the Minister for Courts, and the Minister of Immigration with an annual report on the Tribunal's activities.

The Immigration and Protection Tribunal is established under section 217 of the Immigration Act 2009. It replaces the Residence Review Board (RRB), the Removal Review Authority (RRA), the Refugee Status Appeals Authority (RSAA) and the Deportation Review Tribunal (DRT), each of which has been disestablished.

This annual report records caseload and decision statistics in each of the Tribunal's four jurisdictional streams (residence, deportation (resident), deportation (non-resident) (formerly referred to as removals), and refugee and protection). It also records these statistics for the Tribunal as a whole.

This report contains no financial statements because the Chair does not determine the Tribunal's budget.

Overview

The Tribunal started the year with 14.5 equivalent full-time members, of whom 12.4 were allocated to decision production, and 2.1 to judicial management functions. Notwithstanding the retirement of one member, the illness of a second and the bereavement of a third, the Tribunal finalised 961 appeals and released 681 decisions in the year ended 30 June 2012. This compares favourably with the combined decision production of the four legacy tribunals in each of their final three full years of operation¹, and represents a good return on our investment last year of time and resources to train members in jurisdictions that were new to them.

The Tribunal ended the year less top-heavy. Of its 14.5 equivalent full-time members, 12.9 were allocated to decision production, and 1.6 to judicial management functions.

The Tribunal started the year with 706 appeals on hand² and despite finalising 961 appeals and releasing 681 decisions, it ended the year with 1,127 appeals on hand because it received 1,399 new appeals during the year. Over half of the new appeals, 603, were residence appeals, which is why 6.6 of our 12.9 equivalent full-time decision-writing capacity was allocated to residence decision-writing.

In the third quarter of the year, we decided to adjust our allocation of decision-writing capacity and reduced members' cross-training in order to increase residence decision production. We also made the style of residence decision-writing more issues-focused, and are triaging all appeals so that priority is given to particular types of appeals, rather than simply to the oldest. In residence, priority is given to skilled migrant appeals; in the refugee stream, priority is given to appellants in custody; and priority is given to deportees who are close to their parole eligibility date, or their statutory release date for those serving a short-term sentence of imprisonment.

There is a glimmer of light at the end of the tunnel. The average increase per month in appeals on hand at the start of each month diminished over the year. The average monthly increase in the number of appeals on hand at the start of each month in the first quarter was 59, in the second quarter 42, in the third quarter 35, and in the fourth quarter 22.

¹ Combined RRA, RRB, RSAA and DRT decisions from 2009/2010 annual reports: 645.

Combined RRA, RRB, RSAA and DRT decisions from 2008/2009 annual reports: 664.

Combined RRA, RRB, RSAA and DRT decisions from 2007/2008 annual reports: 739.

The average annual decision production of the four legacy tribunals for the three years from 1 July 2007 to 30 June 2010 is 683.

² This differs from the 660 appeals on hand as at 30 June 2011 that were recorded in last year's annual report. An internal audit revealed a number of recording errors had incorrectly reduced the number of appeals we started with by 46. A manual count of appeals on hand compared with those reported by the Tribunals Case Management (TCM) database confirmed that the correct figure is 706 appeals on hand as at 1 July 2012.

Functions and Procedures

The functions of the Tribunal are set out in section 217(2):

- (2) The functions of the Tribunal are—
 - (a) to determine appeals against—
 - (i) decisions to decline to grant residence class visas:
 - (ii) decisions in relation to recognition as a refugee or a protected person:
 - (iii) decisions to cease to recognise a person as a refugee or a protected person:
 - (iv) decisions to cancel the recognition of a New Zealand citizen as a refugee or a protected person:
 - (v) liability for deportation:
 - (b) to determine applications—
 - (i) made by refugee and protection officers in relation to the cessation of recognition of a person as a refugee or a protected person, if the recognition was originally determined by the Tribunal (or by the Refugee Status Appeals Authority under the former Act):
 - (ii) made by refugee and protection officers in relation to the cancellation of recognition of a New Zealand citizen as a refugee or a protected person, if the recognition was originally determined by the Tribunal (or by the Refugee Status Appeals Authority under the former Act):
 - (iii) made by the Minister under section 212(2) on whether a person has failed to meet his or her conditions of suspension of liability for deportation:
 - (c) to deal with certain transitional matters arising from the repeal of the Immigration Act 1987, in accordance with Part 12 of this Act.

The Tribunal may conduct its proceedings in an inquisitorial manner, an adversarial manner, or in a mixed inquisitorial and adversarial manner as it sees fit.

All appeals lodged before 29 November 2009 are determined under the transitional provisions of the 2009 Act. This means that the Tribunal decides transitional appeals applying substantive provisions of the 1987 Act.

Membership

As at 30 June 2012, the Tribunal consisted of the following full-time and part-time members:

Name	Location	Position	Term of Warrant ³	Membership of legacy bodies at 26 November 2010
Judge W K Hastings	Wellington	Chair	5 years	-
M A Poole	Auckland	Deputy Chair	5 years	Deputy Chair, RRA & RRB
C M Treadwell	Auckland	Deputy Chair	5 years	Deputy Chair, DRT Senior Member, RRB Member, RSAA, RRA
S A Aitchison	Auckland	Member	5 years	Member, RSAA
B L Burson	Auckland	Member	5 years	Member, RSAA
A M Clayton	Masterton	Member	5 years	Senior Member, RRA & RRB Member, DRT
B A Dingle	Auckland	Member	5 years	Member, RSAA
J A Donald	Auckland	Member	5 years	Member, RRA & RRB
P F Fuiava	Auckland	Member	3 years	-
D L Henare ONZM	Auckland	Member	5 years	Member, RSAA
M B Martin	Auckland	Member	3 years	-
A N Molloy	Auckland	Member	3 years	Member, RSAA
L E Moor	Auckland	Member	3 years	-
S M Pearson	Wellington	Member	5 years	Senior Member, RRB Member, RRA
V J Shaw	Kawhia	Member	2 years	Senior Member, RRA
G D S Taylor	Wellington	Member	3 years	-
V J-M Vervoort	Wellington	Member	3 years	Member, RRA & RRB

A R Mackey retired as Deputy Chair and member on 30 September 2011. His service and dedication to the RSAA and the IPT are acknowledged and he will be greatly missed. Mr Mackey's retirement reduces the number of Deputy Chairs from four at the establishment of the Tribunal to two.

