



### Medical – Medical Waivers Residence



### Terminology

- ASH = Acceptable Standard of Health
- MA = Medical Assessor
- ORRS = Ongoing and Reviewable Resourcing Schemes (students that need significant learning support)
- ASH Type 2 this is old terminology, and means the same as "requires review if client applies again"

### Types of Medicals

 General Medical Certificate (INZ 1007): Must be provided by all applicants UNLESS they are eligible for a Limited Medical Certificate.

### Limited Medical Certificate (INZ1201)

Limited Medical Certificate (INZ 1201): Can be provided by the following;

- Applicants who are the partner of a New Zealand citizen or Residence class visa holder and who meets the requirements of the partnership category.
- Applicants who have been recognised as having refugee or protection status in New Zealand.
- Applicants who are applying under the Refugee Quota Programme.

### Chest X-Ray Certificates

 All applicants must provide a Chest X-ray certificate with their General Medical Certificate or their Limited Certificate unless they are not required to do so due to their age or the fact they are pregnant.



### Residence Health Requirements

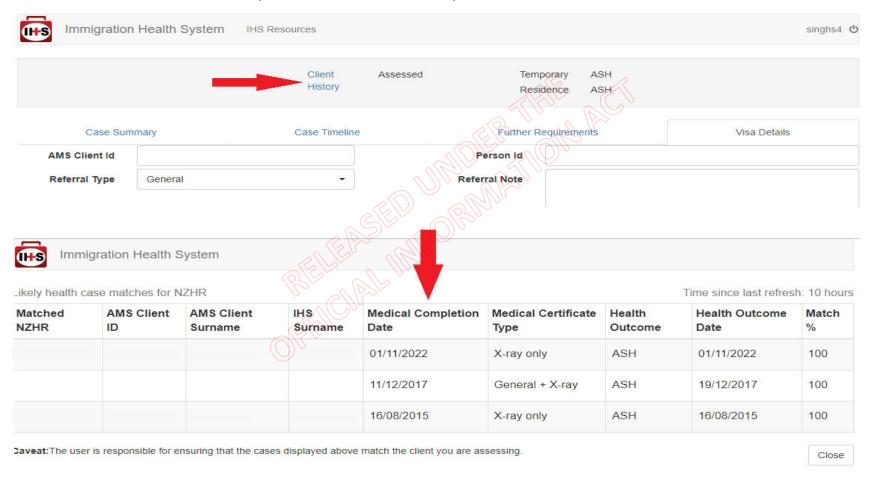
- General certificate and Chest X-ray certificate valid within 3 months (or 36 months if ASH previously)
- Limited medical certificate and chest x-ray certificate (if partner/dependent child of a New Zealand citizen and Resident and you have lived together for more than 12 months) OR a Refugee applicant

### **E- Medicals**

- Case Summary: This is where it will tell you if a referral is required.
- If so, email HAT team and ask them to refer the medical under residence guidelines.

### **Client History**

Check always if there is any other new cases added.



### **Health Case Outcomes**

- ASH: Acceptable standard of health
- **ASH: With Conditions:** The client has an Acceptable Standard of Health for their current visa application, but further information (the "conditions") is required for the client's subsequent visa application. This is only valid with temporary visas.
- Manual Assessment: HAT is manually reviewing the health case and a determination is yet to be made.
- Not ASH: Client does not meet the criteria for an acceptable standard of health
- Medical Opinion: Case is waiting for a medical opinion from a Medical Assessor
- Awaiting Further Requirements: There are further requirements that has been
  prescribed for the client but its results have not yet been received and /or
  recorded. A health case assessments may not be finalised until the results of all
  prescribed requirements have been received and recorded.
- **Terminated:** Medical is no longer valid nor can it be used for any application. The medical is now terminated.
- **Open**: If the status of meds 'open' in IHS with no dates for the certificates, this means the panel physician has not uploaded all the meds into the e-medical.

### **Temporary VS Residence**

 If you are assessing a medical that has been previously referred for temporary and was made ASH, you will need to refer it again under Residence guidelines.

 Remember, just because it was ASH for temporary does not mean its ASH for Residence.

### **Medical Warnings**

 If there is a active medical warning in AMS stating that a referral is required, please check the case summary as it may have already been referred and completed.

 ALWAYS check to ensure that if a referral was completed under temporary guidelines it will need to be referred again for Residence.

### Post referral

• **IF ASH**- Proceed with assessing your application, medical requirements have now been met.

 NOT ASH- Proceed with the PPI process for applicants not meeting health requirements

### First PPI

• The first PPI is sent to the applicant once the medical certificate comes back from the medical assessor as 'not ASH'. You will need to write a PPI outlining the MA's findings.

### If they dispute it...

- They will then need to provide medical opinion on their health.
- Once received you will need to refer the medical certificate along with the new opinion back to the same MA.
- If it comes back as 'not ASH' again, you will need to refer the medical to a second MA for a second opinion.
- The outcome of this will be the final outcome.

### If they don't dispute it...

 The applicant will need to be assessed to check if they can be considered for a medical waiver.

