



**NEW ZEALAND
IMMIGRATION**

How to: The Ultimate Decline Guide

May 2023

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OFFICIAL INFORMATION ACT



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

[New Zealand Government](#)

What do we know about declining?



What would you like to learn about declining an application?



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Agenda for today...

Overview of
the decline
process

Considering
PPI
responses
and writing
rationale

Writing
decline
letters (Keep
it SEXC)

But... what if
they are
offshore?

What to do
with the
'outstanding
bits'

Decline FAQs
– What else
do I need to
know?

Overview: The Onshore Decline Process

Write up your decline letter

- State the instructions.
- Summarise the PPI letter that was sent to the applicant.
- Summarise the response.
- Use your assessment notes as a base to explain why your concerns have not been alleviated.
- Conclude the letter - make sure ETI consideration is there.

Send for QC if required

- Has the decline quota for the month been filled? Have you had two of your applications checked per month?
Has the applicant had an FCC check?
- Complete any rework if required.

Finalise application in AMS

- Click the decide button, ensure your assessment notes are in AMS.
- Send letter to applicant.
- Email compliance with application details (if applicant is onshore).



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Considering PPI responses and writing rationale

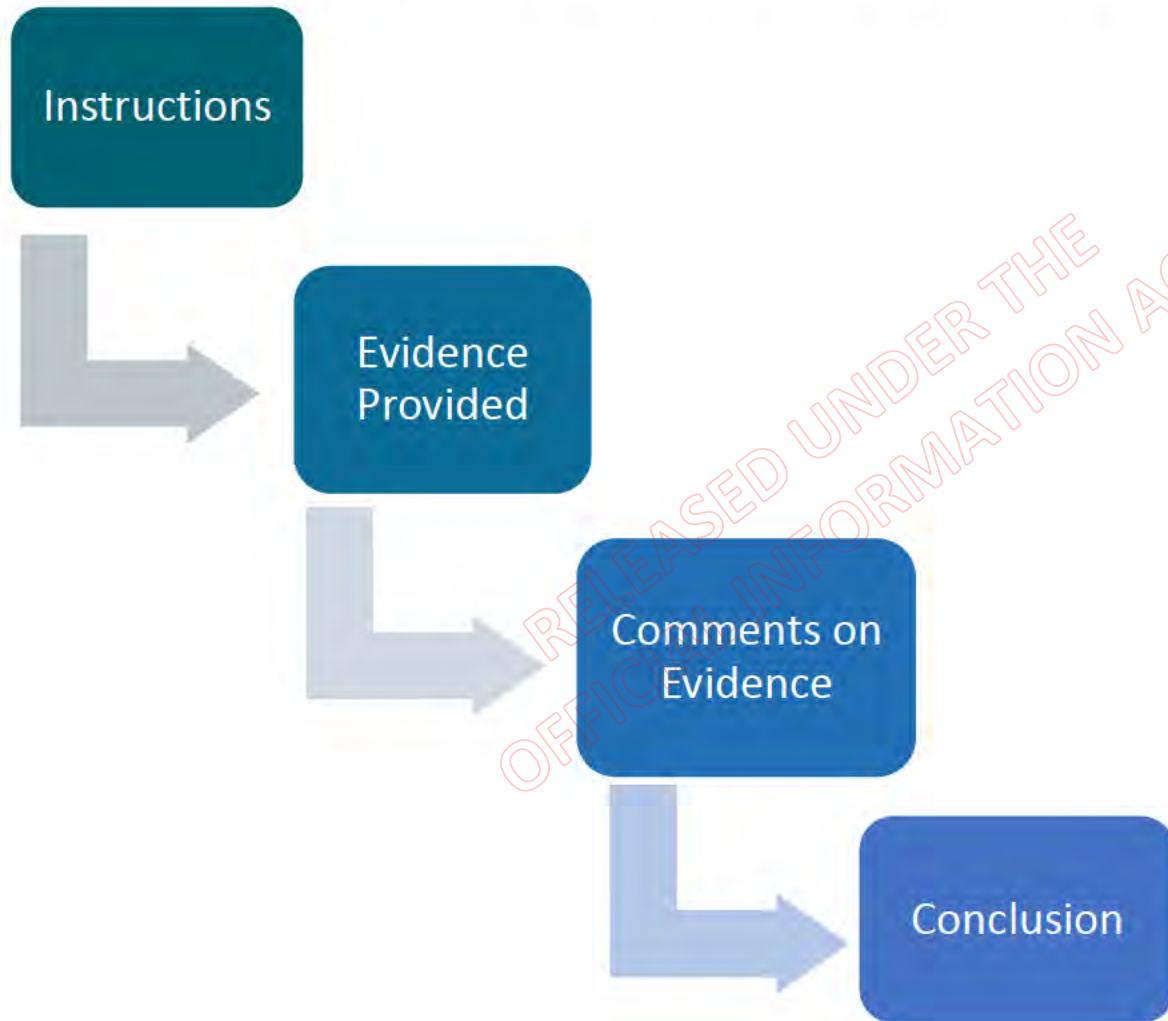


Rationale is important...

- Because it explains not only the decision but how you got there – the journey not just the destination.
- It is the foundation for a defensible decision as it explains the what and why:
 - **What** the issue is, **what** the response was and **what** has been considered in your decision.
 - **Why** the response has not alleviated your concerns.



What to cover in rationale:



Onshore Process: Review the PPI

Has the due date passed?

- If not, have we asked for permission to decide sooner from the client. Why would we need this?
- If no response has been received - check that the PPI was sent to the correct email address.

Review the PPI and your VAT

- What were the concerns you raised in your letter? Have we given the applicant a fair opportunity to comment on our concerns?

Summarising and considering the response

Summarise the response

- Briefly in your assessment notes summarise the response received. Focus on the addressing issues we raised in the PPI. What did their response say? This does not need to be word for word.

Consider the response. Does it address the concerns? If not, does it warrant an exception to instructions?

- If it addresses concerns – approve.
- If not, but you deem an ETI to be warranted, explain why in your notes. Consider the big picture and if their circumstances are exceptional. Be sure to explain this to the client in the approval letter (e-visa).
- If not, and you are also not satisfied circumstances warrant an ETI, rationalise your decline decision.

Summarising the response - the 'what' and the 'why'

- Should be as brief as possible whilst still covering all relevant information provided.
- You may choose to highlight or note relevant points as you read through the response.
- This should be objective and an accurate reflection of the applicant's comments.
- Read the full response first before attempting a summary, rather than summarise as you go.
- **What** – notes need to clearly cover what the concerns were (should be in the initial assessment, but do check), what Instructions these relate to, and what the content of the response is.
- **Why** – notes also need to clearly state why the response has not sufficiently addressed the concerns, and why an exception is not justified.



Being concise

- Bullet points might be appropriate in some instances.
- Elevator test - imagine you were in a lift with me and only have this time to explain your decision to me? What are the key points I need to know?
- In most (but not all) cases, your rationale for your decision should be around one to two paragraphs (complex cases with multiple issues may require more, simple issues (e.g., no response) will likely be significantly less).

Remember these notes should be able to be understood by someone outside of the business.

While in our dynamic environment we do like short writing, remember that it needs to be clear, factual, and understandable for all audiences. We do not need to write riddles or plot-twisting stories.

For example, if you use an acronym – would everyone understand it beside your office? A good example would be a QC. Is it *a quality circle* or a *quality check*? **You** need a context to understand. Think about an applicant who might imagine a picture of a *quince cake*.



Beware...

- Do not be scared of lawyers and their use of “legalese.”
 - *Long, long letters with lots of policy – sometimes irrelevant – they have templates too!*
 - *Aggressive or demeaning tone.*
 - *Diversion/distraction from the issue with irrelevant information.*
 - *Remember they are not always right.*
 - *It is their job to get their applicant a visa – the good ones will sometimes try anything.*
- Focus on the issue you have identified and their comments that are relevant to that.





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Writing Decline Letters

The final piece



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How to write decline letters

Immigration instruction E7.35 – we must give written reasons for declining the application to the applicant.

- It should be clear from the letter alone – what our decision is and why we have made this.
- Almost a “story of the application.”
 - We have told them the destination but also the directions to get there.
 - Writing the letter should include the same points as your rationale - the link between instructions, evidence, and conclusions should all be clear.
- A good PPI should make a decline letter quite straightforward.
- We recommend that you always write your VAT rationale before you write your decline.



Keeping it SEXC...



... Not that kind of SEXC!

Structure – tell the story make it SEXC

Instructions (Introduction Statements)

- Summarise the instructions they do not meet.

PPI provided (Explanation)

- Summarise the PPI letter sent.

Response (Expansion/Evidence)

- Summarise their response.

Conclusion (Conclusion)

- Conclusion/Summary – explain why they do not meet instructions.

Structure – tell the story make it SEXC

Instructions (Introduction Statements)

- Summarise the instructions they do not meet.
- *We have declined your application for a student visa because we are not satisfied you meet immigration instruction U3.20. Immigration instruction U3.20 states that an applicant for a student visa must show that they have access to sufficient funds for maintenance for the duration of their studies. You must have \$1,667 per month (or \$20,000 per year for courses over 36 weeks) if you are undertaking tertiary or non-compulsory study; or \$1,417 per month (\$17,000 per year for course over 36 weeks) if you are undertaking compulsory study available for maintenance and accommodation. This instruction also states that we must be satisfied that these funds are from a genuine source and genuinely available to you for the purposes of meeting your maintenance requirements.*

PPI (Explanation)

- Summarise the PPI sent.
- *In our letter dated 13 March 2023, we advised we were not satisfied that you held sufficient funds for your intended 12 month course. The due date for response was 20 March 2023.*

Structure – tell the story make it SEXC

Response (Expansion/Evidence)

- Summarise their response.
- *In your response received 20 March 2023, you provided an updated bank statement showing a new balance of \$6000.00 as of 17 March 2023. You explained that while you do not have the required funds to meet our requirements, you believe you will be able to support yourself when you get a part time job, when we approve your student visa.*

Conclusion (Conclusion)

- Conclusion/Summary – explain why they do not meet instructions.
- *We have considered this response however we are not satisfied that you meet our instructions. We note your comments in relation to funding yourself through part time work, however as this is not guaranteed it cannot be used as evidence of funds. We have also considered all the information provided and we are not satisfied your circumstances warrant the grant of a limited visa or the grant of a visa as an exception to instructions. Your application has therefore been declined.*

Case Study Time!

- s 9(2)(a)

[REDACTED]

[REDACTED]

[REDACTED]

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Case Study Time!

s 9(2)(a)

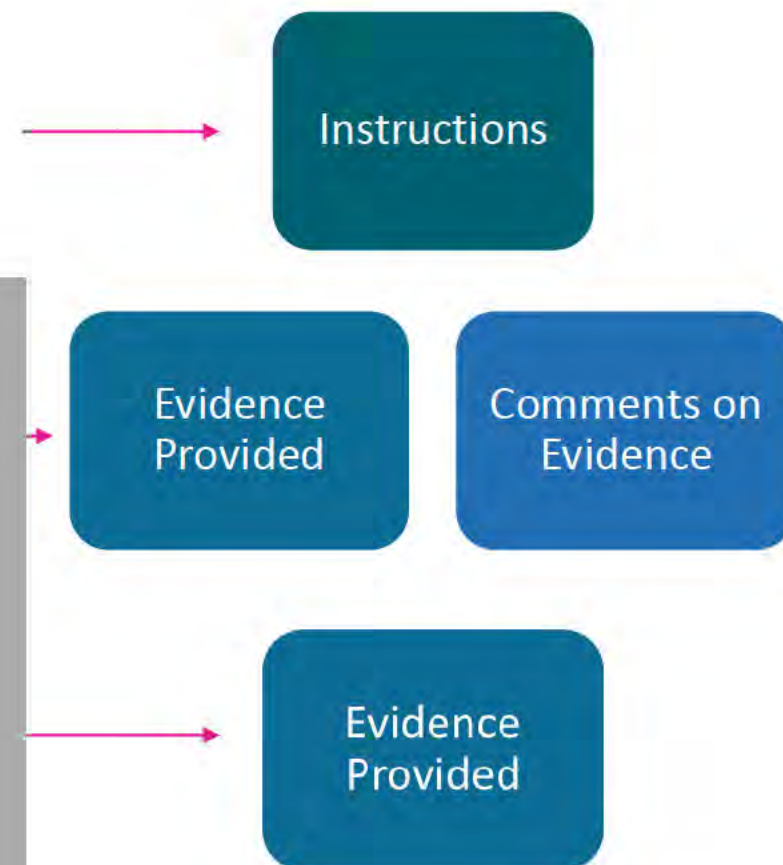
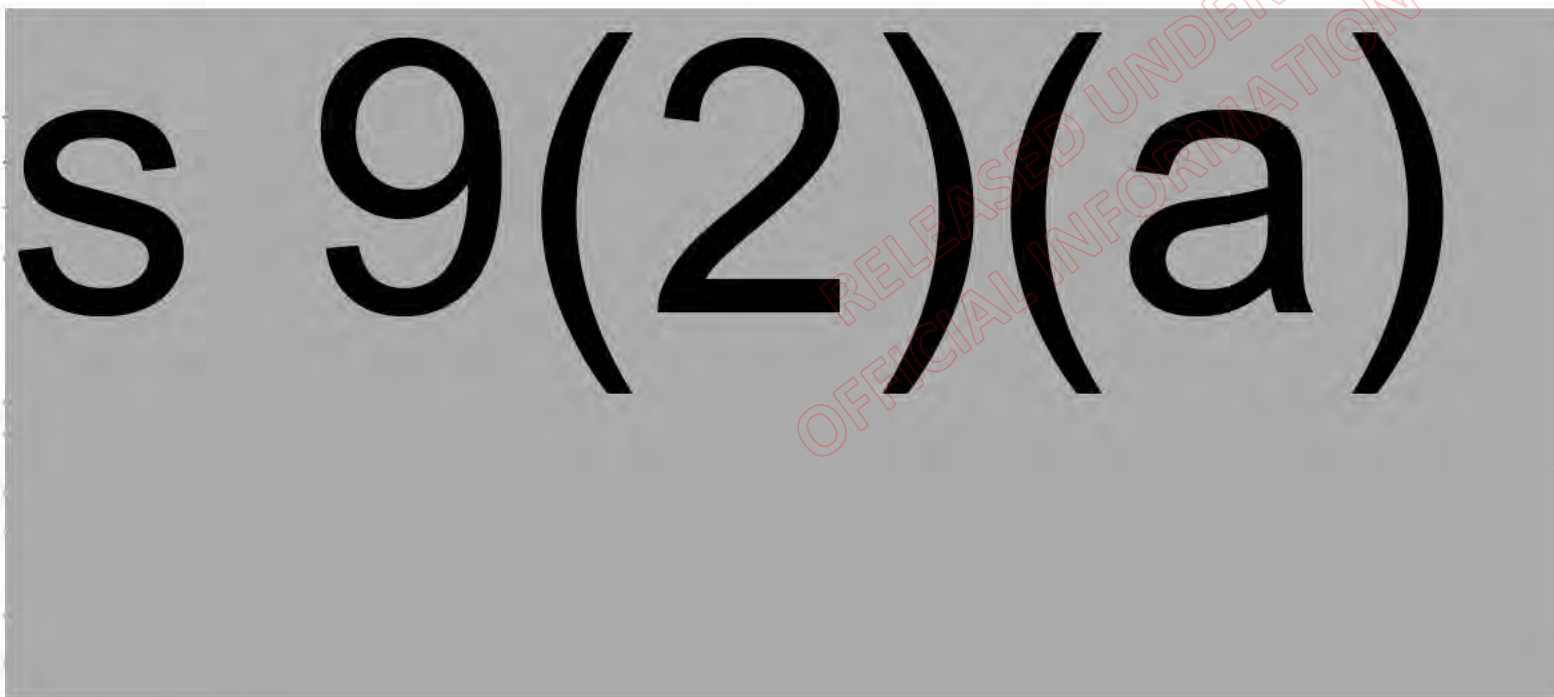
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Case Study Time – PPI Letter sent

Breach of previous visa conditions - attendance and progress

Immigration instruction U3.1(a)(iv) states that to be granted a student visa, applicants must have fulfilled the purpose and met the conditions of their previous visa, as set out in instruction E3.20. Specifically, E3.20(c) and E3.20(d) state that student visa holders must attend their course of study at all times, unless there are genuine reasons for absence, and make satisfactory progress in their course of study.