M B Martin took up his appointment as a member on 3 October 2011.

The Minister of Justice authorised the recruitment of two more members in August 2011. Interviews took place in December 2011. The Minister made offers of appointment to the two candidates recommended for appointment by the interview panel in July 2012.

From their membership of the legacy bodies, 12 of the 17 members of the Tribunal have experience in at least one of the Tribunal's four jurisdictional streams.

³ The Chair's term began on 15 June 2010. The Deputy Chairs' terms began on 25 October 2010. The Members' terms began on 1 November 2010, except Mr Martin's, which began on 24 August 2011.

Training Programme

Section 220(1)(b) of the Immigration Act 2009 gives the Chair responsibility for directing the education, training, and professional development of members of the Tribunal. Training members in each of the Tribunal's jurisdictional streams is intended to give the Tribunal greater flexibility to manage changing patterns of appeals efficiently, and will give members greater opportunity for personal professional development.

We conducted internal seminars for all members on decision writing, evidence law and hearing room skills. We also conducted an internal seminar on refugee law for members new to the refugee stream, deportation (resident) law for members in that stream, and deportation (humanitarian) law for members in the deportation and refugee streams. In the third quarter, we decided to reduce our internal training programme temporarily to dedicate more resources to tackling the backlog in residence.

External professional development consisted of one member attending an Australasian Institute of Judicial Administration conference in June 2012, five members attending the International Association of Refugee Law Judges (IARLJ) World Conference in Slovenia in September 2011, six members attending the Lexis-Nexis Immigration Conference in Auckland in August 2011, and eight members attending a biometrics seminar in Auckland run by the Ministry of Business, Innovation and Employment in June 2012. Members were also invited to be guest speakers at the IARLJ Regional Conference, at an Auckland District Law Society conference on mental health law, and an Auckland University of Technology seminar, also on mental health law. Some members funded themselves to attend an alcohol and drug law symposium, a criminal law symposium, an IARLJ Council meeting in France, and an IARLJ Country of Origin Information workshop in London.

Performance Management

The performance management system that was trialled in the final quarter of the 2010/11 financial year was made permanent this year. The purpose of the performance management system is to enhance personal and organisational performance and the achievement of personal and organisational goals by systematically identifying expected work performance, evaluating actual work performance, encouraging personal development, and recognising personal achievement. Each member's expected output is determined by taking into account overall Tribunal caseload, the distribution of that caseload across each jurisdiction, the individual member's competence in relevant jurisdictions and his or her personal development and training needs. Those members new to a jurisdiction are not expected to produce as many decisions as more experienced members.

Judicial Reviews

The quality of the Tribunal's decisions can be ascertained by the number of its decisions that are successfully judicially reviewed. In the year to 30 June 2012, applications were lodged in the High Court to review nine (or 1.3 percent) of the Tribunal's 681 decisions produced that year. Seven applicants sought judicial review of decisions in which the Tribunal declined to quash orders made by the Minister of Immigration to deport residents convicted of crimes. Five were dismissed, one was allowed and one was withdrawn. The remaining two concerned a residence appeal and a refugee appeal, both of which were set aside by consent and remitted back to, respectively, Immigration New Zealand and the Tribunal.⁴

Two judicial reviews lodged last year and noted in last year's annual report were not resolved until this financial year. The residence review was dismissed and the deportation (resident) review was allowed.

In its first 19 months of operation (1 December 2010 to 30 June 2012), the Tribunal has produced 1,031 decisions. Applications were lodged in the High Court to review 13 of them (1.3 percent). Two of those applications were allowed (0.2 percent).

⁴ For the sake of completeness, I have included resolutions of all judicial review applications made in the 2011/12 financial year, even if those resolutions occurred after 30 June 2012.

Timeliness

The following chart shows the average length of time it took the Tribunal to issue decisions in each jurisdiction, calculated from the date an appeal was received to the date a decision was released. Note that the figures relate to files for which decisions were released in the relevant year; they do not include the age of files for which no decisions were released that year.

Jurisdiction	Number of days from receipt of appeal to release of decision	
	2011	2012
Residence	301	310
Deportation (non-resident)	183	226
Deportation (resident)	283	670
Refugee and Protection	<u>196</u>	<u>247</u>
IPT Average	280	310

The time taken to process deportation (resident) appeals is, to some extent, determined by factors beyond the Tribunal's control. Applications to quash deportation liability notices made against residents are generally made while the applicant is serving a sentence of imprisonment. Section 236(1) of the Immigration Act 2009 requires the Tribunal to consider and determine such appeals as close as practicable to the date of the person's parole eligibility date or statutory release date. In some cases, this could be years after a person has appealed his deportation liability notice. If the average time taken to determine deportation (resident) appeals is removed from the chart, the IPT average falls to 287 days (up from 253 days last year).

Caseload and Decision Statistics

The following charts show caseload and decision statistics for each of the 12 months to 30 June 2012.

Total Tribunal

Chart A.1 shows that the Tribunal started the year with 706 appeals on hand. In the 2011/12 year it received 1,399 new appeals, finalised 961 appeals which included releasing 681 decisions, and ended the financial year with 1,144 appeals on hand. 280 appeals were withdrawn, out of time, or invalid. Chart A.2 shows that 404 (or 59 percent compared with 60 percent the year before) of these 681 decisions dismissed appeals, and 277 (or 41 percent) of these decisions either allowed appeals or referred them to the Minister. The chart also shows that the Tribunal held 210 hearings. Chart A.3 shows these statistics in graph form.

