



17 March 2022

Muhammad

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DOIA 2223 – 1777

Tēnā koe Muhammad

Thank you for your correspondence of 14 February 2023 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following information:

1. *How many SMC applications are still pending for a decision that was lodged before 20-March-2020?*
 - a. *How many immigration officers are working on all SMC applications at the moment?*
2. *INZ received an internal advice in mid-2022 to conduct the third-party checks (NSC) again for paper based SMC visa applications that were submitted before Covid lockdown and are still waiting for a decision.*
 - a. *How long usually a NSC check is valid for?*
 - b. *How INZ is going to treat those SMC visa applications who are suffered from this advice. Those SMC applicants are already waiting for a long time, in some cases 3 years or more, to get a decision on their application. It was the sole responsibility of INZ to process those applications on time which they clearly failed to do so. This new advice has added additional 6-12 months to the processing time because of delay in NSC checks at the moment. These SMC applicants are suffering more and waiting in a limbo because of overnight policy changes and RV21 despite paying more application fees compared to RV21 and other applications. INZ failed to allocate adequate resources to these SMC visa applications to ensure timely processing. Now, new policy changes and advice come along the way that are clearly affecting these applications.*
 - c. *What steps will INZ take to ensure that they treat these applications fairly and it was worth waiting for this long for the applicants? Will these applicants get permanent residency or residence visa without any travel conditions? Most of SMC applicants are already onshore since their application lodgement and waiting for 3 years and more.*
3. *What is current processing time of third party checks, especially NSC. In a response on 7 Nov 2022, NZSIS claimed that average processing time was 50 days. It seems that this time has increased many fold recently because many applicants are waiting from 6-12 months for third party checks (evidence from social media posts). Has NZSIS taken any steps to reduce this time without compromising the security and integrity of the process?*
4. *It is also evident that immigration officers are not supposed to follow up or escalate the third-party checks before six months. NZSIS claimed 50 days then why immigration officers need to wait for 6 months to request escalation/follow up?*

On 23 February 2023, the Ministry advised you that question three of your request would be transferred to New Zealand Security Intelligence Service (NZSIS) in accordance with section 14(b)(i) of the Act, which allows the transfer of any request where the information is not held, but is believed to be held by another department, organisation or Minister of the Crown.

Our response

Questions 1 and 1(a)

As at 2 March 2023, there were 620 Skilled Migrant Category (SMC) applications lodged prior to 20 March 2020 that had not yet been decided. As at 6 March 2023, a total of 27 immigration officers were assigned to process these applications.

Questions 2(a), (b) and (c)

During COVID-19, the processing of all paper based applications was suspended for an extended period of time due to office and border closures. Over such a long period, an individual's circumstances may have changed and updated information is requested to ensure assessment of an application is based on current information. Included in this is an update of the information required for a National Security Check (NSC). As such the NSCs are not deemed to be invalid, but just need updated information for assessment. Once a NSC assessment has been completed, NZSIS provides advice to Immigration New Zealand (INZ) which is then taken into account as part of the overall visa application assessment.

All applications are assessed on a case-by-case basis and an immigration officer must be satisfied that all applicants included in a visa application meet all of the relevant immigration instructions. Applicants approved residence under SMC will be issued a resident visa with travel conditions. The application category does not allow for the immediate grant of a permanent resident visa or a resident visa without travel conditions.

Question 4

NSCs are third-party checks carried out independently of INZ and as stated above in question 2, INZ refers them to the NZSIS for advice and waits for the response. Timeframes vary and INZ cannot provide comment on your statement in regards to information released by the NZSIS.

You have the right to seek an investigation and review by the Ombudsman of the Ministry's response to your request, in accordance with section 28(3) of the Act. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss any aspect of your request or this response, please contact INZOIAs@mbie.govt.nz

Nāku iti nei, nā



Richard Owen

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