Case Study Time – PPI Letter sent

s 9(2)(a)

After considering the evidence provided, we have concerns that you do not appear to have fulfilled the purpose or met the conditions of your previous student visa.

Therefore we are concerned that you currently do not appear to satisfy immigration instruction U3.1(a)(iv).

Evidence
Provided

Comments on
Evidence

Conclusion

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Case Study Time – The response

- In response to the PPI, s 9(2)(a) and his lawyer provided the following information:

- s 9(2)(a)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Case Study Time – The response

- In response to the PPI, s 9(2)(a) and his lawyer provided the following information:

- s 9(2)(a)

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

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Case Study – Question Time

- What parts of this response would you consider in your decline letter rationale?
- Do you think s 9(2)(a) losing interest in his course is a genuine reason for breaching the conditions of his previous student visa?
- Do you think this case warrants an exception to instructions? If so, why?



Case Study – The Decline Letter

Instructions (Introduction Statements)

- Summarise the instructions they do not meet
- **Breach of previous visa conditions - attendance and progress**
- *Immigration instruction U3.1(a)(iv) states that to be granted a student visa, applicants must have fulfilled the purpose and met the conditions of their previous visa, as set out in instruction E3.20. Specifically, E3.20(c) and E3.20(d) state that student visa holders must attend their course of study at all times, unless there are genuine reasons for absence, and make satisfactory progress in their course of study.*

PPI (Explanation)

- Summarise the PPI sent
- s 9(2)(a)

Case Study – The Decline Letter

Response (Expansion/Evidence)

- Summarise their response

• s 9(2)(a)

[Redacted text]

Conclusion (Conclusion)

- Conclusion/Summary – explain why they do not meet instructions.

• s 9(2)(a)

[Redacted text]

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Completing the application

Send for QC if required

- Has the decline quota for the month been filled? Have you had two of your applications checked per month? Has the applicant had an FCC check?
- Complete any rework if required.

Finalise application in AMS

- Ensure your final assessment notes are in AMS under the application.
- Click the decide button.
- Send letter to applicant. Send a referral email regarding the application decline to compliance.

Completing the application

Compliance referral template

Send email to: INZ.ComplianceInvestigations@mbie.govt.nz

Applicant name	
Client number	
Application number	
Date of decision	
Category	<i>Visa category that the client is applying for e.g. SV – FFP, SV – ELS, VV, WV.</i>
Current visa status	<i>Provide details of what the visa expiry is for this applicant for example Joe Block currently on still on valid WV until the xx/xx/xxxx OR Joe Block visa is expire and they have been granted the 21 interim which is valid until the xx/xx/xxxx.</i>
Reason for decline (stated which instructions this was declined on)	<i>What instruction was the visa declined on. For example: visa declined due to insufficient funds (U3.20) OR Declined due to character instructions not met (A5), client has (stated charges/convictions/other concerns related to character)</i>

Break Time!



**KEEP
CALM
AND
HAVE A BREAK
HAVE A KIT-KAT**



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But... what if they are offshore???

*Declining applications submitted
from offshore*



But... what if they are offshore?

Immigration instructions and the Act generally do not require us to PPI offshore applications (with the exception of health and character issues where it is explicitly required). In most instances, you will be able to either decline or approve the application outright.

Definition of potentially prejudicial information for applicants who are offshore:

E7.15.1 Applicants outside New Zealand

For the purpose of assessing an application for a temporary entry class visa from an applicant who is outside New Zealand, PPI is factual information or material that:

- a. was not obtained from the applicant or the applicant's authorised representative or agent; and
- b. is not publicly available, or that the applicant is not necessarily aware of; and
- c. will or may adversely affect the outcome of an application; and
- d. the applicant has not previously had an opportunity to comment on.

Note: The submission of false or misleading information by an applicant or their agent is not potentially prejudicial information as that information has been obtained from the applicant or their agent.



But... what if they are offshore?

Visa Pak 129 - Processes relating to information that is not potentially prejudicial information.

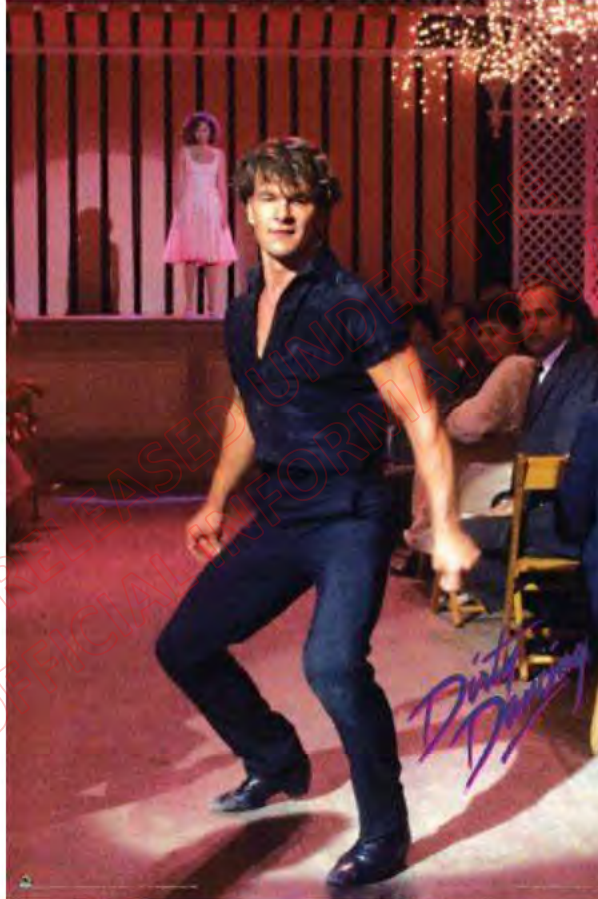
- If the information provided is not PPI but is used as a basis to decline an application, immigration officers should state explicitly in the decline letter and in AMS notes a clear link between the information provided by the applicant and the immigration officer's own conclusion.
- In applicable cases, immigration officers should record in AMS that the information leading to a decline was not put to the applicant because it was not PPI.

The following blurb should also be included in your decline letter:

“We have not sought comment from you prior to making the decision as the information we are basing our decision on does not meet the requirements under E7.15.1 and therefore we are not obligated to seek comment prior to a decision being made.”

- If the information needed to meet the requirements could be obtained easily from the applicant, it is good practice to request this even though there is no obligation to do so.

Time to SWAY with it!



Offshore decline letter structure – SWAY with it!

Instructions (Introduction Statements)

- Summarise the instructions they do not meet.

Evidence Provided (What)

- Summarise what evidence was provided by the applicant.

Consideration (Assessment)

- Summarise what factors have been considered in your decision.

Conclusion (Why)

- Conclusion/Summary – explain why they do not meet instructions

Case Study Time!

- s 9(2)(a)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



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Case study time – The VAT rationale

Funds Rationale:

s 9(2)(a)

[Redacted text block containing multiple lines of obscured content]

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Case study time – The VAT rationale

Funds Rationale – continued:

s 9(2)(a)

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

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Case study time – The VAT rationale

Bona fides rationale:

s 9(2)(a)

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Case study time – The VAT rationale

Bona fides rationale continued:

s 9(2)(a)

[Redacted text block containing multiple lines of obscured content]

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Case study time – The VAT rationale

Bona fides rationale continued:

s 9(2)(a)

[Redacted text block]

[Redacted text block]



Case Study – The Decline Letter (SWAY with funds)

Evidence of funds

s 9(2)(a)

[REDACTED]

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Instruction
Statements

Evidence
Provided
(What)

Consideration
(Assessment)

Conclusion
(Why)

Case Study – The Decline Letter (SWAY with bona fides)

The definition of a bona fide applicant

s 9(2)(a)

[Redacted text block]



Instruction
Statements



Evidence
Provided
(What)

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Case Study – The Decline Letter (SWAY with bona fides)

s 9(2)(a)
[Redacted text block]

[Redacted text block]

[Redacted text block]

Consideration
(Assessment)

Conclusion
(Why)

This means we are not satisfied you meet the definition of a bona fide applicant. We have considered the information provided and we are also not satisfied your circumstances warrant the grant of a limited visa or the grant of a visa as an exception to these instructions. Your application has therefore been declined.

Please note we have not sought comment from you prior to making the decision as the information we are basing our decision on does not meet the requirements under E7.15.1 and therefore we are not obligated to seek comment prior to a decision being made.

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What to do with the ‘outstanding bits’

Outstanding instructional concerns and
letter blurbs



What to do with the ‘outstanding bits’

- **What if I have PPI’d on a number of things and am declining on one but the others remain outstanding?**
There may be instances where you decline on one instruction and leave others outstanding due to the order that we process immigration instructions and the processes involved. IAC 13-09 states that we should process in the following order:
 - Category instructions (Student visa category U instructions)
 - Bona fides
 - Health and character
- For example, if we PPI’d an applicant of evidence of funds (U3.20) and character (A5.45) and determine in our assessment of the response that they do not meet funds, we would not proceed with a further character assessment. We would decline on funds and leave character outstanding to be addressed in a future application. Your rationale in your VAT should make it clear when you are leaving an instruction outstanding that you have PPI’d on.
- Another instance when this can occur is when in assessing the PPI response, a new instructional concern comes to light. For example, you PPI on funds (U3.20) and in assessing the response, you see in the applicant’s bank statements show that not only do they not have sufficient funds for maintenance, they appear to have breached their work right conditions (U3.1.a.iv). We cannot decline the applicant on the breach concern as we have not raised this concern to them. Therefore we would decline on funds and leave the breach concern outstanding.

What to do with the ‘outstanding bits’

- **Do I have to mention this in the decline letter?**

Yes. This way the applicant knows that these concerns are still an issue.

Include after your conclusion they have been declined on other instructions and make it clear you were not declining on this point. There is a blurb that you can use:

While your application has been declined for the above reason, please note that our assessment around [e.g. character] have not been completed. An assessment of this will need to be completed with any future application made to Immigration New Zealand.

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What to do with the 'outstanding bits'

The generic student visa template letter for declines looks like this... What does it all mean?

Thank you for your application for a student visa - Full fee paying. We received your application on 25 January 2023.

Our decision on your application

We have declined your application for a student visa because you do not meet the requirements set out in the immigration instructions for student visas.

We have made this decision because:

- [Clearly state the reasons why you have declined the client. You must use plain English and refer to the relevant immigration instructions. Attach the relevant immigration instructions as an appendix.]

We have considered if granting of a limited visa would lessen our concerns if there are any special circumstances that would justify an exception to immigration instructions, but can find no reason to grant a limited visa or a visa as an exception.

[Use the following if there is an outstanding medical referral in progress and the applicant's medical certificate is less than three months old. Delete these instructions.]

Please note that due to the outcome of this application our assessment of your medical certificate has not been completed and will not progress further at this stage.

If you choose to reapply in the future, the medical certificate you submitted with this application will only be valid if it is less than three months old at the time you reapply. If this is the case, further assessment of your medical certificate will take place when you reapply. If your medical certificate is more than three months old when you reapply you will be required to submit a new medical certificate.

This is where your decline letter content goes, following the 'SEXC' method if onshore, or following the 'SWAY' method if offshore.

If your applicant has submitted a medical (CXR/GMC) with the application that is LESS than 3 months old and has no assessment outcome in IHS (i.e. ASH), include this blurb in your letter.

What to do with the ‘outstanding bits’

[Use the following if there is an outstanding medical referral in progress and the applicant’s medical certificate is more than three months old. Delete these instructions.]

Please note that due to the outcome of this application our assessment of your medical certificate has not been completed and will not progress further.

As the certificate submitted with this application is now more than three months old you will need to submit a new medical certificate with your application if you choose to reapply in the future.

[Use the following section if you are declining a visa ONSHORE and the applicant is eligible for reconsideration. Delete these instructions.]

Requesting reconsideration of this decision

You may be able to request reconsideration of this decision. To do so, you must meet **all** of the following criteria:

- Be lawfully in New Zealand
- Make the request in writing
- Submit your passport or certificate of identity
- Pay the reconsideration application fee
- Make the request no later than 14 days after the date you received notice of our decision to decline your application.

[Use the following section if you are declining a visa ONSHORE. Delete these instructions.]