Residence Appeals

Chart B.1 shows that the Tribunal started the year with 405 residence appeals on hand. In the 2011/12 year it received 603 new residence appeals, finalised 382 appeals which included releasing 343 residence decisions, and ended the year with 626 residence appeals on hand. 39 appeals were withdrawn, out of time, or invalid. Chart B.2 shows that 187 (or 55 percent compared with 54 percent the year before) of these 343 decisions dismissed appeals, 103 (or 30 percent compared with 28 percent last year) of these decisions allowed appeals, and 53 (or 16 percent compared with 19 percent last year) of these decisions referred the appeals to the Minister. All residence decisions are decided on the papers. Chart B.3 shows these statistics in graph form.

Deportation (Resident) Appeals

Chart C.1 shows that the Tribunal started the year with 64 deportation (resident) appeals on hand. In the 2011/12 year, it received 60 new deportation (resident) appeals, finalised 49 appeals which included releasing 41 deportation (resident) decisions, and ended the year with 75 deportation (resident) appeals on hand. Chart B.2 shows that 25 (or 61 percent, the same as last year) of these 41 decisions dismissed appeals, and 16 (or 39 percent) of these decisions allowed appeals. 57 deportation (resident) hearings were held. Chart C.3 shows these statistics in graph form.

Deportation (Humanitarian) Appeals

Chart D.1 shows that the Tribunal started the year with 133 deportation (non-resident or humanitarian) appeals on hand, received 537 new deportation (humanitarian) appeals, finalised 366 appeals which included releasing 147 deportation (humanitarian) decisions, and ended the year with 304 deportation (humanitarian) appeals on hand. 219 appeals were withdrawn, out of time, or invalid. Chart D.2 shows that 105 (or 71 percent compared with 76 percent last year) of these 147 decisions dismissed appeals, and 42 (or 29 percent) of these

decisions allowed appeals. Deportation (non-resident) decisions are decided on the papers. Chart D.3 shows these statistics in graph form.

Refugee and Protection Appeals

Chart E.1 shows that the Tribunal started the year with 104 refugee and protection appeals on hand. It received 199 new refugee and protection appeals, finalised 164 appeals which included issuing 150 refugee and protection decisions, and ended the year with 139 refugee and protection appeals on hand. Chart E.2 shows that 87 (or 58 percent, the same as last year) of these 150 decisions dismissed appeals, and 63 (or 42 percent) of these decisions allowed appeals. 159 refugee and protection hearings were held. Chart C.3 shows these statistics in graph form.

Performance from the Start of Operations to Date

The F charts are new this year. They show the Tribunal's performance for 19 months, from the start of operations on 1 December 2010 to 30 June 2012, the end of this financial year. Chart F.1 shows that notwithstanding finalising 1,466 appeals and issuing 1,031 decisions, the number of appeals on hand rose from the 524 we inherited from the old tribunals at the start of business on 1 December 2010 to 1,144 at the end of business on 30 June 2012. Chart F.2 shows that 613 of these 1,031 decisions (or 60 percent) dismissed appeals, and 418 (or 40 percent) of these decisions allowed appeals or referred them to the Minister. Chart F.2 also shows that we have held 317 hearings. Chart F.3 shows these statistics in graph form.

Overall Trends

The charts ending in .1 show an increasing monthly rate of decision production (an average of 50 per month in 2010/11, 57 per month in 2011/12) against an even greater increase in the average number of new appeals arriving each month (an average of 92 per month in 2010/11, 117 in 2011/12). The charts ending in .2 show consistency in the ratio of appeals dismissed to appeals allowed, approximately 60:40, over the periods covered by the first two annual reports. The charts ending in .3 show two trends: first, that the rate of increase of new appeals has begun to slow in the fourth quarter of this year; and second, that the gap between appeals on hand at the start of the month and at the end of the month has begun to shrink in the fourth quarter of this year.

Disclaimer

Much of the information produced by the Ministry of Justice's Tribunal Case Management system, or TCM, had to be manually verified to produce these statistics. The system is unable to provide a breakdown of countries from which appellants come.

ALL APPEALS
from 1 July 2011 to 30 June 2012

Chart A.1

Total IPT Appeals on Hand

Month	Appeals on hand at start of month	New appeals	Withdrawn or invalid	Decisions released	Appeals finalised	Appeals on hand at end of month
Jul	706	145	9	45	54	797
Aug	797	147	49	73	122	822
Sep	822	108	20	40	60	870
Oct	870	94	33	39	72	892
Nov	892	140	23	60	83	949
Dec	949	133	35	48	83	999
Jan	999	82	9	39	48	1033
Feb	1033	77	20	30	50	1060
Mar	1060	129	17	69	86	1103
Apr	1103	93	30	61	91	1105
May	1105	122	16	84	100	1127
Jun	1127	129	19	93	112	1144
YTD totals		1399	280	681	961	

