



IMMIGRATION AND PROTECTION TRIBUNAL
Rōpū Take Manene, Take Whakamaru

PRACTICE NOTE 6/2026
(THE USE OF ARTIFICIAL INTELLIGENCE
BEFORE THE TRIBUNAL)

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PREAMBLE

This Practice Note is issued pursuant to section 220(2)(a) of the Immigration Act 2009 ("the Act"). It is effective for all appeals and matters before the Tribunal.

This Practice Note sets out the Tribunal's expectations concerning the use of artificial intelligence ("AI") in proceedings. It should be read with the Immigration Act 2009, applicable regulations, the *Guidelines for use of Generative Artificial Intelligence in Courts and Tribunals* (for lawyers and non-lawyers, both dated 7 December 2023) the Tribunal's other Practice Notes, and any directions made in an individual proceeding.

The following information on the practice and procedure adopted by the Tribunal is designed to provide guidance to members of the legal profession, licensed immigration advisers and those appearing who have an appeal or matter before the Tribunal. It outlines the Tribunal's expectations about the responsible use of AI, confidentiality and privacy, the potential consequences of providing inaccurate, misleading or unnecessarily large amounts of information, and the continuing responsibility of parties for all material submitted to the Tribunal.

The Tribunal expects compliance with the procedures set out herein.

In this Practice Note:

- "**appellant**" means the appellant or applicant, as relevant;
- "**lawyer**" means the lawyer acting for a party to any matter or appeal before the Tribunal, at any stage of the proceedings;
- "**member**" means "members" where appropriate;
- "**Minister**" means Minister of Immigration;
- "**Ministry**" means the Ministry of Business, Innovation and Employment, within which Immigration New Zealand operates;
- "**party**" means a party to an appeal or matter before the Tribunal (an appellant or a respondent)

- **“representative”** means an immigration adviser, whether licenced under the Immigration Advisers Licensing Act 2007 or acting in an informal capacity;
- **“respondent”** means the Minister, the Ministry, Immigration New Zealand, an immigration officer or a refugee and protection officer, as appropriate to the context; and
- **“Tribunal”** means the Immigration and Protection Tribunal

1. COMMENCEMENT

[1.1] This Practice Note takes effect on [date].

[1.2] The Tribunal may revise this Practice Note from time to time to reflect developments in AI technology, professional practice and Tribunal procedure.

2. PURPOSE AND SCOPE

[2.1] Artificial intelligence is increasingly being used by parties and their lawyers and representatives in preparing material for proceedings before the Tribunal.

[2.2] The Tribunal recognises that responsible use of AI may assist access to justice and may help parties and lawyers participate effectively in Tribunal proceedings.

[2.3] This Practice Note sets out the Tribunal's expectations concerning the use of AI in drafting, editing, summarising, translating, organising documents, identifying issues, preparing submissions and researching information.

[2.5] This Practice Note applies to all parties, representatives and lawyers appearing before the Tribunal, whether AI is used by the party, the lawyer or representative, their employee or agent, or another person assisting in the preparation of the proceeding.

3. PRINCIPLES GOVERNING THE USE OF AI

[3.1] In summary, the Tribunal expects parties and lawyers who use AI to observe the following principles:

- **Accuracy** — Verify information before submitting it.
- **Evidence** — Ensure factual assertions are supported by evidence. Ensure that witness statements and personal accounts remain the witness's own evidence.
- **Authority** — Check that every legal authority exists and supports the proposition for which it is cited.
- **Authenticity** — Do not present AI-generated or AI-altered material as genuine evidence.
- **Confidentiality** — Protect confidential and personal information when using AI tools.
- **Relevance** — Include only material that assists the Tribunal in determining the proceeding.
- **Proportionality** — Avoid unnecessary length, repetition and overproduction.
- **Responsibility** — Remember that responsibility for material submitted to the Tribunal remains with the party or lawyer who submits it.
- **Transparency** — Where the Tribunal asks about the use of AI, provide a frank and accurate explanation.

4. CONFIDENTIALITY AND PRIVACY

[4.1] Parties and lawyers must exercise particular care before entering information concerning a Tribunal proceeding into an AI system.

[4.2] Tribunal proceedings may contain highly sensitive personal information, including information concerning a person's immigration history, family circumstances, health, religion, political opinions, sexual orientation, experiences of persecution, and other matters of a private or confidential nature.

[4.3] Before using an AI tool, a lawyer should consider whether entering information into that tool is consistent with applicable professional, confidentiality and privacy obligations.

[4.4] Parties should avoid entering personal or confidential information into an AI system unless they are satisfied that doing so is appropriate and that the information will be handled securely.

