

14 March 2023

Section (9)(2)(a)

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Our ref: OIA 102701

Dear Section (9)(2)(a)

### Official Information Act request: Immigration and Protection Tribunal

Thank you for your email on 15 February 2023 in which you requested, under the Official Information Act 1982 (the Act), information on the process used to identify candidates for appointment as a full-time member of the Immigration and Protection Tribunal. You specifically asked for:

*“May I ask how did you call for public nomination and on what platform you have call for public nominations, e.g. govt.jobs website. Also, how many applications you have received from the public and how many you have received from other nominating agencies such as TPK or Ministry of women etc. further, how many you have shortlisted. Please supply the pay rate and term of reference/job description of this role.”*

In response to your request, expressions of Interest were invited from the public via the statutory vacancies noticeboard on the Ministry of Justice website. Nominations were not sought from any agencies. Ten expressions of interest were received, and six candidates were shortlisted. The position description for the role, which includes remuneration information, is attached and released to you in full.

If you require any further information, please contact Media & Social Media Manager Joe Locke at [media@justice.govt.nz](mailto:media@justice.govt.nz).

Please note that this response, with your personal details removed, may be published on the Ministry website at: [justice.govt.nz/about/official-information-act-requests/oia-responses/](https://www.justice.govt.nz/about/official-information-act-requests/oia-responses/).

If you are not satisfied with this response, you have the right to make a complaint to the Office of the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by phone on 0800 802 602.

Yours sincerely



Wayne Newall  
**Manager, Appointments and Specialist Functions**

# Immigration and Protection Tribunal

## Tribunal Profile

### Background

The Immigration and Protection Tribunal (the Tribunal) was established by section 217 of the Immigration Act 2009. The purpose of that Act is to improve New Zealand's immigration system, and part of this improvement is streamlining the immigration appeal process by creating a single tribunal to consider all grounds for appeal together, where possible.

The Tribunal decides immigration appeals including residence, deportation, refugee and protection matters in New Zealand.

### Nature of the Tribunal

The Tribunal is an independent specialist body that has the role of deciding appeals and matters by making findings of fact, applying the relevant law, and making a determination. The proceedings of the Tribunal in any particular case may be of an inquisitorial nature, adversarial nature or both an inquisitorial and an adversarial nature.

The process for determining appeals varies depending on the type of appeal. Matters involving significant issues of public interest require a hearing in person. A number of appeals are also determined on the papers.

The Tribunal is based in Auckland.

In the majority of appeals the Tribunal consists of one Member. This will not be the case where the Chair directs otherwise due to exceptional circumstances.

### Qualification for appointment as Member

A member of the Tribunal must be a lawyer who has held a practising certificate for at least 5 years or have other equivalent or appropriate experience (whether in New Zealand or overseas).

Members of the Tribunal are appointed by the Governor-General on the recommendation of the Minister of Justice made in consultation with the Minister of Immigration.

## **Term of office**

A member of the Tribunal may be appointed for a term not exceeding 5 years and may be reappointed.

## **Remuneration:**

The Remuneration Authority reviews and determines the daily sitting fee. This is currently \$725 per day.

## **Time commitment:**

This position is full-time.

## **Criteria for appointment**

### **Knowledge and experience**

Members will be expected to have:

- Familiarity with the governing legislation
- Proven ability to make balanced, reasonable and defensible judicial decisions
- Proven ability to write in a concise and cogent manner
- Experience in a decision-making role and/or in working within a statutory framework
- Ability to conduct case management conferences and determine adjournments and other requests
- Ability to work with new and emerging technology to enhance access to justice
- Ability to cope with stressful situations and potentially disturbing information
- Mature outlook and the ability to assess human nature accurately

### **Decision-making and analytical skills**

Members must be able to:

- remain open minded, avoiding typecasting or making assumptions about people
- contribute to the decision-making of the Tribunal which is sound, balanced and defensible
- assimilate large amounts of complex and competing information
- thoroughly analyse the information and quickly identify facts, opinions and key issues
- recognise when further critical information is required
- produce decisions in a timely manner

### **Environmental awareness**

Members must be able to:

- be sensitive to, understand and take account of the values and mores of other cultures
- demonstrate an awareness and sensitivity to community values
- identify and analyse public, cultural and social perspectives
- be a team player willing to discuss issues with other members and submit decision drafts for peer review.