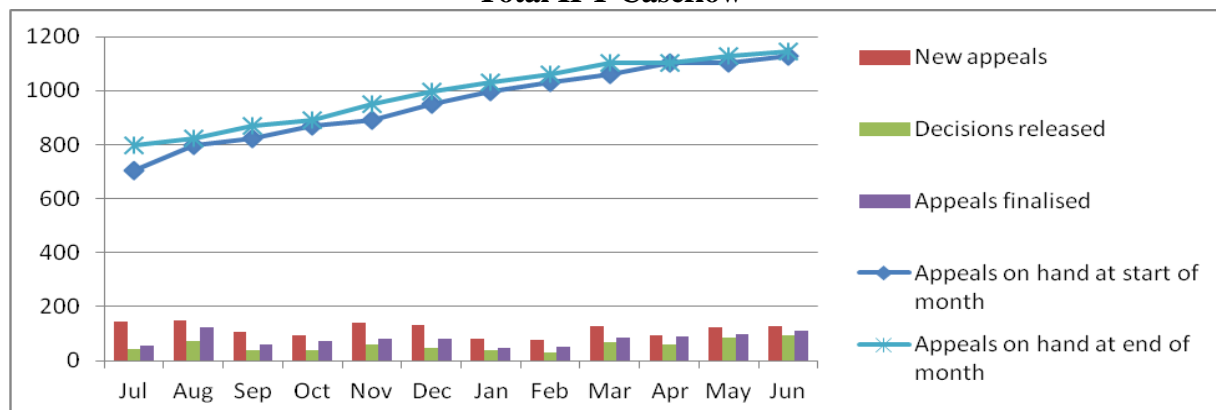
Chart A.2

Total IPT Decisions Released

Month	Hearings	Dismissed	Allowed or referred to Minister	Total
Jul	30	28	17	45
Aug	24	53	20	73
Sep	15	19	21	40
Oct	23	28	11	39
Nov	22	31	29	60
Dec	16	30	18	48
Jan	5	27	12	39
Feb	11	19	11	30
Mar	23	42	27	69
Apr	11	39	22	61
May	17	39	45	84
Jun	13	49	44	93
YTD totals	210	404	277	681

Chart A.3

Total IPT Caseflow



RESIDENCE APPEALS from 1 July 2011 to 30 June 2012

Chart B.1

Residence Appeals on Hand

Month	Appeals on hand at start of month	New appeals	Withdrawn or invalid	Decisions released	Appeals finalised	Appeals on hand at end of month
Jul	405	77	2	33	35	447
Aug	447	57	2	38	40	464
Sep	464	41	5	22	27	478
Oct	478	33	11	21	32	479
Nov	479	52	3	27	30	501
Dec	501	50	2	17	19	532
Jan	532	43	0	15	15	560
Feb	560	30	2	20	22	568
Mar	568	40	4	32	36	572
Apr	572	47	4	25	29	590
May	590	64	3	53	56	598
Jun	598	69	1	40	41	626
YTD totals		603	39	343	382	

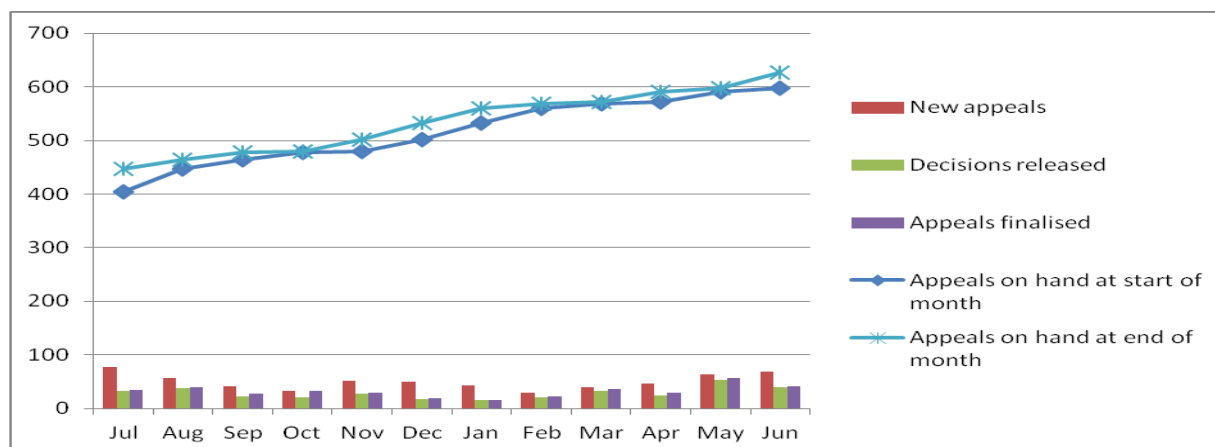
Chart B.2

Residence Decisions Released

Month	Dismissed	Allowed	Referred to Minister	Total
Jul	22	7	4	33
Aug	23	13	2	38
Sep	7	10	5	22
Oct	15	4	2	21
Nov	12	10	5	27
Dec	7	9	1	17
Jan	10	5	0	15
Feb	15	4	1	20
Mar	22	5	5	32
Apr	14	8	3	25
May	22	17	14	53
Jun	18	11	11	40
YTD totals	187	103	53	343

Chart B.3

Residence Caseflow



DEPORTATION (RESIDENT) APPEALS
from 1 July 2011 to 30 June 2012

Chart C.1

Deportation (Resident) Appeals on Hand

Month	Appeals on hand at start of month	New appeals	Withdrawn or invalid	Decisions released	Appeals finalised	Appeals on hand at end of month
Jul	64	3	1	0	1	66
Aug	66	6	2	3	5	67
Sep	67	17	1	3	4	80
Oct	80	2	2	3	5	77
Nov	77	5	1	0	1	81
Dec	81	6	0	4	4	83
Jan	83	0	0	2	2	81
Feb	81	0	0	0	0	81
Mar	81	1	0	8	8	74
Apr	74	3	0	9	9	68
May	68	15	0	2	2	81
Jun	81	2	1	7	8	75
YTD totals		60	8	41	49	