Liability for deportation and appeal rights

[Use the next paragraph if the applicant had a valid interim visa when you declined the application. Delete these instructions.]

You were granted an interim visa while awaiting a decision on your student visa application. The expiry date of your interim visa is . If you remain in New Zealand after your visa expires, you will be unlawfully in New Zealand and will be liable for deportation. If this happens, your unlawfulness and liability for deportation will begin on the second day after the expiry date of your interim visa.

If you do not leave voluntarily before you are served with a deportation order, you may be prohibited from returning to New Zealand in the future.

[Use the next paragraph if the applicant had an interim visa which expired before you declined the application. Delete these instructions.] You were granted an interim visa while awaiting a decision on your student visa application. The expiry date of your interim visa was . On the second day after this expiry date you became unlawful in New Zealand and liable for deportation. You must arrange to leave New Zealand immediately.

If you do not leave voluntarily before you are served with a deportation order, you may be prohibited from returning to New Zealand in the future.

If your applicant has submitted a medical (CXR/GMC) with the application that is **MORE** than 3 months old and has no assessment outcome in IHS (i.e. ASH), include this blurb in your letter,

If your applicant is in onshore when you are to decline the application, you must keep the following blurb. Under E7.35.1, onshore applicants have a right of reconsideration if their onshore application for a temporary visa is declined. We therefore inform them of this right.

If your applicant is in onshore when you are to decline the application and is holding a valid interim visa, you must include this blurb. Note that you are required to enter in the interim visa expiry date... more on this later!

If your applicant is in onshore when you are to decline the application and their interim visa expired over the processing of the application, you must include this blurb.

What to do with the ‘outstanding bits’

[Use the next paragraph if the applicant still holds a valid temporary visa. Delete these instructions.]

The expiry date of your current visa is [ENTER EXPIRY DATE OF CURRENT VISA AS STATED IN THE VISA LABEL OR EVISA]. If you are not eligible for a further temporary visa, you should arrange to leave New Zealand before your visa expires.

If you are not granted a further [visa](#) and remain in New Zealand after your current visa expires, you will be unlawfully in New Zealand and will be liable for deportation. If this happens, your unlawfulness and liability for deportation will begin on the second day after the expiry date of your visa.

[Use the next paragraph if the applicant's temporary visa expired and they were NOT granted an interim visa. Delete these instructions.]

The expiry date of your most recent visa [was](#). On the second day after this expiry [date](#) you became unlawful in New Zealand and liable for deportation. You must arrange to leave New Zealand immediately.

If you do not leave voluntarily before you are served with a deportation order, you may be prohibited from returning to New Zealand in the future.

[Use the following section if you are declining a visa ONSHORE. Delete these instructions.]

If you do not request reconsideration of our decision to decline you a visa, you may appeal against your liability for deportation on humanitarian grounds no later than 42 days after first becoming unlawfully in New Zealand.

If you do request reconsideration of our decision to decline you a visa, you may appeal against your liability for deportation on humanitarian grounds up to the later of either:

- 42 days after first being unlawfully in New Zealand, or
- 42 days after receiving the decision to decline your reconsideration request (if your request is declined)

More information on how to appeal to the Immigration and Protection Tribunal is available at <https://www.justice.govt.nz/tribunals/immigration/>

[Use the following section if you are declining a visa OFFSHORE. Delete these instructions.]

Requesting a Reconsideration

There is no right of appeal or reconsideration against a decision on a temporary entry class visa application made outside of New Zealand.

If you have new information that has not been considered by INZ, you can submit a further application. This would be considered on its merits and would need to show that you meet all relevant New Zealand government immigration instructions.

If your applicant is holding a temporary visa and you are to decline their subsequent application, please include this blurb. Note that you are required to enter the expiry date of the visa they current hold. You can do this be checking the visa tab.

If your applicant is in onshore when you are to decline the application and they were not granted an interim visa, please include this blurb.

If your applicant is in onshore when you are to decline the application, you must include this blurb. We have an obligation to advise onshore applicants of their ability to appeal deportation liability.

If your applicant is in offshore when you are to decline the application you must include this blurb. This is because E3.75 states that we are not legally obligated to reconsider offshore applications.

What to do with the ‘outstanding bits’

Interim visas

- When you are processing an onshore application and the applicant holds a valid interim visa, the currency of the interim visa is 6 months.
- However, when you decline the application, the currency of the interim visa shortens to 21 days. This is in line with I1.15(b)(ii).
- To ensure that the interim visa expiry date is correct in your decline letter, you must decide the application in AMS first, check the visa tab to see the new interim expiry date, and then add this date into the following blurb.

[Use the next paragraph if the applicant had a valid interim visa when you declined the application. Delete these instructions.]

You were granted an interim visa while awaiting a decision on your student visa application. The expiry date of your interim visa is . If you remain in New Zealand after your visa expires, you will be unlawfully in New Zealand and will be liable for deportation. If this happens, your unlawfulness and liability for deportation will begin on the second day after the expiry date of your interim visa.

If you do not leave voluntarily before you are served with a deportation order, you may be prohibited from returning to New Zealand in the future.



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Decline FAQs

There is always more to know....



Decline FAQs - What else do I need to know?

If a new valid home country police certificate has been provided and the application is to be declined, do I still need to enter the PC through the determination tab?

Yes please! All new valid home country PCs that have been provided should be entered through the determination tab before an application is decided. The PC would remain valid for a subsequent application even though the current application is being declined.

What about with medicals?

When an application is declined CXR and/or GMC remains valid for the next application so please make sure to add the health outcome to AMS under your application.

However, if the IHS health case for that application has not yet been assessed (i.e. it has no 'assessment outcome' in IHS), the IO will need to contact the HAT in writing (email HAT@mbie.govt.nz) as soon as possible to advise them that the visa application has been declined for reasons other than health and unlink the application if the function is available. The client's details need to be provided as part of this request.

HAT will stop processing the health case, removing the case from the medical assessment queue (for referral to a Medical Assessor). The HAT will finalise the health case (the health case will have an assessment outcome of 'Incomplete') and no further assessment of the health case will take place as part of the application.

The officer may then record the health outcome in the AMS Health Details for the application as 'Terminated' and complete the processing of the visa.

Decline FAQs - What else do I need to know?

What if I have done verification before I declined the application?

Complete the RVIF in your VAT to show what verification activities have been completed. Once the application has been declined, please still submit the RVIF form.

If a 'deal breaker' is identified (meaning it does not appear instructions will be met), do not proceed with unnecessary risk treatment/verification activities.

What is the decline process if I have a family? How does this work?

Onshore – If you PPI the primary applicant, you then must PPI other family members.

Offshore – If you decline the primary applicant, you would then proceed to decline the rest of the family.

Eligibility for a visa as a partner/dependant of a [student/worker]

You have applied on the basis of being a [partner/dependent] of a [student/worker]. We have sent your partner a letter advising we have concerns in relation to their application. Please note if their application is declined, your application will likely also be declined on the basis you do not meet [WF4.1/WF3.1/V3.10]. If you have any comments about this please include this with your response to this letter.

Decline FAQs - What else do I need to know?

Do not send the letter before writing your final VAT rationale and deciding the application in AMS. Why would this be?

Following this process should ensure you are not declining on information/instructions you did not include in your PPI – which we have had complaints about!

If the application was declined on character, does the applicant need to see a copy of the waiver assessment?

Yes please! Please attach a copy of the decline character waiver assessment at the end of the decline letter.



Resources

We strongly recommend going through these resources:

[Services | Writing](#) including MBIE writing style guide

<http://thelink/services/communications/Documents/mbie-writing-style-guide.aspx>;

[INZkit Style guide A to Z.](#)

For guidelines for standard AMS input including the list of acceptable abbreviations and acronyms:

[IAC 10-04 Guidelines for Standard AMS input](#)

[Visa pak 129](#) - Processes relating to information that is not potentially prejudicial information

Sharepoint – Writing and Comms folder

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White board check

Any outstanding questions?



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Thank you for coming!

That's all folks!



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Ready for Rationale: Writing Principles

July 2023

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**MINISTRY OF BUSINESS,
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[New Zealand Government](#)



**NEW ZEALAND
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Agenda for today:

Brilliant at the Basics

An aside: facts vs
opinions

Rationale Structure

Bona fides – Simple.
Right?

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**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

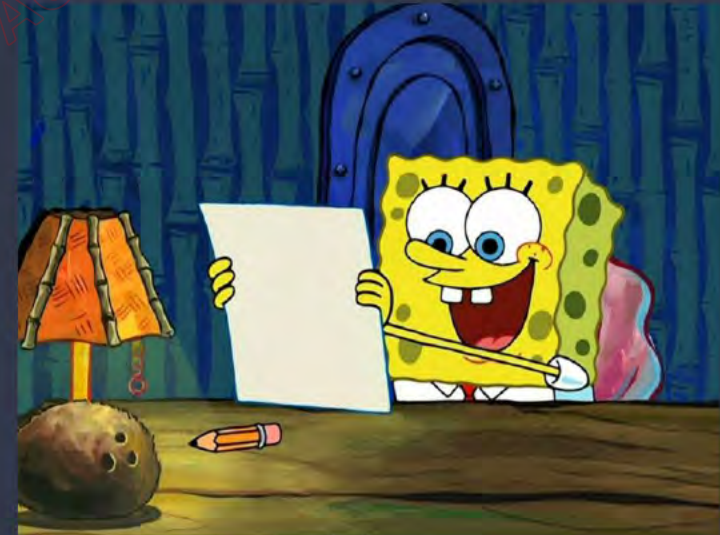
New Zealand Government



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Brilliant at the Basics

General Writing Principles



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When do we need to use our writing skills as IOs?

- Communication with clients.
- Rationale (explaining our decision within our assessment notes).
- RFI and PPI letters.
- Decision letters (particularly decline letters).
- Writing No Surprises Factsheets or Character Waiver assessments.
- Reviewing communications and checking other letters for colleagues.



Why is good writing important?

Have you ever received a poor letter from an organisation?
What happened?

What are the advantages of writing good letters?

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INZ's key principles for customer interactions

1. Customer interactions must always adhere to legal and privacy obligations.
2. Efficient methods of communication are preferred.
3. Online channels of communication are preferred to physical communications.
4. Customer circumstances that impact their ability to use particular communication channels should be considered.
5. Communication methods should remain consistent across the visa application process.
6. Communications should be consolidated into the fewest possible number of interactions and interactions should not be duplicated.
7. The timeframes given to customers to respond to communications should be standard across INZ offices.
8. Language used in communications must be simple and clear.
9. Standard templates and formats should be used in customer interactions.
10. Each communication with a customer must be recorded in AMS notes.

Recording communications with clients

- We must record all communications with clients in AMS:
 - Emails, copied into AMS, including addresses and time sent (best as a separate note).
 - Phone conversations, either transcripts or summaries (recommend pasting in AMS as a separate note).
- What could the reasons for this be?
- See E7.16 Documenting decisions, Customer Interactions SOPs and IAC 17-01



It's the little details that count...

- Write dates as date, month, year in full when presenting dates to an applicant. For example, 10 September 2004.
- Make sure you always double check your dates in assessments and correspondence that is to be issued.
- Do not use contractions. They can be difficult to understand for people who have low levels of English literacy.
- Put both the currency code and currency symbol before any monetary amounts. E.g. If you are a United States citizen, you pay USD\$640.
- Stay away from writing in short hand. Short simple sentences are great. Incomplete sentences... not so much!
- Record relationships accurately.
- Double check your spelling and grammar.
- Bullet points might be appropriate in some instances.



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Keep it simple! – Cut out redundant words

Simplicity increases what scientists call the brain's "processing fluency." Short sentences, familiar words, and clean syntax ensure that the reader does not have to exert too much brainpower to understand your meaning.

Redundant words repeat what is already being said – e.g.

- *forward planning (isn't all planning about the future?)*
- *past experience (isn't all experience about the past?)*
- *approximate estimate (an estimate is always approximate)*
- *the reason is because... (choose one or the other, not both).*



Keep it simple! Avoid the use of jargon

Every specialised occupation, from surfing to the public service, generates jargon.

Jargon is words and phrases that are not commonly understood or that are used in an unusual way. Jargon can confuse and alienate the reader. It is better to use more commonly understood alternatives.

Here are some examples:

Avoid	Alternative
commence	start, begin
with due regard to	considering
operationalise	do
moreover	and
transition	change, move
prior to	before



Pause! Make sure these basics are covered

Questions to ask yourself before finalising rationale:

- Have you proof read it? Reading aloud often helps.
- Could I understand it if I did not work at INZ or if English was my second language?
- If you are sending a letter, has the client got all the information they need to make an appropriate response?
- Is it concise? Use the “elevator test”. Imagine you were in a lift with your TA/IM and only have 30-40 seconds to explain your decision – what would you say?
- Does it have a neutral tone?

What else could you do to ensure that you have covered the basics?

Finally, remember these notes should be able to be understood by someone outside of the business.



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An aside: Fact vs opinion

Supporting our decisions



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What is a fact?

A **fact** is a statement that is true, that has been proven objectively. A fact is backed by evidence or documentation, and can be verified. Facts are shown with unbiased words.

Synonyms: certainty, reality, actuality.

For example:

"His academic transcript shows that his attendance rate for his last course was 91%."

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What is an opinion?

An **opinion** is a subjective statement that expresses a person's feelings, attitudes or beliefs and cannot objectively proven.

Synonyms: Judgement, belief, view

For example:

"His attendance rate was poor."



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Facts versus opinions – a comparison

	FACT	OPINION
Definition:	A fact is something that can be verified or proven to be true	An opinion refers to a judgement or belief of something.
Based on:	Observation, research, data, evidence	Assumption or personal view.
What is it?	Objective reality	Subjective statement
Verification:	Possible	Not possible
Represents:	Something that happened	A perception about something
Understanding:	Universal	Changes from person to person
Word choice:	Represented with unbiased words	Expressed with biased words

What about an assumption?

An **assumption** is a statement that you believe to be true without having been proven.

Synonyms: guess, hypothesis, theory, notion.

For example:

“His attendance was low therefore it is likely he is working over and above his 20 hour work right conditions.”

Assumptions may not be immediately obvious, some may be “underlying assumptions.”

For example:

“You have not provided any joint utility bills from your previous address. Therefore we are not satisfied you are in a genuine and stable relationship.”

The assumption here is that you need to have joint bills to be in a genuine and stable relationship.