[4.5] Particular care should be taken with information concerning persons other than the party, including family members, witnesses, children and persons whose identities or circumstances are subject to statutory confidentiality restrictions (for example, section 151 of the Act) or suppression requirements.

5. RESPONSIBILITY FOR MATERIAL SUBMITTED TO THE TRIBUNAL

[5.1] A party remains responsible for all material submitted to the Tribunal, whether or not AI has been used in preparing that material.

[5.2] A lawyer has an absolute duty of fidelity to the Tribunal and remains responsible for material prepared or submitted on behalf of a client, including material prepared with the assistance of AI. A lawyer must not allow AI to mislead or deceive the Tribunal.

[5.3] A representative must be honest, professional, diligent and respectful and conduct themselves with due care and in a timely manner. A representative must comply with the operating requirements of the Tribunal. They must not allow AI to mislead or deceive the Tribunal.

[5.4] It is not a valid explanation for either a party or a lawyer or representative that an error was made by an AI tool. It is common knowledge that AI tools can produce information that appears authoritative or convincing but is inaccurate, incomplete or fabricated.

[5.5] AI may, among other things:

- (a) misstate the effect of legislation, case law or other legal material;
- (b) create or alter factual information;
- (c) misstate dates, events, timelines or the contents of documents;

- (d) invent cases, legislation, quotations or other authorities;
- (e) omit relevant information;
- (f) produce summaries which do not accurately reflect the source material;
- (g) generate information which is irrelevant or unnecessarily extensive; or
- (h) create images, audio, video or other material which appears genuine but is false or misleading.

[5.6] A party, lawyer or representative submitting material to the Tribunal must therefore ensure that the material is accurate, relevant, complete and supported by the evidence.

6. THE USE OF AI-GENERATED MATERIAL GENERALLY

[6.1] A party, lawyer or representative who uses AI must carefully review and verify its output before submitting it to the Tribunal.

[6.2] Before material prepared with the assistance of AI is submitted, the person responsible for it must:

- (a) check factual information carefully and ensure that evidence accurately reflects what actually happened;
- (b) verify legal authorities;
- (c) check quotations against the original source;
- (d) check that summaries accurately reflect the documents or evidence summarised;
- (e) ensure that the material is relevant to the issues the Tribunal is required to determine;
- (f) remove repetition, generic material and unnecessary explanation; and
- (g) be able to explain and defend the material submitted.

[6.3] A party who is unrepresented should not treat information provided by an AI tool as legal advice or assume that an AI tool has correctly assessed the prospects of the appeal or application.

[6.4] The use of AI does not excuse inaccurate, incomplete or misleading material submitted to the Tribunal. Parties, lawyers and representatives must not rely on AI-generated legal research result without independently verifying the relevant law and authorities from reliable primary or authoritative sources.

[6.5] AI must be treated as an assistance tool, rather than as a substitute for the exercise of professional judgment by a lawyer or the personal responsibility of a party.

6A. WITNESS STATEMENTS

[6A.1] A witness statement must accurately record the witness's own evidence, knowledge, recollection and experience.

[6A.2] AI must not be used to prepare a witness statement, statutory declaration, statement of evidence, personal account or other evidence concerning matters within the knowledge of a witness. AI must not be used to create facts, embellish a witness's account, fill gaps in memory or make a witness's evidence appear more persuasive than the witness's actual evidence.

[6A.3] A witness must not adopt as their evidence material which has been generated, suggested, edited or revised by an AI tool.

[6A.4] Where the Tribunal has reason to question whether a statement accurately represents the witness's own evidence, it may require the witness or the lawyer to clarify how the statement was prepared. The Tribunal may conclude that weight is not to be given to a statement that has been created or influenced by AI and so cannot be relied upon as fairly reflecting the evidence of the witness.

6B. LEGAL SUBMISSIONS

[6B.1] Submissions must identify the material issues for determination and explain why the evidence and law support the position advanced.

[6B.2] Lawyers and representatives may use AI to assist with legal research, drafting or editing, but remain responsible for the accuracy and appropriateness of all legal submissions.

[6B.3] A lawyer or representative must independently verify legal authorities relied upon in a submission.

[6B.4] AI should not be used to generate large volumes of generic legal discussion which is not directed to the particular facts and issues in the proceeding.

[6B.5] The Tribunal may require a party, lawyer or representative to provide a more concise submission where AI-assisted drafting has resulted in material that is unnecessarily lengthy, repetitive or unfocused.

6C. TRANSLATION AND LANGUAGE ASSISTANCE

[6C.1] AI translation tools may be useful in assisting a party to understand documents or prepare material.