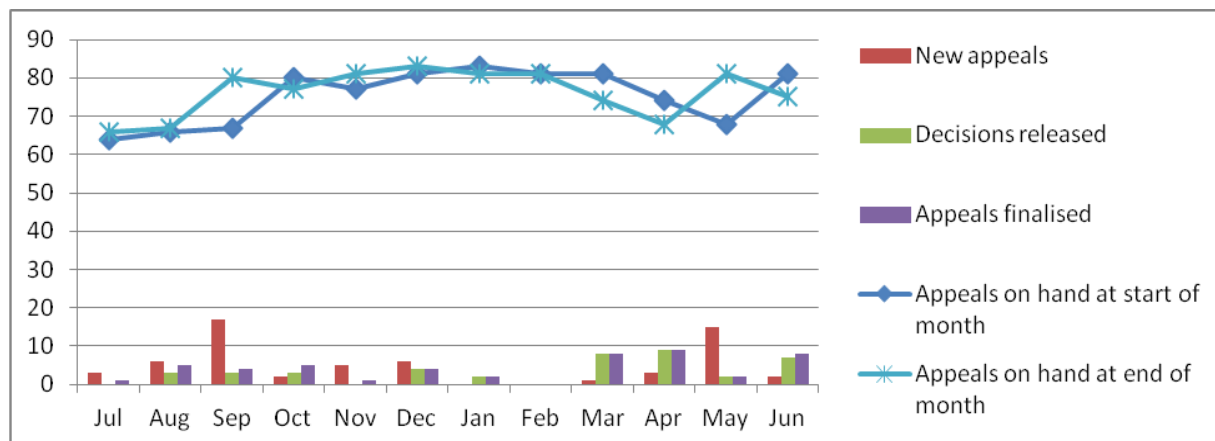
Chart C.2

Deportation (Resident) Decisions Released

Month	Hearings	Dismissed	Allowed	Total
Jul	11	0	0	0
Aug	2	3	0	3
Sep	2	1	2	3
Oct	7	1	2	3
Nov	8	0	0	0
Dec	6	2	2	4
Jan	0	0	2	2
Feb	5	0	0	0
Mar	6	5	3	8
Apr	3	6	3	9
May	4	1	1	2
Jun	3	6	1	7
YTD totals	57	25	16	41

Chart C.3

Deportation (Resident) Caseload



DEPORTATION (HUMANITARIAN) APPEALS
from 1 July 2011 to 30 June 2012

Chart D.1

Deportation (Humanitarian) Appeals on Hand

Month	Appeals on hand at start of month	New appeals	Withdrawn or invalid	Decisions released	Appeals finalised	Appeals on hand at end of month
Jul	133	41	6	5	11	163
Aug	163	78	45	9	54	187
Sep	187	34	14	8	22	199
Oct	199	39	19	12	31	207
Nov	207	64	18	11	29	242
Dec	242	63	29	18	47	258
Jan	258	34	8	15	23	269
Feb	269	35	17	6	23	281
Mar	281	58	11	18	29	310
Apr	310	23	25	12	37	296
May	296	38	11	16	27	307
Jun	307	30	16	17	33	304
YTD totals		537	219	147	366	

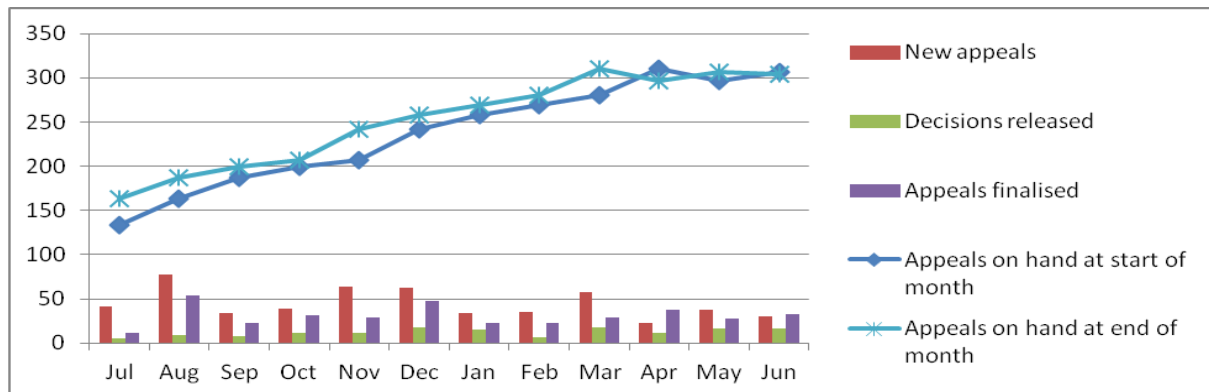
Chart D.2

Deportation (Humanitarian) Decisions Released

Month	Dismissed	Allowed	Total
Jul	1	4	5
Aug	9	0	9
Sep	6	2	8
Oct	10	2	12
Nov	7	4	11
Dec	17	1	18
Jan	11	4	15
Feb	1	5	6
Mar	10	8	18
Apr	11	1	12
May	12	4	16
Jun	10	7	17
YTD totals	105	42	147

Chart D.3

Deportation (Humanitarian) Caseflow



REFUGEE AND PROTECTION APPEALS
from 1 July 2011 to 30 June 2012

Chart E.1

Refugee and Protection Appeals on Hand

Month	Appeals on hand at start of month	New appeals	Withdrawn or invalid	Decisions released	Appeals finalised	Appeals on hand at end of month
Jul	104	24	0	7	7	121
Aug	121	6	0	23	23	104
Sep	104	16	0	7	7	113
Oct	113	20	1	3	4	129
Nov	129	19	1	22	23	125
Dec	125	14	4	9	13	126
Jan	126	5	1	7	8	123
Feb	123	12	1	4	5	130
Mar	130	30	2	11	13	147
Apr	147	20	1	15	16	151
May	151	5	2	13	15	141
Jun	141	28	1	29	30	139
YTD totals		199	14	150	164	