So what does that got to do with our work?

Immigration instruction A1.15 - Practical steps towards achieving fairness and natural justice in decision-making.

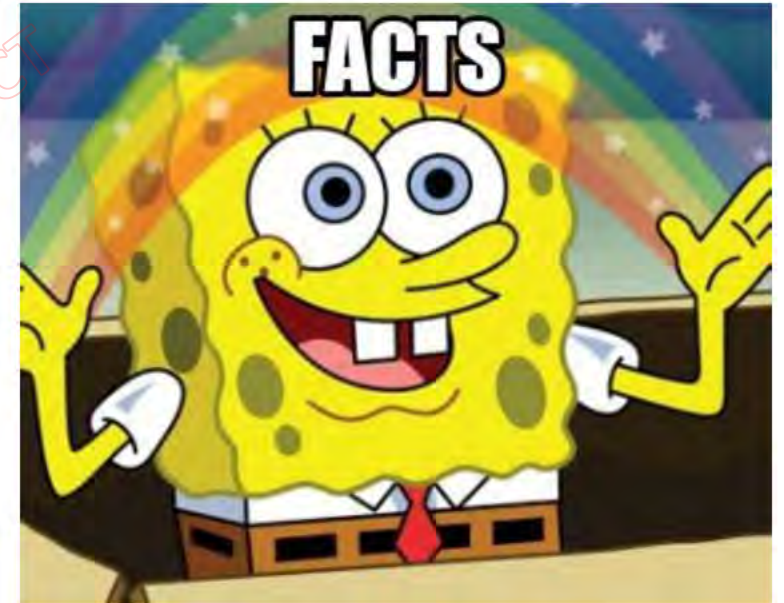
We must:

c) distinguish fact from opinion, rumour, allegation, assumption or report.

We work with facts. We need to use objective evidence to support our decision.

In some cases, our decisions are opinions but we must use objective facts to support these.

- Remember you must also ask yourself - are they relevant facts?
- Rationale and letters should be accurate and logical





Quiz: Fact, Assumption, or Opinion?

Are the following statements fact, assumption, or opinion?

“The applicant has been in New Zealand since 2009. The applicant has a New Zealand resident brother. Therefore the applicant has some ties to New Zealand.”

- Fact

“While the applicant, lawyer and advisor all comment that the applicant would not offend again, it is too early to confidently agree with their comments.”

- Opinion.
- Could this be reworded to be factual?

“While the applicant appears remorseful for his actions that lead to the conviction, the advisor appears to blame INZ for taking so long with the application as the reason why the applicant had a drink, and then states that it was only unfortunate that the police pulled the applicant over as he was not driving recklessly.”

“The applicant doesn’t appear to have taken responsibility for the conviction.”

- Both sentences are opinions. Could these be reworded to be factual?

Quiz: Fact, Assumption, or Opinion?

Are the following statements fact, assumption, or opinion?

“The applicant has received multiple cash deposits in their bank statement over the last three months. It is likely that the applicant has been working for cash.”

- Assumption

“The applicant has provided an ANZ bank statement dated 15 July 2023 showing a balance of \$459.87 as of this date.”

- Fact

“You arrived in New Zealand in Jan 2018 with the stated intention of accompanying your daughter. We think you are using your daughter as an excuse to remain in New Zealand, and you don’t actually want to study your stated course.”

- Assumption

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Quiz: Fact, Assumption, or Opinion?

Are the following statements fact, assumption, or opinion?

“The applicant’s confirmation of enrolment from University of Auckland shows that the applicant is enrolled in one paper for semester one. The applicant's transcript shows that he has completed 145 credits of his 360 credit course. As the applicant is not enrolled in the last semester of his course and is enrolled part time, he does not appear to meet instructions for the grant of a student visa.”

- Fact

“As the applicant shares the same last name as her sponsor and her sponsor is not listed on her birth certificate, it is likely that the sponsor is her cousin brother.”

- Assumption

“The applicant has previously studied low level courses and therefore does not appear to be academically suited for a bachelor’s course.”

- Opinion

Take a break!



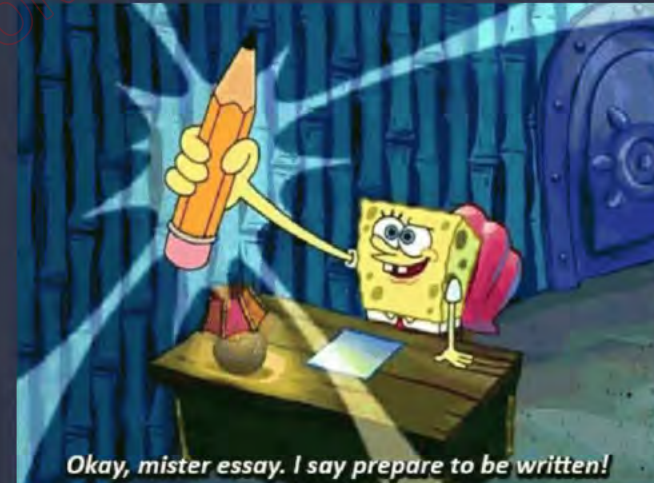
See you soon!



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Rationale structure

Creating a solid foundation for your decision



Importance of Rationale

Rationale is an explanation of the basis or fundamental reasons for something.

For visa processing, it provides an explanation and the basis for deciding whether to approve or decline a visa application.

Rationale is important because it explains not only the decision but how you got there – the journey not just the destination.

We want to make our journey as clear for our traveller (the reader) as possible. Think of it this way:

When rationale is unclear, repetitive, or lacks structure, it can read like a tornado. The traveller may get to the destination in the end, but the journey of getting there was messy, confusing, and unclear.

Rationale that follows a clear structure and is well written, accurate, logical, and complete, is like driving down a straight train track. The reader comes away with a thorough understanding of **what** the issue is, **what** the response was, and **what** has been considered in your decision, and **why** the evidence provided has not alleviated your concerns. Essentially, our traveller departs the train at the end of the track understanding how they got there and what sights they passed along the way!



WALC Principles (the overarching principles of rationale)

Well Written

- Concise
- Structured
- Correct Spelling/Grammar
- Neutral Tone (doesn't appear to be predetermining or accusatory)

Accurate

- Details correctly recorded
- Correct instructions
- Clear summaries that are a true reflection of information

Logical

- Conclusions show clear link between evidence and instructions
- Consistent
- Free from contradictions

Complete

- All instructions assessed
- All information considered
- All required actions done

Summarising - the ‘what’ and the ‘why’

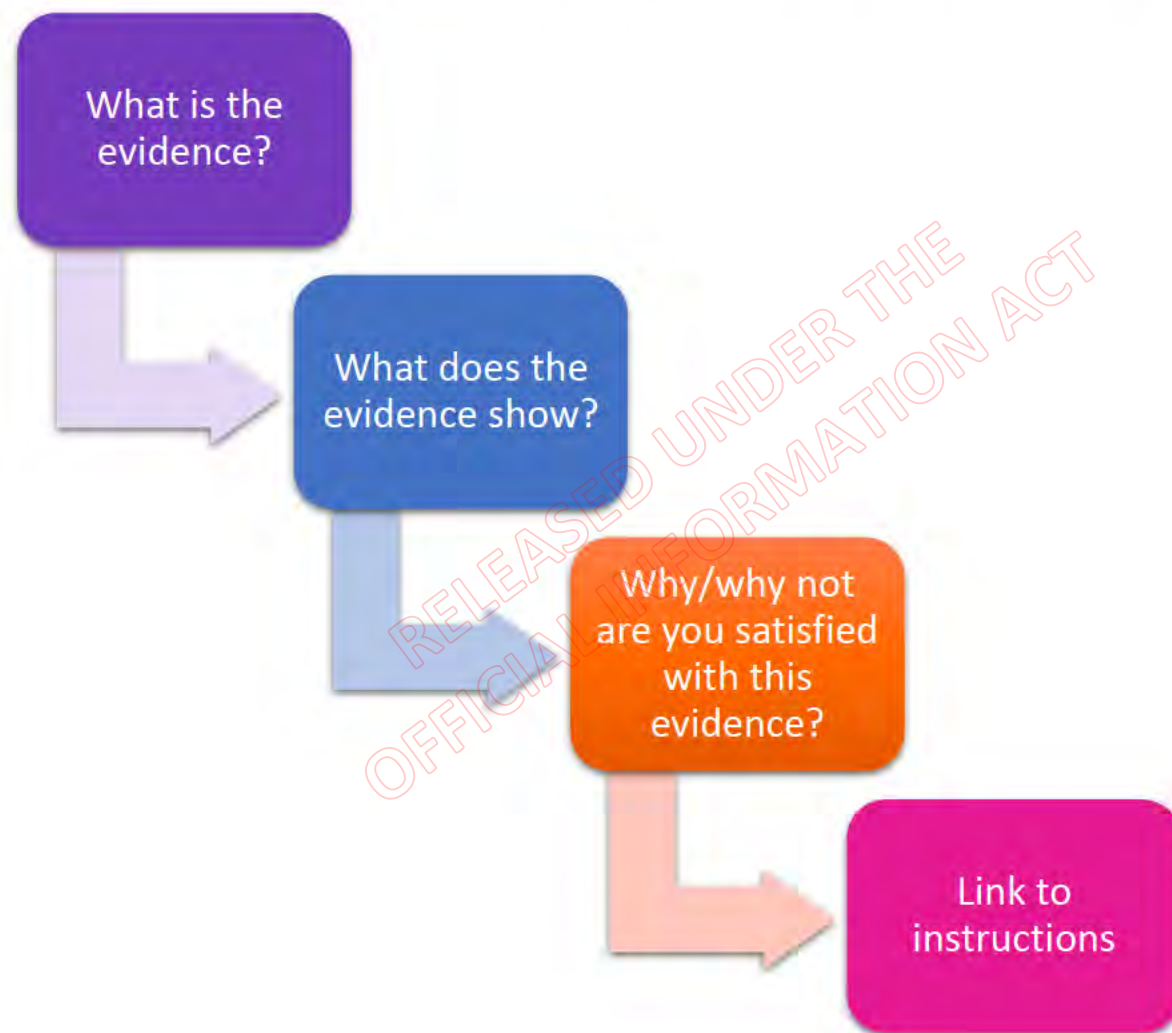
- Should be as brief as possible whilst still covering all relevant information provided.
- You may choose to highlight or note relevant points as you read through the evidence provided.
- This should be objective and an accurate reflection of the applicant’s evidence.
- Read the evidence in full first before attempting a summary, rather than summarise as you go.
- **What** – notes need to clearly cover what the concerns are, what instructions these relate to.
- **Why** – notes also need to clearly state why the evidence has/hasn’t met instructions, and why an exception is/isn’t justified.

E7.16 Documenting decisions

See also Immigration Act 2009 s 27

- a. Except as otherwise provided in the Immigration Act 2009, all immigration officers must observe the following procedures to ensure that decisions on applications for temporary entry are properly documented:
 - i. make all file records (particularly file notes and instructions) accurate, clear, complete and factual; and
 - ii. give all decisions on applications in writing to applicants (or their representatives) (see [E7.35\(b\)](#)); and
 - iii. state the full reasons for the decisions (without prejudicing any risk profiles); and
 - iv. if an applicant does not meet the requirements of the relevant immigration instructions on several grounds, the letter declining their application must state why the applicant fails on each count.

Basic structure of assessment rationale



Rationale structure in action - Funds

Our rationale should be clear as to:

- What is the evidence provided?
- What does the evidence show?
- Why/why not are you satisfied with this evidence?
- Link to instructions.

Here is an example of a funds rationale following this:

Applicant has provided an ANZ bank statement in their name showing a balance of \$463.78 as of 27/04/2023.

Based on the evidence provided, the applicant does not appear to have sufficient funds for his maintenance for the duration of his one year programme.

The applicant currently does not appear to meet U3.20.30.

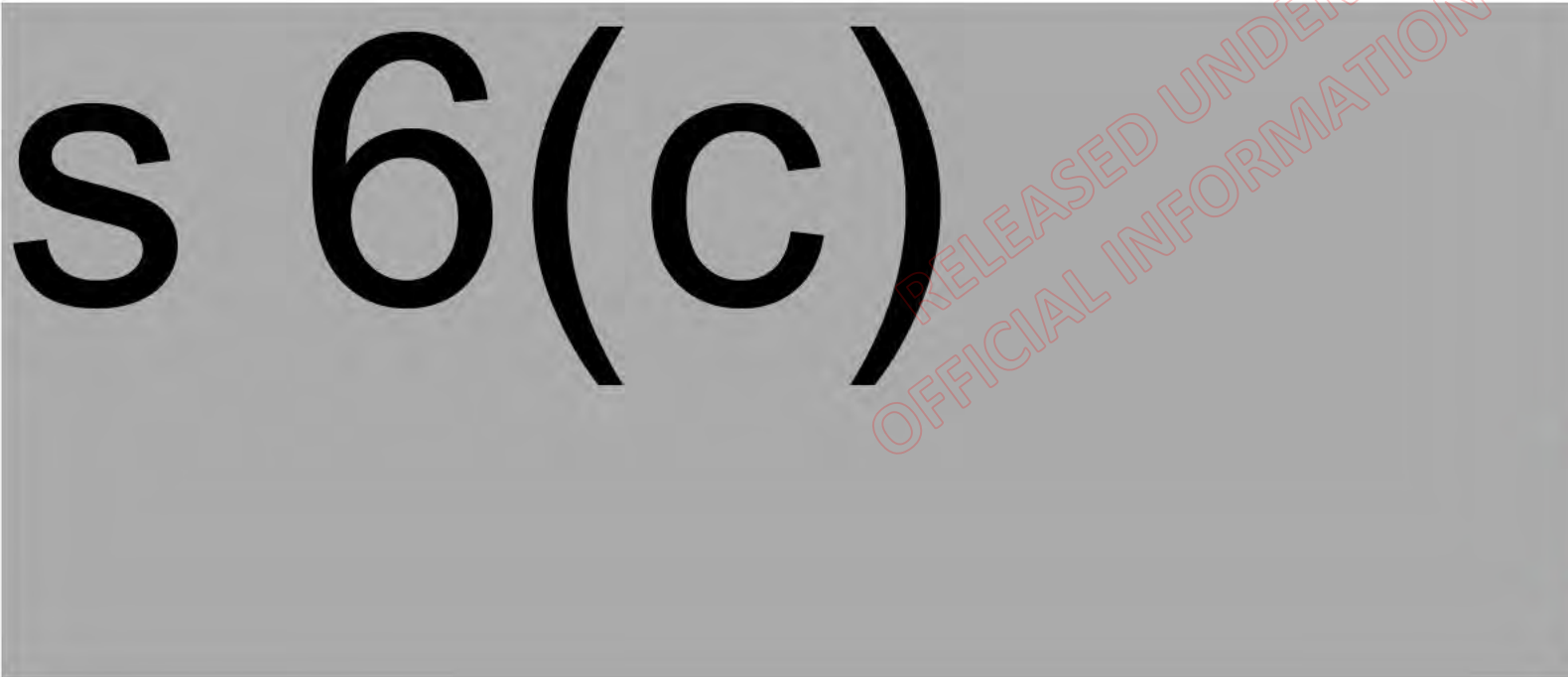
Rationale structure in action – Funds

FUNDS FOR MAINTENANCE AND OUTWARD TRAVEL (INSTRUCTION U3.20 &U3.25)

Evidence of funds provided: Funds held by, or on behalf of student

Satisfied the applicant has sufficient funds for maintenance? (U3.20): No, see comment below

Satisfied the applicant has an outward ticket or sufficient funds for outward travel (U3.25)?: No



What is the evidence?