[6C.2] A party, lawyer or representative remains responsible for ensuring that any translation submitted to the Tribunal accurately conveys the meaning of the original material.

[6C.3] Particular care should be taken with translations of evidence, official documents, legal terminology, culturally specific expressions and accounts of traumatic or sensitive events.

[6C.4] AI-generated translation should not be treated as a substitute where a translation by an independent translator is required or appropriate for a Tribunal hearing.

[6C.5] The Tribunal may direct that a certified translation be provided, where it is not satisfied that an AI-generated translation suffices.

6D. DOCUMENTS, IMAGES, AUDIO AND VIDEO

[6D.1] A party, lawyer or representative must not submit AI-generated or AI-altered material as genuine evidence of an event or document, or use AI to create or alter evidence so as to give a false or misleading impression of the underlying facts.

[6D.2] If an image, audio recording, video, document or other item has been generated, enhanced, altered or otherwise processed using AI in a way that may affect its evidential significance, the party, lawyer or representative must identify that fact when submitting the material.

[6D.3] Where the authenticity or provenance of material is in issue, the Tribunal may require the production of original material, the source from which it was obtained, or information concerning any processing or alteration.

7. PROPORTIONALITY, RELEVANCE AND OVERPRODUCTION

[7.1] The Tribunal is assisted by material which is concise, focused and directed to the issues that it is required to determine.

[7.2] AI tools can readily produce unnecessarily large volumes of material, including repetition of the same argument, lengthy explanations, unnecessary examples, repeated chronologies, generic legal discussion and material which goes beyond the issues in the proceeding. Parties, lawyers and representatives should exercise particular care to ensure that AI does not result in the submission of unnecessary or repetitive material.

[7.3] The Tribunal may direct a party to provide a shorter or more focused submission, chronology, bundle or other material where the material provided is unnecessarily extensive or repetitive. The person must be able to explain the material submitted.

[7.4] The Tribunal may give little or no weight to material which is irrelevant, unreliable, inaccurate, repetitive, misleading or unsupported by evidence.

8. DISCLOSURE OF THE USE OF AI

[8.1] There is no general requirement for a party or lawyer to disclose every use of AI in preparing material for the Tribunal.

[8.2] However, the Tribunal may require a party, lawyer or representative to disclose whether AI was used and, if so, the nature and extent of its use. Disclosure may be particularly appropriate where there is concern that AI has been used to:

- (a) generate substantive legal submissions;
- (b) translate significant evidence;
- (c) summarise large bodies of evidence or country information;

- (d) generate or materially alter documentary, photographic, audio or video evidence; or
- (e) produce material where its accuracy, provenance or authorship is relevant to an issue before the Tribunal.

[8.3] Where requested by the Tribunal, a party, lawyer or representative should be able to explain:

- (a) which material was prepared or assisted by AI;
- (b) the purpose for which AI was used;
- (c) what steps were taken to verify the material; and
- (d) the original or underlying source material where appropriate.

[8.4] Where the Tribunal finds that AI has been used inappropriately in the preparation of a document, submission or other material, the Tribunal may:

- (a) ask the party, lawyer or representative whether AI was used;
- (b) ask the party, lawyer or representative to identify the source of information contained in the material;
- (c) require confirmation that the material has been reviewed for accuracy;
- (d) require the party, lawyer or representative to provide the original evidence or source material;
- (e) require the party, lawyer or representative to verify an authority or quotation; and
- (f) require clarification of how a witness statement was prepared.

[8.5] A request by the Tribunal for information about the use of AI does not of itself indicate that the Tribunal has formed an adverse view of the case for the party, lawyer or representative. However, failure to provide a satisfactory explanation or to comply with a direction may affect the weight given to the material concerned.

9. CONSEQUENCES OF INACCURATE OR MISLEADING MATERIAL

[9.2] Where AI-assisted material contains errors, the Tribunal may require the material to be corrected or replaced.

[9.3] Depending on the circumstances, inaccurate or misleading material may affect:

- (a) the weight to be given to material which appears unreliable, irrelevant, repetitive, misleading or inaccurate;
- (b) the weight given to the evidence or submissions;
- (c) the credibility of a witness or party;
- (d) the Tribunal's assessment of the case;
- (e) the time taken to determine the appeal; and
- (f) any procedural or other consequence available to the Tribunal under the Act, regulations or other applicable law.

[9.4] Deliberately presenting AI-generated or AI-altered material as genuine evidence may have serious consequences under the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 or the Licensed Immigration Advisers Code of Conduct 2014, as relevant.

"Judge M Treadwell"

Judge M Treadwell
Chair
Immigration and Protection Tribunal