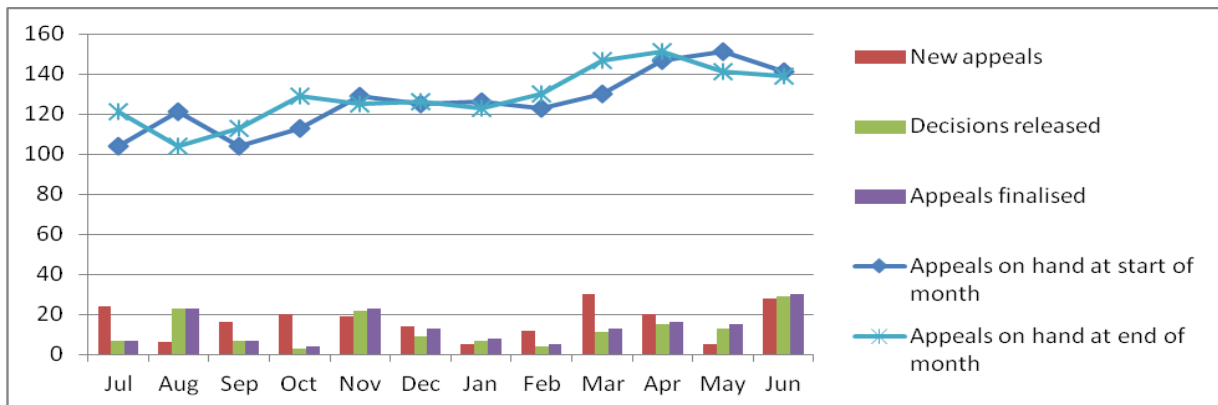
Chart E.2

Refugee and Protection Decisions Released

Month	Hearings	Dismissed	Allowed	Total
Jul	19	5	2	7
Aug	22	18	5	23
Sep	12	5	2	7
Oct	16	2	1	3
Nov	14	12	10	22
Dec	10	4	5	9
Jan	5	6	1	7
Feb	6	3	1	4
Mar	17	5	6	11
Apr	15	8	7	15
May	13	4	9	13
Jun	10	15	14	29
YTD totals	159	87	63	150

Chart E.3

Refugee and Protection Caseflow



ALL APPEALS
from December 2010 to 30 June 2012

Chart F.1

Month	Appeals on hand at start of month	New appeals	Withdrawn or invalid	Decisions released	Appeals finalised	Appeals on hand at end of month
Dec	524	69	46	21	67	526
Jan	526	56	9	17	26	556
Feb	556	83	18	47	65	574
Mar	574	108	24	59	83	599
Apr	599	95	19	40	59	635
May	635	114	20	71	91	658
Jun	658	116	19	95	114	660
Jul	706*	145	9	45	54	797
Aug	797	147	49	73	122	822
Sep	822	108	20	40	60	870
Oct	870	94	33	39	72	892
Nov	892	140	23	60	83	949
Dec	949	133	35	48	83	999
Jan	999	82	9	39	48	1033
Feb	1033	77	20	30	50	1060
Mar	1060	129	17	69	86	1103
Apr	1103	93	30	61	91	1105
May	1105	122	16	84	100	1127
Jun	1127	129	19	93	112	1144
YTD totals		2040	435	1031	1466	

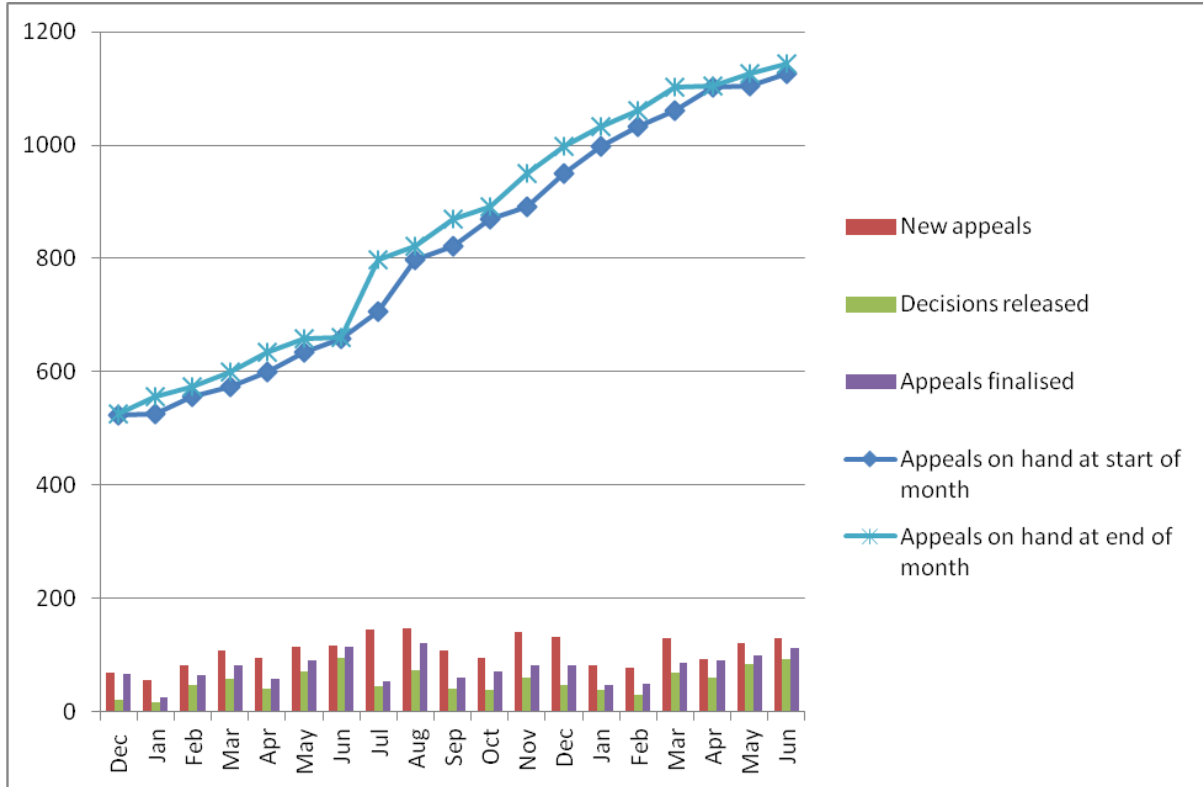
Chart F.2

Total IPT Decisions Released

Month	Hearings	Dismissed	Allowed or referred to Minister	Total
Dec	8	13	8	21
Jan	3	14	3	17
Feb	18	28	19	47
Mar	15	42	17	59
Apr	12	21	19	40
May	19	44	27	71
Jun	32	47	48	95
Jul	30	28	17	45
Aug	24	53	20	73
Sep	15	19	21	40
Oct	23	28	11	39
Nov	22	31	29	60
Dec	16	30	18	48
Jan	5	27	12	39
Feb	11	19	11	30
Mar	23	42	27	69
Apr	11	39	22	61
May	17	39	45	84
Jun	13	49	44	93
Totals	317	613	418	1031