What does the evidence show?

Rationale structure in action - Funds

After considering the evidence provided, I have concerns about the ability of the applicant's father to repay the loan, support himself, and support his son in New Zealand. Therefore, I have concerns about the genuine accessibility of the loan.



Why IO is not satisfied with this evidence

It is also noted that this is a private bank loan, and the loan is not able to be independently verified. Therefore, I am not satisfied the funds presented from his father are genuinely available for the applicant for his maintenance requirements in New Zealand.



Link to instructions

As his brother does not hold sufficient funds alone in his ANZ bank statements for the applicant's maintenance, the funds requirement has not been met and the application will be declined on U3.20.

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Examples in action

Review the rationale on the following examples and consider whether they meet the WALC principle:

- Are they well written? Do they read well?
- Are they accurate? Factual?
- Are they logical? Conclusions based on instructions and evidence?
- Are they complete? Everything covered? Are the decisions justified?

<u>W</u> ell Written	<ul style="list-style-type: none">• Concise• Structured• Correct Spelling/Grammar• Neutral Tone (doesn't appear to be predetermining or accusatory)
<u>A</u> ccurate	<ul style="list-style-type: none">• Details correctly recorded• Correct instructions• Clear summaries that are a true reflection of information
<u>L</u> ogical	<ul style="list-style-type: none">• Conclusions show clear link between evidence and instructions• Consistent• Free from contradictions
<u>C</u> omplete	<ul style="list-style-type: none">• All instructions assessed• All information considered• All required actions done

Example rationales – good or needs improvement?

PPI required: U3.20, Insufficient funds provided

RESPONSE TO PPI

PPI date has now passed and no response has been received.

As the applicant has not provided new evidence of funds, I am not satisfied they hold or have access to sufficient funds for the duration of their programme as per U3.20.

Decline

Student Visa instructions not met.

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Example rationales – good or needs improvement?

ACTION: PPI on previous visa conditions breached U3.1 (progress and attendance).

RESPONSE TO PPI AND FURTHER ACTION

PPI response letter received from adviser. He has stated:

“In the PPI letter you have raised your concern about Master Rudolph's unsatisfactory progress. Actually, Master Rudolph has always been a hard working student which can be seen from the teacher's comments such as “he worked hard”, “Rudolph is a polite and sincere student who has worked diligently”. The reason why he did not manage to achieve satisfactory progress was mainly because he is not adept in number-related subjects yet unfortunately almost all the subjects he chose were number-related. Moreover, Master Rudolph lacked the foundation of Economics and Accounting as there are no such subjects in secondary school in the North Pole. Therefore, Master Rudolph was struggling with those subjects especially as they were delivered in English.

Master Rudolph put extra efforts in his study instead of giving up. However, when he was preparing for the final exam and the study was getting increasingly intense Master Rudolph was seriously ill with fevers and coughing in September, and the symptom lasted for nearly a month. Master Rudolph had to rest at home for more than a week, which caused greater difficulty for him to catch up in study.

Please kindly note that despite of unsatisfactory progress in his previous study Master Rudolph has maintained a positive attitude and commitment towards study which can be seen from his attendance of 94%. Master Rudolph is more adept in communication, and he has interest in Hospitality since an early age. Master Rudolph is confident of achieving satisfactory progress in his future study with his consistent hard work and positive attitude. Moreover, Master Rudolph is determined to improve his study by seeking help from a tutor and discussing with his classmates after class if he has any confusion or difficulties in future study. It is convinced that Master Rudolph will achieve much better progress with his strength and interest in this field.”

Have reviewed response and am not satisfied that concerns have been mitigated.

Decision: DECLINE

Example rationales – PPI sent

The definition of a bona fide applicant

Immigration instructions state that in order to be granted a student visa applicants must be considered a bona-fide (or genuine) applicant. In order to consider you a bona-fide applicant we must be satisfied that you genuinely intend a temporary stay in New Zealand for a lawful purpose and will not breach the conditions of any visa granted. Please see instruction E5.1. For the evidence and factors that we consider when determining if an applicant is bona fide please see E5.5 and E5.10.

During our initial assessment of your application, we acknowledged that you provided a statement of purpose where you stated that you want to raise your current level of English as you need it for your future plans of travelling to Australia.

You advised that after finishing your intended English course you plan on returning to your home country to see your family and then after this you will go to Australia.

You advised that at the beginning of the Covid-19 pandemic, you intended on returning to your home country on 01 April 2020 and the following this you intended on going to Australia on 01 June 20 to take a 24-week English course in Gold Coast. We acknowledged that you have provided evidence of your previous flight booking with Qantas for April 2020, and Letter of Acceptance dated 21 February 2020 for General English course through Inforum Education Australia for the study dates 01 June 2020 – 22 January 2021.

You advised that your plan after studying English in Australia was to take a post-graduate course in Sport as you stated that you are an advanced student of Sports Teaching at University (ISEF) with a specialization in teaching swimming.

Although we have acknowledged your statements regarding a possible study pathway after you finish studying English in New Zealand, we have noted that you have not yet provided any submissions to support these statements.

We have acknowledged your statements regarding returning home to your family, however we noted that you have currently not provided any submissions in support of this statement that show the nature of any personal, financial, employment or other commitments you may have in your home country (E5.10.a.iv).

Therefore we are not currently satisfied that you have provided sufficient evidence to show a logical study pathway and a genuine intent to study English. Therefore we currently cannot determine whether you genuinely intend a temporary stay in New Zealand for a lawful purpose. Immigration instruction E5.1(a) not currently met.

Example rationales – good or needs improvement?

PPI RESPONSE RECEIVED - BONA FIDES - E5.1(a) TEMPORARY STAY LAWFUL PURPOSE

PA has provided a cover letter dated 20/11/2020 where she stated the following:

- s 9(2)(a)

[REDACTED]

[REDACTED]

- s 9(2)(a)

[REDACTED]

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Bona fides. Simple. Right?

*The challenges involved when applying this policy
to student applications*



Bona fides – what does it mean?

- **Why** do we have a bona fide instruction? Why do we care if an applicant is bona fide?
- **What** does 'a bona fide applicant' mean to you?
- **What** could we consider when we look at bona fides?
- **What** does a bona fide student look like?
- **What** about a non bona fide student?
 - This is a difficult question to answer as all cases are different. What factors you consider and what leads you to believe one client is bona fide will not be the same with another client.



Notes on bona fides

- Where you can go on other instructions (U3.1 for a breach), do it. Do not include bona fides as well. Keep it simple.
- Use these instructions where there is something tangible/there is evidence.
- You must link concerns directly back to instructions and specifically which part of the instruction you have concerns about.
- You may have to 'pick your battles'. If you have cases where you have real concerns but are not sure how to address these under bona fides instructions – speak to a TA about how to formulate your rationale.
- Assessing bona fides can feel challenging at times, especially when you first start processing. It is an important part of your assessment. Don't be like Frank and avoid it - remember that there are others around who can help you.
- Before we look at writing bona fide rationale – let's look at learning the context of the instructions and some common issues we come across when assessing bona fides....



Bona fide considerations

What do we do when there is not enough information?

They haven't provided enough information to make that determination; no cover letters or statement of purpose, no conditional offers for next courses. In these cases a phone interview may be ideal. We would recommend requesting supporting evidence to corroborate the statements made during the interview.

We often request cover letters/statements of purpose to garner further information around bona fides.

If one is not provided, we cannot state "your application is being declined as you did not provide a statement of purpose".

Bona fide instructions do not state that a statement of purpose is a requirement. Instead, applicants are required to provide evidence of genuine intent and lawful purpose (E5.5.1). This includes:

- Any information or submissions showing that the applicant has a legitimate need to spend time in New Zealand for a specific period
- Any documents or submissions showing that the applicant meets the requirement of the immigration instructions relevant to the type of temporary entry class visa or entry permission applied for.

We could rationalise the absence of information/limited responses to requests like this:

"Your application has declined because we are not satisfied you meet the definition of bona fide applicant. This is because....(the reason must link to instructions). We requested further information to provide you an opportunity to respond to our concerns however..."

Bona fide considerations (E5.1.a)

Do they genuinely intend a temporary stay for a lawful purpose?

Are they really here to study? Have they exhausted other options (work, partnership, visitor)? Have they provided evidence of previous study or employment that would make this a logical pathway for them? (Note we wouldn't expect a lot of academic or employment history from someone young as they are likely to be starting a career). Have they provided evidence to support their intentions?

IAC 13-09 states that an intention for a temporary stay in New Zealand means that an applicant:

- *Has applied for a visa with conditions that align with the applicant's purpose for coming to or remaining in New Zealand,*
- *Plans to abide by the conditions of the visa granted and all other immigration requirements during their time in New Zealand on a temporary entry class visa, and*
- *Will leave New Zealand before the expiry of their temporary visa if they are not granted a subsequent visa to stay.*



Bona fide considerations (E5.1.a)

Do they genuinely intend a temporary stay for a lawful purpose?

Enrolling in a course and paying fees may not be sufficient to show genuine intent and lawful purpose in some cases. If the applicant has suddenly changed their intent of stay in New Zealand, we may have concerns they have not come to New Zealand with a lawful purpose for a temporary stay.

When considering whether an applicant genuinely intends a temporary stay for a lawful purpose (E5.1.a), we should weigh and balance the evidence provided and the applicant's circumstances against all factors in E5.10 to form the full picture.

We also need to exercise caution in telling a student they have no 'legitimate need' to study in NZ.

VisaPak 105 -Statements such as "you could study English closer to home" should not be included in letters as they are based on opinion rather than immigration instructions.

Instead, if we have factual information which indicates that a student visa may not align with the applicant's purpose of coming to NZ, then we can consider using E5.5.1(a) as part of our consideration as to whether or not the applicant genuinely intends a temporary stay for a lawful purpose.

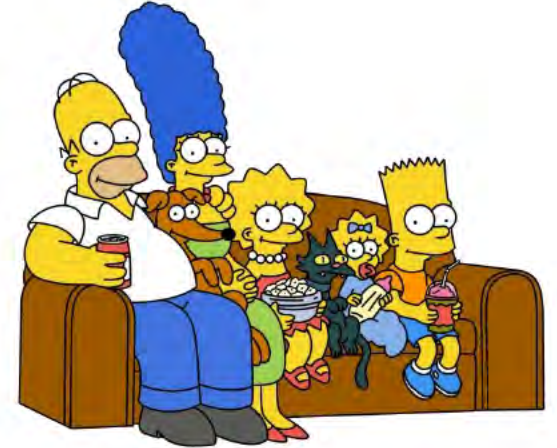


Personal Circumstances and Bona fides

- Applicants have a wide array of personal circumstances that could affect whether they are a bona fide applicant.
- These need to be assessed on a case by case basis.
- Our rationale when considering these circumstances should be framed around the evidence provided and should be linked to immigration instruction E5.10(a)(iv):

“When determining whether or not an applicant for temporary entry or entry permission is a bona fide applicant (see E5.1), immigration officers must take into account: the personal circumstances of the applicant, including but not limited to:

- *the strength of any family ties in the home country and New Zealand;*
- *the nature of any personal, financial, employment or other commitments in the home country and New Zealand;*
- *any circumstances that may discourage the applicant from returning to their home country when any visa expires.”*



Personal Circumstances and Bona fides

- We should not be using the phrase *'incentives to return home'* to summarise the personal circumstances affecting a person's application.
- This wording is commonly used by our partners from Australia in their decline letters. While we understand that it's tempting to use wording that appears to match a particular scenario and/or makes sense, IAC 13/09 states that this phrasing is not referred to in immigration instructions and should not be used as a basis of assessment.
- Instead, we should clearly state the specific circumstances of concern and logically demonstrate how those circumstances affect whether the applicant does or does not meet the 'definition of a bona fide applicant' as stated at E5.1.



Bona fides Case Study (E5.1.a)

- s 9(2)(a)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

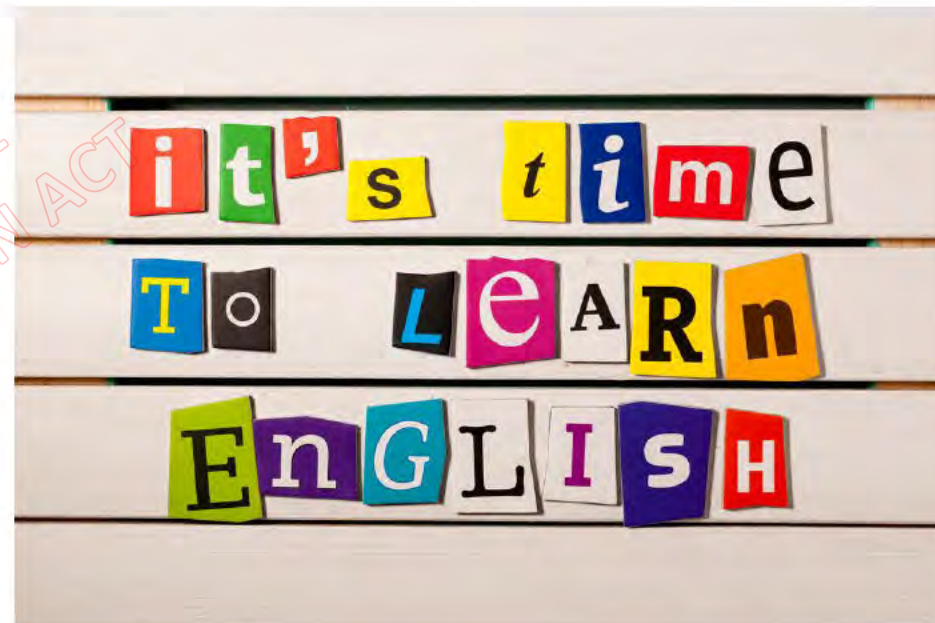
[REDACTED]

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Bona fides case study (E5.1.a)

- s 9(2)(a)

- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]

- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]

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Bona fides case study (E5.1.a)

I am not satisfied the applicant(s) is Bona Fide because:

s 9(2)(a) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



What is the evidence?