Chart F.3

Total IPT Caseflow Since Inception



Acknowledgements

I continue to be grateful for the assistance of Wayne Newall and his team at the Ministry of Justice, and George Mason and his team at the Department of Labour (latterly the Labour Group at the Ministry of Business, Innovation and Employment), for their commitment to the Tribunal. The Ministry of Justice staff associated with the Tribunal have impressed me with their conscientious dedication to making the Tribunal work well and in this respect I owe Jessie Henderson, our Operations Manager, my Auckland Assistant, Sharon Salmon, and my Wellington Assistant, Michelle Williams, special thanks. The organisational skills of Clare O'Brien and Tracy Pedro, the Wellington District Court Judicial Resource Managers, and Sherryl Osborne, my personal assistant at the Wellington District Court, have made holding down two jobs much more pleasant than it might have been. I am grateful too for the support, counsel and hard work of Deputy Chairs Martin Treadwell and Melissa Poole. Finally, I record my appreciation to the members of the Tribunal for their collegiate spirit and productivity.

A handwritten signature in black ink, appearing to read 'W K Hastings', written on a light yellow background.

W K Hastings
District Court Judge
Chair, Immigration and Protection Tribunal

Statement of Intent for the 2012/2013 Financial Year

Our vision, the environmental statement and the strategic plan set out in last year's annual report remain the same and provide the framework in which we operate. The last six-monthly report set out the steps the Tribunal intended to take to address the growing number of new appeals and appeals on hand. These steps have been updated as follows:

1. Better utilisation of judicial resources

The IPT has gone from having four deputies to two. The remuneration of three ordinary members (3 X 1 decision-writing EFTS) is roughly equivalent to the remuneration of two deputies (2 X 0.5 decision-writing EFTS) and increases decision-writing EFTS from 1 to 3.

The Minister of Justice approved the recruitment of two more members to replace the deputies and increase our decision-writing capacity in August 2011. Interviews took place in December 2011. Offers were made to the successful candidates in July 2012, but due to the passage of time, one is unable to start until January 2013, the other is unable to start before July 2013. Denese Henare ONZM, an experienced and talented part-time member, resigned from the Tribunal in September 2012. These events have frustrated our intention to increase our judicial resource, and have reduced the Tribunal's judicial capacity by 2.4 equivalent full-time members from where we expected it to be at this time. This means that there will be a delay in our ability to increase decision production through the appointment of new members.

In the meantime, decision-writing capacity will be increased by the following means. Most members' allocations across jurisdictions will be reduced so that they are not spread too thinly. More decision-writing EFTS will be allocated to residence appeals. Decision-writing expectations will be increased. In 2012/13, the number of residence and humanitarian decisions that one experienced EFT member is expected to produce will increase from 72 to 90 per year. The number of hearings-based decisions that one experienced EFT member is expected to produce will increase from 36 to 45 per year. All-members meetings (by video link with the Wellington members) will be scheduled at approximately monthly intervals.

2. Cross-training

Internal training of members in jurisdictions new to them will be reduced in order to focus more resources on decision production. One consequence of this is that not all members will be trained in all jurisdictions within the first two years of operation, but the growing number of new appeals and appeals on hand has meant that we must reprioritise where we allocate judicial resource. Cross-training will resume when the appeals on hand have been significantly reduced.

3. Shorter, quicker decisions

The style of residence decision-writing will become more issues-focused. This should make residence decisions shorter and quicker to produce, without sacrificing quality. This approach will be extended to decisions in other streams.

4. Triage

Appeals on hand are now triaged so that priority is given to particular types of appeals, rather than simply to the oldest. In residence, priority is given to skilled migrant appeals; in the refugee stream, priority is given to appellants in custody; and priority is given to deportees who are close to their parole eligibility date.

5. Analysis of the causes of the unpredicted high number of appeals

DOL agreed to provide the IPT with some analysis to explain why their predictions are at such variance with what is actually happening particularly in the residence stream, and to alert the IPT (with reasons) to any appeal they believe needs to be given priority.

Three causes have been put forward for consideration. First, although Immigration New Zealand reports a current under-subscription in residence applications, most of the residence appeals on hand at the IPT have been with INZ for up to five years, from a time when residence applications were oversubscribed. Second, it is possible that a reduction in the fee to lodge an appeal may have contributed to a greater than expected number of appeals. Third, it is possible that the mere creation of a one-stop shop from the four predecessor bodies has made it more convenient to lodge appeals.

6. Monitoring

Last year, we compared actual Tribunal caseload against that predicted by the Ministry of Justice and the Department of Labour. The predictions were used to establish how many judicial officers would be appointed to the Tribunal. Our comparison showed that both the Department of Labour and the Ministry of Justice failed to predict by a significant margin the caseload that actually arrived at our door.

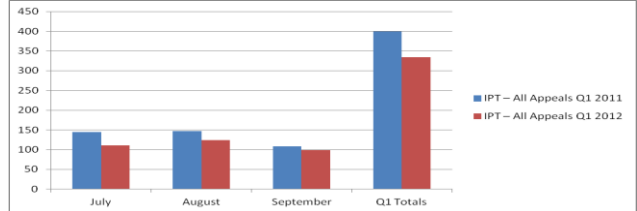
This year we have decided to abandon comparisons of actual caseload with Departmental and Ministry predictions. We will instead compare our actual caseload for the first quarter of 2012/13 with our actual caseload in the first quarter of 2011/12.

The first chart compares the number of new appeals in the first quarter of 2012/13 with the number of new appeals in the first quarter of 2011/12. The number of new appeals in the first quarter this year has not risen. Indeed, in every jurisdiction except refugee and protection where the number of new appeals has remained the same, the number of new appeals in the first quarter of 2012/13 has declined from the first quarter of 2011/12.