What the evidence shows

Why IO is not satisfied with the evidence

Link to instructions

What is the evidence?

What the evidence shows

Why IO is not satisfied with the evidence

Link to instructions

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Bona fide considerations (E5.1.b)

Have they previously abided by their visa conditions?

For applicants applying for student visas, we should address previous breaches of conditions under U3.1(a)(iv).

For other visa categories, we would consider the applicant's compliance with their previous visa conditions (as set out in E3.15) and consider whether they would be likely to breach the conditions of any further visa granted. You may refer to relevant information the applicant has provided previously, or which is otherwise held by INZ to help you do so.

These instructions state in the “opinion of the immigration officer.” How does that work?

E5.1b allows you as the Immigration Officer to make an ‘informed opinion’ based on facts. We must use facts to base our opinion on if we think they an applicant is likely to remain in New Zealand unlawfully, breach the conditions of any visa granted, or be unable to leave New Zealand.

A1.15 is written to provide you with the power to form an opinion (by weighing and balancing) when assessing bona fides, noting, that the opinion is based on all facts they need to consider, and in line with the principles of fairness and natural justice.



Bona fide rationale activity - 'Putting it all together'

Instructions:

- You will be provided with a starting line of bona fide rationale (**the evidence** and **what the evidence shows**).
- Your job is to create a full paragraph of bona fide rationale.
- You will be provided with multiple sentence options. One of these options is appropriate based on our learnings today, the rest are not!
- Select the sentence options that you think clearly show **why/why not you are satisfied** (further assessment) and **links to instructions** (conclusion).
- You have two minutes for the first example – your time starts now!

Bona fide rationale activity - ‘Putting it all together’

ANSWER – Example One

AMS records show that the applicant arrived in New Zealand on 18th May 2023 on visa waiver and applied for a student visa on 26th May 2023. PA has not provided any information with their application as to why they want to study a Diploma of Cookery (level 5) in New Zealand.

I have noted that PA is able to enter New Zealand on visa waiver and apply for a student visa onshore (U6.1). However, PA has not provided any evidence of genuine intent to support her current intended study pathway.

Therefore, further information is required to determine whether PA genuinely intends a temporary stay for a lawful purpose. E5.1(a) not currently met. Phone interview to occur.

Time for example two – you have two minutes. Your time starts now!

Bona fide rationale activity - 'Putting it all together'

ANSWER – Example Two

PA previously held a visitor visa general and is applying for his first student visa onshore. He has stated in his cover letter that due to the Covid-19 situation in China, he has decided to stay in New Zealand longer and will go back to China when the situation improves as he would rather learn English than do nothing.

PA has also provided a copy of an online quote from China Southern Airlines showing that a ticket from Auckland to China (Guangzhou Airport) on 28 June 2020 costs NZ \$4722.01. PA has stated in his cover letter that this is unaffordable and unworthy for one person. PA has advised that he cannot find a domestic flight from Guangzhou City to Shanghai following the same connection he took when he flew to NZ. PA has not provided any evidence to support this statement. PA stated he hopes that the situation in China improves so he can fly back at a good price. I have acknowledged that PA has provided NZ bank statements as evidence of funds that show a combined balance of \$21914.18 NZD as of 24/02/2020.

After considering PA's statements and supporting evidence, it appears that PA main intention is to wait for cheaper flights to return to China rather than study.

I have acknowledged PA's statements regarding Covid-19 in his home country; and have concerns that this circumstance may discourage PA to return home when his current visa expires (E5.10.a.iv). I am not satisfied that PA has genuinely intends a temporary stay for a lawful purpose. (E5.1(a) not met.

Time for example three – you have two minutes. Your time starts now!

Bona fide rationale activity - ‘Putting it all together’

ANSWER – Example Three

s 9(2)(a)

Considering the limited evidence provided to support PA’s stated intentions, I am not satisfied that PA has provided sufficient evidence of genuine intent or lawful purpose.

Therefore, I am not currently satisfied that PA genuinely intends a temporary stay for a lawful purpose. PA currently does not meet E5.1(a).

Bona Fides Checklist

(If you don't think your case doesn't meet these requirements but you still have concerns – then check with a TA)

Could you have used U3.1? If so – do it instead (not as well as)

Have you explained which part of the bona fide instruction they do not meet? i.e.,
Have you explained the WHAT?

Have you explained how the evidence provided or the facts you have raised show they do not meet the instruction? i.e., Have you explained the WHY and is it clear?

Have you used facts to come to your opinion (conclusion)?



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Wrap up!

What is one thing that you have learned today?



Resources

We strongly recommend going through these resources:

[Services | Writing](#) including MBIE writing style guide

<http://thelink/services/communications/Documents/mbie-writing-style-guide.aspx>;

[INZkit Style guide A to Z.](#)

For guidelines for standard AMS input including the list of acceptable abbreviations and acronyms:

[IAC 10-04 Guidelines for Standard AMS input](#)

Assessing bona fide criteria: [IAC 13-09 Assessing bona fide application criteria](#)

Sharepoint – Writing and Comms folder.

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Any questions?

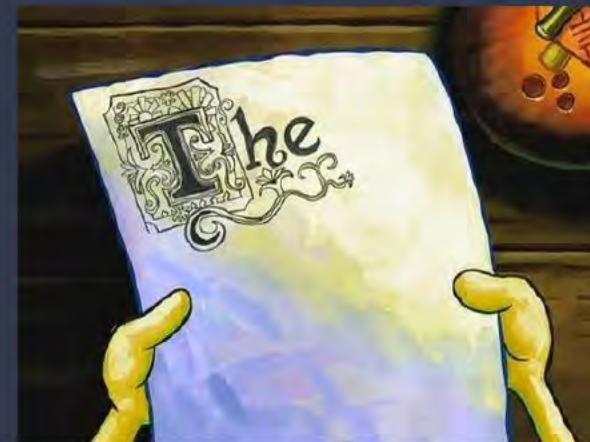




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Thank you for coming!

That's all folks!



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STUDENT – DEPENDANT OF A WORKER

Application Number:
Touch/Risk Level: Choose an item.

IDENTITY INFORMATION
Satisfied ID confirmed? Choose an item.
Identity comments:

HEALTH (INSTRUCTION A4)
Significant health issues declared?
Medical certificate provided, clear and valid?
Satisfied applicant meets health instructions?

FALSE, MISLEADING OR WITHHELD (FMW) INFORMATION (58(6) OF ACT OR INSTRUCTION A24)
Has false, misleading or withheld information been identified? Choose an item.
Description of the suspected false, misleading or withheld information:
Comment (if any) of the applicant or their agent:
Outcome: Choose an item.
Comments/Reason for outcome:

CHARACTER (INSTRUCTION A5)
NSC required? Choose an item.
Character issues declared?
All required PCs provided (NZPC, home and third country), clear and valid? Choose an item.
Details:
Satisfied character requirements met?

ASSESSMENT
Dependant of AN:
Satisfied applicant meets the definition of a dependent child and that the right to remove the child has been established (if there is one parent not included in the application):
Work Visa type:
Guarantees of accommodation and/or maintenance: Choose an item.
If the application is dependent on an ES or RW work visa, Is the minimum income threshold met (U8.20.5)
Work rights granted: Choose an item.

BONA FIDE (E5)
Satisfied applicant(s) is bona fide:

AMS ALERTS/WARNINGS
AMS Alerts/Warnings present: Choose an item.

RISK (PROCESS)
Risk identified: Choose an item.
Satisfied risk acceptable?
FURTHER INFORMATION
Any further information required to make a decision? Choose an item.
Details:
EXCEPTION TO INSTRUCTIONS
Exception to instructions: Choose an item.
DECISION
Choose an item.
Visa to be granted, in line with parents WV, until: Click here to enter a date.
APPLICANT ADVISED
Applicant advised of decision by approval letter/e-visa
Transfer required: Choose an item.

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STUDENT – DEPENDANT OF A STUDENT

Application Number:
Touch/Risk Level: Choose an item.

IDENTITY INFORMATION
Satisfied ID confirmed? Choose an item.
Identity comments:

HEALTH (INSTRUCTION A4)
Significant health issues declared?
Medical certificate provided, clear and valid?
Satisfied Applicant meets health instructions?

FALSE, MISLEADING OR WITHHELD (FMW) INFORMATION (58(6) OF ACT OR INSTRUCTION A24)
Has false, misleading or withheld information been identified? Choose an item.
Description of the suspected false, misleading or withheld information:
Comment (if any) of the applicant or their agent:
Outcome: Choose an item.
Comments/Reason for outcome:

CHARACTER (INSTRUCTION A5)
NSC required? Choose an item.
Character issues declared?
All required PCs provided (NZPC, home and third country), clear and valid? Choose an item.
Satisfied character requirements met?

ASSESSMENT
Dependant of AN:
Satisfied applicant meets the definition of a dependent child and that the right to remove the child has been established (if there is one parent not included in the application):
Eligible under U8.25 (i.e. parent is studying a PhD, government exchange or NZAID scholar):
Evidence of funds provided and satisfactory (U3.20):
Work rights granted: Choose an item.
BONA FIDE (E5)
Satisfied applicant(s) is bona fide:

AMS ALERTS/WARNINGS

AMS Alerts Warnings Present: Choose an item.

RISK (PROCESS)

Risk Identified: Choose an item.

Satisfied risk acceptable?

FURTHER INFORMATION

Any further information required to make a decision? Choose an item.

Details:

EXCEPTION TO INSTRUCTIONS

Exception to instructions: Choose an item.

DECISION

Choose an item.

Visa to be granted, in line with parents SV, until: [Click here to enter a date.](#)

APPLICANT ADVISED

Applicant advised of decision by **approval letter/e-visa**

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Choose an item. **STUDENT VISA ASSESSMENT**

Application Number:
Risk Level: CHOOSE AN ITEM.

TOTAL TIME IN NZ (INCLUDING TIME SPENT AND PROPOSED VISA TIME)
Choose an item.

IDENTITY INFORMATION
Satisfied ID confirmed? (A2.1/A13.1) Choose an item.
Identity comment:

HEALTH (INSTRUCTION A4)
Significant health issues declared? Choose an item.
IHS case outcome: Choose an item.
Satisfied applicant meets health instructions? Choose an item.
Applicant intends to hold health insurance? Choose an item.
Health comment:

FALSE, MISLEADING OR WITHHELD (FMW) INFORMATION (58(6) OF ACT OR INST'N A24)
Has false, misleading or withheld information been identified? Choose an item.
Description of the suspected false, misleading or withheld information:
Comment (if any) of the applicant or their agent:
Outcome: Choose an item.
Comments/Reason for outcome:

CHARACTER (INSTRUCTION A5)
NSC: Choose an item.
Character issues declared? Choose an item.
PC from NZ: Choose an item.
PC(s) from country of citizenship: Choose an item.
PC(s) from Third Country or Dual Citizenship: Choose an item.
Satisfied character requirements met? Choose an item.
Character comment:

UNCONDITIONAL - OFFER OF STUDY (U3.5)/CONFIRMATION OF ENROLMENT (U3.7)	
Student type: Choose an item.	
Study level: Choose an item.	
Course name and Level:	
Course Start Date: day/month/year	Course End Date: day/month/year
Acceptable offer (U3.5c or U3.7, & U5.1b): Choose an item.	

Amount Fee paid (U3.10): Choose an item.
Date Fees Paid: day/month/year
Fee paid until: day/month/year
Conditional offer for subsequent study: n/a
Study comment:

ACCOMMODATION AND GUARDIAN REQUIREMENTS (U3.30 & U3.15)
Guardian: Choose an item.
Accommodation: Choose an item.
Comment:

ATTENDANCE AND PROGRESS (INSTRUCTION E3.20(c)&(d))
Study history: Choose an item.
Acceptable progress: Choose an item.
Acceptable attendance: Choose an item.
Comment:

FUNDS FOR MAINTENANCE AND OUTWARD TRAVEL (INSTRUCTION U3.20 & U3.25)
Homestay fee paid?: Choose an item.
Evidence of funds provided: Choose an item.
Satisfied the applicant has access to sufficient funds that are from a genuine source and genuinely available? (U3.20): Choose an item.
Satisfied the applicant has an outward ticket or access to sufficient funds for Outward Travel (U3.25)? Choose an item.
Funds comment:

BONA FIDE (E5)
Satisfied applicant(s) is bona fide: Choose an item.
Bona fide comment/rationale:

AMS ALERTS/WARNINGS
AMS Alerts Warnings Present: Choose an item.
Comment:

RISK (PROCESS)
Risk identified? Choose an item.
Comment:
Satisfied risk acceptable/mitigated? Choose an item.

FURTHER INFORMATION

Any further information required to make a decision? Choose an item.

Comment:

EXCEPTION TO INSTRUCTIONS (ETI)

Exception to instructions: Choose an item.

Comment:

DECISION

Choose an item.

Comment:

WORK RIGHTS (U13)

Eligible for work rights? Choose an item.

Comment:

- 20 hours per week (U13.15.1)
- Full time during Christmas/New Years vacation period (U13.15.5)
- Full time during scheduled vacations (U13.15.10)
- Masters/PHD - Unlimited work rights (U13.15.15)
- Secondary School - Up to 20 hours per week (U13.10)
- Secondary School - Christmas/New Years vacation period (U13.10)
- To fulfil course requirements (U13.5)

TRAVEL CONDITIONS

Visa start date: Choose an item.

First entry date: Specified date - as follows:

Visa to be granted to (U6.30): Click or tap to enter a date.

Transfer required: Choose an item.

APPLICANT ADVISED AND ADMINISTRATION

Applicant advised of decision by Choose an item.

Select if relevant

Original documents returned: Yes - document list, address and tracking info below

Choose an item. **STUDENT VISA ASSESSMENT**

Application Number:
Risk Level: CHOOSE AN ITEM.

TOTAL TIME IN NZ (INCLUDING TIME SPENT AND PROPOSED VISA TIME)
Choose an item.

IDENTITY INFORMATION
Satisfied ID confirmed (A2.1/A13.1)? Choose an item.
Identity comment:

HEALTH (INSTRUCTION A4)
Satisfied applicant meets health instructions? Choose an item.
Applicant intends to hold health insurance? Choose an item.
Health comments:

FALSE, MISLEADING OR WITHHELD (FMW) INFORMATION (58(6) OF ACT OR INST'N A24)
Has false, misleading or withheld information been identified? Choose an item.
Description of the suspected false, misleading or withheld information:
Comment (if any) of the applicant or their agent:
Outcome: Choose an item.
Comments/Reason for outcome:

CHARACTER (INSTRUCTION A5)
NSC: Choose an item.
Satisfied character requirements met? Choose an item.
Character comments:

UNCONDITIONAL - OFFER OF PLACE (U3.5)/CONFIRMATION OF ENROLMENT (U3.7)
Student type: Choose an item.
Study level: Choose an item.
Course name and level:
Course start date: Click or tap to enter a date, Course end date: Click or tap to enter a date.
Conditional offer for subsequent study: Choose an item.
Study comments:

TUITION FEES (U3.10)
Fee payment evidence required? Choose an item.
Fees paid? Choose an item.
Fee paid until: Click or tap to enter a date.
Tuition fee comments:

ACCOMODATION AND GUARDIAN REQUIREMENTS

Guardian: Choose an item.

Accommodation: Choose an item.

Comments:

ATTENDANCE AND PROGRESS

Study history: Choose an item.

Satisfied applicant has acceptable attendance and progress? Choose an item.

Comments:

FUNDS FOR MAINTENANCE AND OUTWARD TRAVEL

Satisfied the applicant has sufficient funds for maintenance? (U3.20): Choose an item.

Satisfied the applicant has an outward ticket or sufficient funds for outward travel (U3.25)?:
Choose an item.

Funds comments:

BONA FIDE (E5)

Satisfied applicant(s) is bona fide: Choose an item.

Comments:

AMS ALERTS/WARNINGS

AMS Alerts Warnings Present: Choose an item.

Comments:

RISK (PROCESS)

Risk identified? Choose an item.

Comments:

Satisfied risk is acceptable/mitigated? Choose an item.

FURTHER INFORMATION

If applicable, record assessment of PPI response in this section.

Any further information required to make a decision? Choose an item.

Comments:

EXCEPTION TO INSTRUCTIONS

Exception to instructions: Choose an item.

Comments:

DECISION

Choose an item.

Comments:

WORK RIGHTS

Work Rights Granted? Choose an item.

- 20 hours per week (U13.15.1)
- Full time during Christmas/New Years vacation period (U13.15.5)
- Full time during scheduled vacations (U13.15.10)
- Masters/PHD - Unlimited work rights (U13.15.15)
- Secondary School - Up to 20 hours per week (U13.10)
- Secondary School - Christmas/New Years vacation period (U13.10)
- To fulfil course requirements (U13.5)

TRAVEL CONDITIONS

Visa start date: Choose an item.

First entry date: Choose an item.

Visa to be granted to (U6.30): Click or tap to enter a date.

Transfer required: Choose an item.

APPLICANT ADVISED AND ADMINISTRATION

Applicant advised of decision by Choose an item.

Select if relevant

Original documents returned: Choose an item.

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**NEW ZEALAND
IMMIGRATION**

Pathway Visas (U14)

August 2023

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What is a pathway visa?

- The Pathway Student Visa pilot was introduced in December 2015 to enable international students to study up to 3 consecutive courses on a single student visa for up to 5 years.
- The visa is only available for study with approved education providers and for some courses of study.
- Must meet general student visa requirements as per U3.1.
- Must meet additional evidential requirements as per U14.5.1.
- Over 400 education providers made up of Schools, Universities, Te Pūkenga, and Private Training Establishments have been invited to participate in the pilot. Education providers must submit a signed declaration in order to participate (these are submitted directly to Operational Policy).
- A list of participating providers is available on the INZ website.





Pathway instructions – U14.5.1

In addition to general student visa requirements (U3.1), applicants applying for a pathway visa must provide:

- Where there is more than one education provider, a joint letter of support from pathway education providers.
- An offer of place for each programme of study.
- Evidence that tuition fee requirements, as set out at U3.10, for either the first programme of study or first year of study (whichever is shorter) have been met, and satisfy an immigration officer that they have the ability to fund any remaining balance of the first programme of study and subsequent programmes of study on the intended pathway.
- Evidence they have maintenance requirements for the first year of study on the intended pathway as per U3.20, and evidence that they have the ability to fund the subsequent programmes of study on the intended pathway.





BOTANY DOWNS
Secondary College

8 June 2023

Examples - Pathway offers of place

Confirmation of Pathway Student Visa Offer of Place

Name: [REDACTED]
Date of Birth: 19 May 2007
Passport Number: [REDACTED]

I am pleased to confirm that [REDACTED] is enrolled as a Year 11 full fee paying foreign student at Botany Downs Secondary College commencing 17 July 2023 and advancing through to Year 13 if criteria continue to be met.

The course dates are as follows:
Year 11 2023 NZ Secondary Schools Academic Year
Year 12 2024 NZ Secondary Schools Academic Year
Year 13 2025 NZ Secondary Schools Academic Year

As required by the Code of Practice for the Pastoral Care of International Students, Botany Downs Secondary College declares that an assessment of [REDACTED] has been undertaken to ensure that she is able to participate effectively in the course, and the course offered meets her proficiencies and career intentions.

Botany College confirms that [REDACTED] accommodation is compliant with the Code of Practice for the Pastoral Care of International Students.

18 August 2022
Immigration Officer
Immigration New Zealand



The University of Auckland
Private Bag 92019
Auckland 1142
New Zealand
Phone: +64 9 373 7599
Web: www.auckland.ac.nz

PATHWAY STUDENT VISA SUPPORT LETTER

This letter is to confirm that the education provider named below supports Zhixiao Zhang's application for a Pathway Student Visa.

Student details:

Student's name	[REDACTED]
Student's date of birth	26/10/2000

Pathway details:

Course one	Provider name	The University of Auckland
	Course name	Graduate Diploma in Science (Biological Sciences)
	Course start date	18/07/2022
	Course end date	26/06/2023
➤ Unconditional offer of place attached		

Course two	Provider name	The University of Auckland
	Course name	Master of Science (Biological Sciences)
	Course start date	17/07/2023
	Course end date	23/06/2025
➤ Conditional offer of place attached		

Kind regards



Currency and conditions of pathway visas (U14.10)

- A pathway visa may be granted to expire no more than three months beyond completion of the final pathway programme of study within the maximum currency of five years (U14.10.b)

Expiry example:

Program 1 - General English at Massey University (Auckland) in Auckland from 17 July 2023 to 12 April 2024

Program 2 - English for Academic Purposes (1 and/or 2) at Massey University (Auckland) in Auckland from 22 April 2024 to 30 June 2024

Program 3 - Foundation Certificate (International) at Massey University (Auckland) in Auckland from 08 July 2024 to 09 February 2025

Visa expiry date: 09 March 2025





Work rights for Pathway visas

Work conditions for the duration of the pathway student visa will only be granted where the first programme of study meets the requirements as set out at U13.1, U13.10 or U13.15.

Applicants may have a pathway where the first program is not eligible for work rights, but the second or subsequent program is eligible for work rights. In these cases applicants will be required to apply for a Variation of Conditions (VOC) to get work rights after their first program of study has finished.

Full work rights required:

- **Program 1** – Bachelor of Communications, University of Auckland (eligible for work rights)

Variation of Conditions required:

- **Program 1** – English language 10 weeks, University of Auckland (not eligible for work rights)
- **Program 2** – Bachelor of Arts, University of Auckland (eligible for work rights, VOC required)





U14.15.5 - Breach of conditions



A pathway student visa holder will be considered in breach of visa conditions where:

- i. They fail to meet conditional pre-requisites for enrolment into second or subsequent programme of study (E3.20(d)); or
- ii. the time between the completion of one programme of study and the start of a second or subsequent programme of study on a pathway exceeds 16 weeks; or
- iii. they have submitted an English language test result as set out at U14.5.1(c) and their intended pathway is an English language programme of study culminating in a qualification at Levels 5 to 8 on the New Zealand Qualifications Framework and the English Language programme of study is not completed within a 20 week period.



Variation of conditions (VOC) for Pathway visas

- Student may apply for a VOC to obtain work rights if eligible.
- Students cannot apply for a VOC to change the end date of their visa. In these cases the student will need to apply for a new student visa.
- Students cannot apply for a VOC if they currently hold a pathway student visa and wish to change education provider – they will need to apply for a new student visa.
- Students may apply for a VOC for the purpose of changing a programme of study at the same education provider. A VOC may be granted if the immigration officer is satisfied the student meets **U3.1, E3.20, E5.1**, and that the original student visa would have been granted for the proposed programme of study, and the proposed programme of study is at the same or higher level on the New Zealand Qualification Framework as the original programme of study (U14.15).



Provider Requirements – U14.20.1

- To qualify for entry in the pathway pilot, education providers must have:
 - Been invited by INZ to be a participant; and
 - Have signed the Pathway SV Pilot participation agreement agreeing to requirements set out in [U14.20.10](#); and
 - Be either a school, Uni, or hold a Category 1 or 2 status under NZQA evaluation framework; and
 - Have a minimum 90% SV approval rate over 2014/15 financial year or 2016 calendar year; and
 - Comply with the legislative requirements as set out under the Education and Training Act 2020 to offer programmes of study to foreign students; and
 - Be a signatory to the Education Code of Practice 2021.





Provider Requirements – U14.20.5

To be granted a pathway student visa, U14.5(a) states that an applicant must be offered and eligible study pathway from a qualifying provider(s) as per U14.20.

So what is an ‘eligible study pathway’ ???



U14.20.5 Eligible pathways

- a. All pathways must demonstrate academic progression to the second or subsequent programme of study building on the previous study.
- b. All consecutive programmes of study that demonstrate progression are eligible to be included in the pilot with the exception of the following pathways:
 - i. any English language programme of study culminating in any tertiary sector Level 1–4 Certificate on the New Zealand Qualifications Framework (NZQF); and
 - ii. all pathways within and between tertiary sector NZQF Levels 1–4 Certificates; and
 - iii. secondary school culminating in any tertiary sector NZQF Levels 1–4 Certificates.
- c. Breaks between consecutive programmes of study must not exceed 16 weeks
- d. Only education providers who meet the requirements set out under U14.20.1 can offer a joint pathway in conjunction with one another.

U15 - Multiple short-term English language programmes of study

- Must meet general requirements for a student visa **U3.5**
- Submit a joint covering letter from eligible pathway provider as per **U14.20.1**
- Must be for least 14 weeks of English language study in total
- Can be granted for a maximum period of six months

Example: Beginners English 4 weeks, followed by General English 6 weeks, followed by IELTS preparation for 10 weeks.





Pathway visa FAQs

Can a Pathway visa be issued for the multiple years of a single programme?

Yes they can. Pathway visas may be granted for people studying multiple years of a single programme, e.g. three years of a Bachelors degree or four years at secondary school. It was always the intent of Pathway instructions to facilitate this type of study and can be considered meeting immigration instructions U14.5(a).

Can a Pathway visa be issued for more than 5 years? What do I do if I have an offer of place where the pathway courses exceed 5 years?

No we cannot issue a pathway visa for more than 5 years. Sometimes, you may come across situations where the student holds an offer of place, and a support letter, for programmes totalling more than 5 years.

For example:

- Foundation Studies Course – 1 year
- Health Sciences First Year – 1 year
- Bachelor of Medicine (Honours) – 4 years



This is particularly encountered for government-supported students holding full scholarships eg Kuwait, Malaysia. In this case we cannot offer a visa for the duration of the programmes. Instead, issue a visa for the programmes which will in total fit within the 5 years

s 9(2)(a)

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Pathway visa FAQs

If a student was granted a regular student visa, can they apply for a variation of conditions (VOC) to change to a Pathway student visa?

No, a VOC cannot extend the duration of a visa. The best option for those students is to apply for a Pathway SV next time they need to apply for a student visa (provided they are eligible).

Can Pathway student visa holders support their partner's visa application?

If they are studying an eligible course, yes. Their partner will not be able to apply for a partnership-based visa until the student has begun studying the eligible course.

For example:

- Client holds pathway SV to study English language and then a Masters degree (Level 9),
- Client completes English Language course and begins Master study,
- Only then can the client's partner apply for a Partner of a Student Work Visa application (including evidence the client has completed the English Language Course and begun Masters study).





Pathway visa FAQs

What do I do if I need to issue a replacement for a pathway visa?

Where an error has been made on a finalised Pathway visa, case officers cannot replace it by using the 'label-less replace' option, as this does not allow for multiple programmes of study on the e-visa letter.

We should do a Student – Replace with a fee waiver.

What do I do if an applicant submits a pathway student visa application but they do not have an offer from a qualifying provider?

Our system does allow applicants to lodge a pathway student visa when they do not have a pathway offer. This is deemed as applying under the incorrect category.

If it is clear the student does not meet U14 instructions, we assess them under the correct category (e.g., Student visa - full fee paying) and re-raise the application in AMS if it can be approved. Both applications will remain open until the re-raised visa can be finalised.







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Offshore training for Immigration Officers

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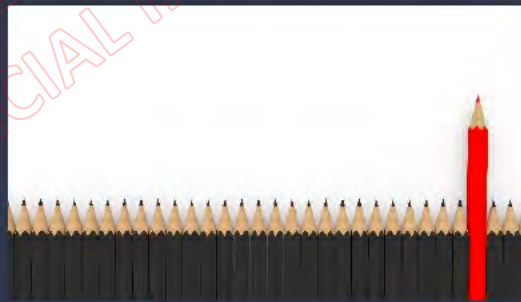
Which offshore markets do we process at PNAO?