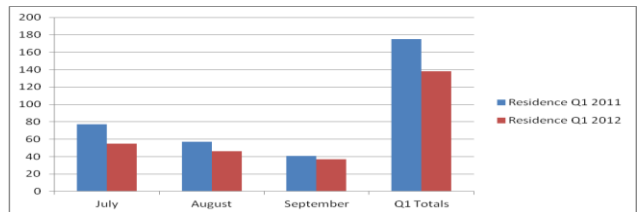
The second chart shows that the overall number of appeals finalised in the first quarter of 2012/13 is greater than in the first quarter of 2011/12. In particular, it shows the number of appeals finalised in the residence stream increased this quarter to 144 from 102 in the same quarter last year. The number of deportation (humanitarian) and refugee and protection appeals finalised, however, decreased this quarter compared with the first quarter of 2011/12.

Caseload Statistics to 30 September 2012 New Appeals

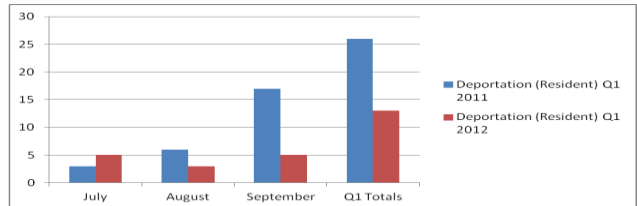
IPT- All New Appeals		
Month	Q1 2011	Q1 2012
July	145	111
August	147	124
September	108	99
Q1 Totals	400	334



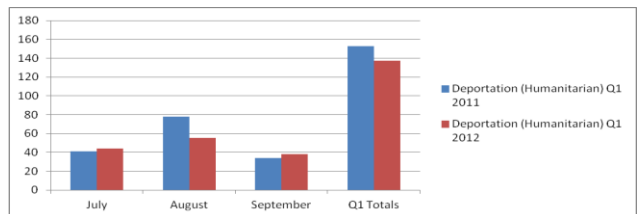
Residence		
Month	Q1 2011	Q1 2012
July	77	55
August	57	46
September	41	37
Q1 Totals	175	138



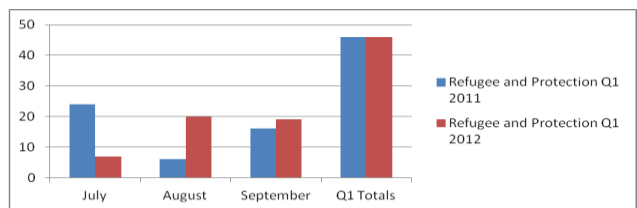
Deportation (Resident)		
Month	Q1 2011	Q1 2012
July	3	5
August	6	3
September	17	5
Q1 Totals	26	13



Deportation (Humanitarian)		
Month	Q1 2011	Q1 2012
July	41	44
August	78	55
September	34	38
Q1 Totals	153	137

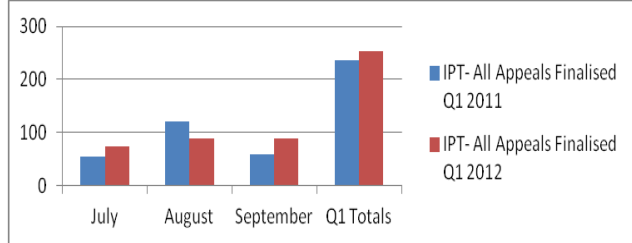


Refugee and Protection		
Month	Q1 2011	Q1 2012
July	24	7
August	6	20
September	16	19
Q1 Totals	46	46

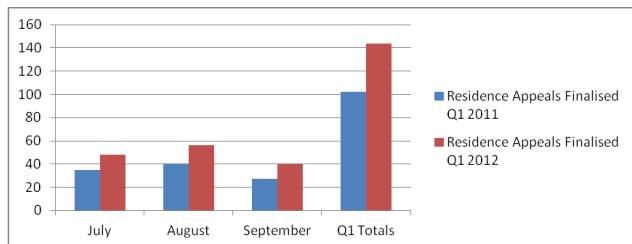


Caseload Statistics to 30 September 2012 Appeals Finalised

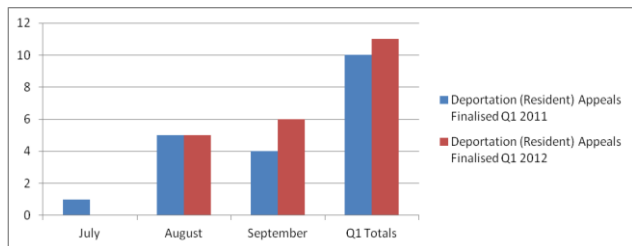
IPT- All Appeals Finalised		
Month	Q1 2011	Q1 2012
July	54	75
August	122	90
September	60	88
Q1 Totals	236	253



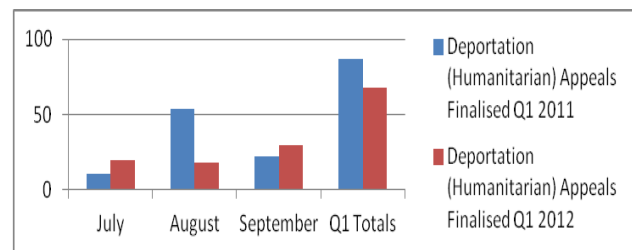
Residence Appeals Finalised		
Month	Q1 2011	Q1 2012
July	35	48
August	40	56
September	27	40
Q1 Totals	102	144



Deportation (Resident) Appeals Finalised		
Month	Q1 2011	Q1 2012
July	1	0
August	5	5
September	4	6
Q1 Totals	10	11



Deportation (Humanitarian) Appeals Finalised		
Month	Q1 2011	Q1 2012
July	11	20
August	54	18
September	22	30
Q1 Totals	87	68



Refugee and Protection Appeals Finalised		
Month	Q1 2011	Q1 2012
July	7	7
August	23	11
September	7	12
Q1 Totals	37	30