- AEP (America, Pacific and Europe)
- South Asia
- South East Asia
- Middle east/Africa
- China – however now being moved to Porirua branch





What are the key differences between on and offshore?





Differences to consider when processing offshore applications

- **Paper applications come through VACs and are viewable on VAC digital.**
- **Some clients need to send their passports to VACs for scanning (those not visa waiver/China)**
- **NSC requirements are different – more nationalities require one**
- **The definition of PPI is different – think about E7.15 and Visa Pak 129.**
- **Limited Visas used more than onshore – but when should we be using them?**
- **Travel conditions – includes a first arrival and start date can be different**
- **AIP then tuition fees are paid**

While the instructions for these applications are the same the processes and considerations are a bit different.



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To RFI or not to RFI...

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When should I RFI and when should I just decline?

- IAC 11-09 tells us Immigration Officers should be reasonable in their decision making. In a case where a small amount of information could be sufficient to enable an immigration officer to make a decision, the officer should not be averse to contacting the applicant rather than simply declining the application on the basis of information that they have on hand.
- Look to RFI where there is a possible approval. If there are multiple parts of an application that don't meet instructions, consider the value of the student and time required to RFI to rectify the issues. Is an RFI an appropriate course of action?
- If it is an EP related issue such as offer of place or tuition fee receipt, you can contact the EP directly.
- For other information where you will need to contact the client, do this if it hasn't already been requested and you feel the application is likely to be granted.

Case Study 1

Applicant intends to study PhD at UoA and currently works as an engineer for a well known international company. His application meets all requirements, except he has one \$4000 deposit in his bank statement dated two months ago that he has not provided an explanation for.

Would you RFI or decline?

Case Study 2

Applicant intends to study a 12 month English course with Imperial College. He has advised he has been unemployed in his home country for the past year, has provided no explanation for why he wants to study English and has four recent and unexplained deposits on his bank statement he has provided no explanation for.

Would you RFI or decline?



To PPI or not to PPI...

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Potentially Prejudicial Information

E7.15.1 Applicants outside New Zealand

For the purpose of assessing an application for a temporary entry class visa from an applicant who is outside New Zealand, PPI is factual information or material that:

- was not obtained from the applicant or the applicant's authorised representative or agent; and
- is not publicly available, or that the applicant is not necessarily aware of; and
- will or may adversely affect the outcome of an application; and
- the applicant has not previously had an opportunity to comment on.

E7.15.5 Applicants in New Zealand

For the purpose of assessing an application for a temporary entry class visa from an applicant who is in New Zealand, PPI is factual information or material that will or may adversely affect the outcome of an application.



When should I PPI?

- E7.15 instructions outline the differences between PPI requirements onshore and offshore. So does IAC 11-09. There are greater consequences of a decision for a person onshore so a greater level of fairness is required for them vs offshore.
- PPI is rarely required to decline offshore applications, but is required in some scenarios for health and character. Visa Pak 129 and IAC 11-09 do outline when PPI is required for offshore applications.
- Remember that just because a PPI may not be required for an offshore application, it does not alter the requirement for an immigration officer to consider whether an ETI is justified.
- When declining a temporary entry visa application for which there is no PPI, immigration officers should ensure this is recorded in AMS notes. “I have not sought comment from the applicant prior to making the decision to decline this application as the information I am basing my decision on is not PPI, according to instructions E7.15.”



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Funds Offshore

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Assessing offshore funds

- Same instructions, same process as onshore - \$20,000 per year for living costs if they are undertaking tertiary or compulsory study or \$17,000 per year for living costs if they are undertaking compulsory study (as of 01/08/2022)
- Visa Pak 462 – a student cannot have more than one sponsor or financial guarantor. Some markets will frequently show funds from multiple sources to make up the required amount of funds, so be vigilant.
- The more sources of funds an applicant has, the more concern we may have the funds will not be genuinely available to them in NZ.
- Offshore funds are new to us, and may be difficult initially, so assess carefully and raise any questions with VO's/TA's. Remember in a post Covid world having sufficient funds, genuine funds that are genuinely available is even more crucial.
- Specific market training is extremely helpful in this area.



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Bona Fides Offshore

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Assessing offshore bona fides

- We don't have their history in NZ to use in our decision, so things like UNLI and general push factors are taken more into consideration for offshore.
- Remember IAC 13-09 tell us to assess all other application criteria before 'bona fide applicant' criteria. If the applicant does not meet the criteria of the particular category, there is no need to assess bona fides. You can decline on not meeting other instructions and leave bona fides outstanding. Except health and character which should be assessed after bona fides assessments.
- If you do assess bona fides, please make sure it is a 'full assessment'.
- Market KTD's can be a great resource for bona fide assessments.
- Limited visas are more frequently offered to mitigate bona fide concerns offshore, but for students, there may be some considerations to doing this.



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VAC Digital

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What is VAC Digital?

- Paper applications come through VACs and are viewable on VAC digital.
- Many clients need to send their passports to VACs for scanning prior to coming to New Zealand (**those not visa waiver/China**). So you will have to use VAC Digital a lot to check if this has been done, even if they didn't apply for the visa itself through VAC- this process is currently on hold.
- Let's have a look at VAC now - [Pages - VAC Digital – Visa Applications \(wd.govt.nz\)](#)
- Sometimes you may need to contact a VAC as information is not always uploaded correctly by VAC staff. We used to have a list of contact information.

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Approve in Principle

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What is Approve in Principle (AIP)?

- Immigration instruction U3.10b tells us that for applicants living outside New Zealand, evidence of payment is not required until after the application has been “approved in principle”.
- This means we complete an assessment, ensure we are satisfied they meet all other requirements except for tuition fees then we can “approve in principle”. We issue them a letter to say they have been AIP’d and then they have 5 working days (10 for India) to pay tuition fees. If they don’t, their application is declined.
- We need to show in the AMS application that the application has been AIP’d.

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How to Approve in Principle (AIP)?

- **Approving an application in principle**
- Complete assessment and determination tab as normal
- In the visa label screen select 'record decision only'- do not input any dates.
- Let the client know by using the V260 Student Visa Approval in Principle template letter and the AIP blurbs in the Sharepoint under 'AIP Template'.
- Select a bring up date and add bring up reason 'AIP'

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How to Approve in Principle (AIP)?

AMS - Format Label For Principal Applicant

Enter Visa Details

Start Date of Visa: 09/Jan/2020

Travel Conditions

Single Entry Visa Multiple Entry Visa

First Entry Before:

Expiry Date Travel:

Expiry Date Stay: 'dd/mm/yyyy' or months Indefinite

Record Decision Only ? Record Decision Only

Bonds A Bond is required

Cancel <Back Next> **Finish**

Offshore Travel Conditions

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How do I issue an offshore visa with the correct travel conditions?

- Travel conditions – generally includes a first arrival and start date which can be different.
- **Issuing a visa with offshore conditions/dates**
 - Complete assessment and determination as normal
 - When you are issuing the visa, the label will be 2 month before the course start date (or today if the course is less than 1 month) and we are **temporarily removing** first entry date. Expiry dates are based on the course as always.
- Let's have a look at an example in AMS...



How do I issue an offshore visa with the correct travel conditions?

AMS - Format Label For Principal Applicant

Enter Visa Details

Start Date of Visa

Travel Conditions

Single Entry Visa Multiple Entry Visa

First Entry Before

Expiry Date Travel

Expiry Date Stay 'dd/mm/yyyy' or months Indefinite

Record Decision Only ? Record Decision Only

Bonds A Bond is required

Conditions Required

Offshore Onshore

Cancel <Back Next> Finish



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Resources

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What resources do I have to help me?

- New and updated Offshore SOP located in Sharepoint
- Offshore FAQ in Sharepoint along with templates
- Market KTD's
- TA's
- VO's
- IAC 11-09 and IAC 13-09
- Decline blurbs in PPI templates

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Any questions?





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Introduction to Offshore Student Visa Risk

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**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

New Zealand Government

What is the difference between Onshore & Offshore Student Visa Risk?

Offshore clients

- Are not in New Zealand.
- Have typically not invested significant amounts of time or money in New Zealand.
- Generally provide funds that are outside New Zealand. The source of their funds and ability for the applicant to be able to access them in New Zealand are important parts of the visa assessment.
- PPI only required in specific circumstances – however if a small amount of information is required, we can contact the applicant.
- No legal obligation to reconsider offshore declined applications.
- Will usually have no immigration history with New Zealand.

Unlike onshore applicants, offshore applicants typically do not have an NZ immigration history; which can make the risk associated with the applicant trickier to assess. This means it is very important to pay attention to any **risk factors**.

What is the difference between Onshore & Offshore Student Visa Risk?

Onshore clients

- Are in New Zealand.
- They likely have invested a significant amount of time and money.
- Will usually have an NZ immigration history – this can assist with determining if they are genuine students.
- Repeat students will be able to provide evidence of their attendance and course history.
- Will usually have funds in New Zealand, and should be able to provide evidence of where their funds are coming from and how they are being spent.
- They have a right to request we reconsider our decision.
- Other options such as Section 61.

What is the difference between Onshore & Offshore Student Visa Risk?

All clients:

- Need to meet instructions
- Need to have a credible reason for wanting to study in New Zealand
- Should be able to provide verifiable supporting documents

The credibility of study plan, their financial position, education and employment background need to be considered.

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Offshore Student Visa Applicants

All clients need to meet instructions, including:

Bona fides

All clients need to have a reason for wanting to study in New Zealand and that reason should be credible and rational. There will usually be a correlation between an applicant's desire to study in New Zealand and their education or employment history.

Funds

Ideally evidence provided should be verifiable. If not verifiable directly, then it should be well supported by other evidence such as pay slips, employment contracts, tax documentation, work books etc.

Applicants should be able to provide evidence of funds accumulated **over time** (eg funds weren't just deposited immediately prior to the visa application).

Character

Did they provide misleading or false documentation to strengthen bona fides.

Have they been declined or refused from any other country, if so, is it acknowledged on the application form.

Key Offshore Student Visa Risks

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Key Risks in Offshore Student Visa Applications

Bona Fide

- Is there a risk that the applicant is intending to work in breach of their visa while in NZ?
- Is there a risk that they don't have a good understanding of their intended course and therefore their purpose for coming to New Zealand is not study?
Is there a risk that they are intending to change to a **different visa type** soon after arriving in NZ?
- What is the reason for studying the programme – is it **credible**?
- Does the client have the **academic and English language ability** to study the course?
- Does the course make sense in the context of their **previous study/work experience**?
- What does the student know about the course, the qualifications they will obtain and career pathways for them?
- Do they have incentives to return home at the end of their course?

Key Risks in Offshore Student Visa Applications

Examples of bona fide evidence for students:

- Evidence of employment in home country and why it would be beneficial for the applicant to further their English language ability;
- Applicants may provide evidence of English study already undertaken in their home country or abroad. Depending on the length of study, reputation of the institute and chosen career path of the student this may demonstrate a genuine desire to learn English to advance professional goals. s 6(c)

These applications should be declined on bona fides.

- Evidence that the applicant has recently graduated from a tertiary degree;
- Evidence of other overseas travel;
- Consideration of the level of employment they have in their home country. This may indicate a pathway to another visa in NZ (refer to the LTSSL)
- Details of any other travel companions or NZ contacts.
- Evidence of family in home country.
- If family includes wife and children; how they will be financially supported while the applicant is in NZ, e.g. partner is employed or savings.

Risk Table – Bona fides

Risk Indicator	Why is this an indicator?
s 6(c)	[Redacted]
[Redacted]	[Redacted]

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Risk Table – Bona fides

Risk Indicator	Why is this an indicator?
<p>s 6(c)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>	<p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>
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Risk Table – Bona fides

Risk Indicator	Why is this an indicator?
<p>[Redacted]</p> <p>[Redacted]</p>	<p>s 6(c)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>
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Key Risks in Offshore Student Visa Applications

Funds

Funds provided by a financial undertaker (FU) or sponsor:

- s 6(c) [Redacted]
- [Redacted]
- [Redacted]

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Key Risks in Offshore Student Visa Applications

Funds

Funds provided by the applicant:

- s 6(c) [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

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Risk Table – Funds

Risk Indicator	Why is this an indicator?
s 6(c)	[Redacted]
[Redacted]	[Redacted]

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Key Risks in Offshore Student Visa Applications

s 6(c)

[Redacted]

[Redacted]

[Redacted]

- [Redacted]

- [Redacted]

- [Redacted]
- [Redacted]

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Risk Treatment Options

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Common Education Product Verification Activities

QUICK

s 6(c)

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

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Common Education Product Verification Activities

INTERMEDIATE

s 6(c)

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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Common Education Product Verification Activities

ADVANCED

s 6(c)

- [Redacted]
- [Redacted]

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What is meaningful verification?

Meaningful verification is where an activity has been completed that would be deemed verification **and** the activity/activities are appropriate or sufficient to mitigate the identified risk.

As opposed to this, non-meaningful verification would be an activity or activities that would be considered as verification, however, would not be sufficient to mitigate the identified risk.

- 'AMS checks' **is not** verification if a risk has not been identified. If you are only checking AMS to determine if visa requirements are met, this **is not** verification.
- A structured phone interview with follow up questions and a further document request to support their statements **is** verification and would be meaningful.

What does each verification check mean?

- The table can be found in the Global Process Manual: *Triage and Verification* > *Tables* > *Verification Level Checks Table* <http://inzkit/publish/globalprocessmanual/#56946.htm>

Offshore vs Onshore - summary

You will note from this presentation that similar risks exist whether a student is onshore or offshore, just the mitigating factors change. All of the advice given for offshore applications also applies to onshore applicants. Even market specific advice given in this presentation such as the unreliability of certain open source checks is relevant to offshore and onshore.

Push factors are push factors regardless of onshore or offshore. A good client profile is similar regardless of location – if you are a scholarship student this is a good indication of a quality applicant whether you are USA based or UAE based.

- Once onshore and having completed a programme of study or having held visas prior to the one you are assessing, a client is able to prove they have been compliant with the conditions of their visas.
- Offshore your assessment of their general risk profile and the information they provide in support of their application will indicate to you whether they will likely meet the conditions of the visa they are granted. And that they are entering NZ for the purpose of study.