 Instructions <u>A4.60</u> outlines the circumstances where an application <u>ineligible for a Medical Waiver</u>



### Second PPI

• This will either outline the applicant cannot be considered for a medical as their condition or circumstances fall under A4.60, or the letter will outline the medical waiver process and ask for the information to be considered for a medical waiver.

- The first PPI (V156) is sent to the applicant if the medicals are 'not ASH'. You will need to write a PPI outlining the MA's findings (copy MA's reason and MA's comment from IHS)
- PPI response should include disputing medical information. Once received, refer meds
  to HAT for assessment. Disputing information will be assessed by the same MA and if
  the outcome remains the same; it will be assessed by a second MA.
- If the second MA's opinion is 'not ASH' (final); proceed to second/ medical waiver PPI (v325b)
- If disputing information has not been provided, then proceed to second/ medical wavier PPI (v325b). Referral to MA is not required. Initial 'not ASH' becomes Final.
- Once waiver response is received, draft a Medical Waiver Assessment (v60) in AMS. Do
  not complete the weighing and balancing section.
- If the waiver PPI response includes any disputing <u>medical</u> information (or it is provided at any time during the waiver process), refer the information back to HAT for reassessment. MA will confirm if there is a change to the medical outcome.
- Once a medical waiver assessment is written up by the Immigration Officer, it shall be assessed by the Technical Adviser who will determine whether or not the medical requirements will be waived. Ensure the applicant meets all other requirements for the applicable category and complete VAT.



### The following people are also ineligible for a Medical Waiver...

- Applicants who are applying under one of the Family categories and:
- Were eligible to be included in an earlier application for a residence class visa as the partner or dependent child of the principle applicant AND
- Were not declared in that earlier application; OR
- Were not included in that earlier application; OR
- Were withdrawn from that earlier applications

### Medical Guidelines

- If GP indicates abnormal (but not significant) findings, use the Medical Guidelines to determine whether referral is required.
- Make sure you use the correct guidelines Temp Entry or PR.
- Make sure you check the lab results.
- If there are abnormalities and you choose not to refer, make sure you note the issues, and why you have accepted that the person is ASH.
- Remember that if you are still concerned about anything, you can still refer the Medicals to the MA, regardless of what the GP has stated.

### Questions?



### Preparing Medical Waiver PPI once final NOT ASH decision concluded by HAT

Applicant was assessed as NOT ASH.

You sent them the first medical to advise them of this (V156) and they responded/provided further medical information, that you referred to HAT for assessment, and HAT has now concluded that applicant is still NOT ASH, but their condition is not listed under A4.60 so they may be considered for a Medical Waiver. So you are now ready to send the second Medical Waiver PPI.

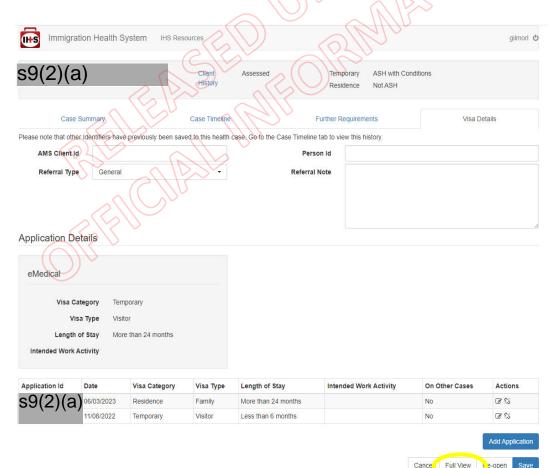
### 1.Open template letter V325b (Under 'Determine in TLS Letters)

In the letter template, under Medical Assessor's Comments it states that the additional information provided was submitted back to the **SAME** medical assessor that initially assessed the certificates, and them prompts for their notes. PLEASE note that the comment to be put here is NOT the same as the original note you sent in your first PPI and it is NOT the final note made by Medical Referee now visible in IHS.

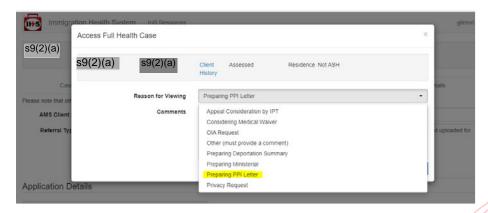
In order to access the updated note (after assessing additional information received as response to first PPI) from the initial medical assessor – you will need to go into IHS and open "Full view" and access updated notes

To open full view follow steps as per below:

2. Open the applicants IHS and scroll down to the bottom of the page and click the **"Full View"** button;



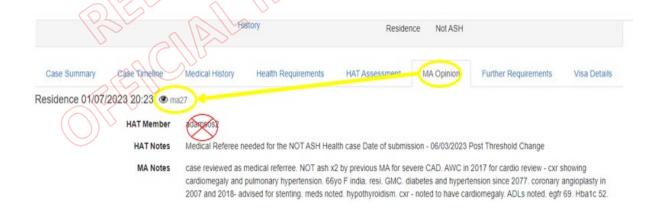
This will open a box asking you for the reason why you are requiring "Full view", so you need to choose "Preparing PPI letter";



Once the system has opened in Full view, you will see a new tab up top that is called "MA Opinion" that you click on;

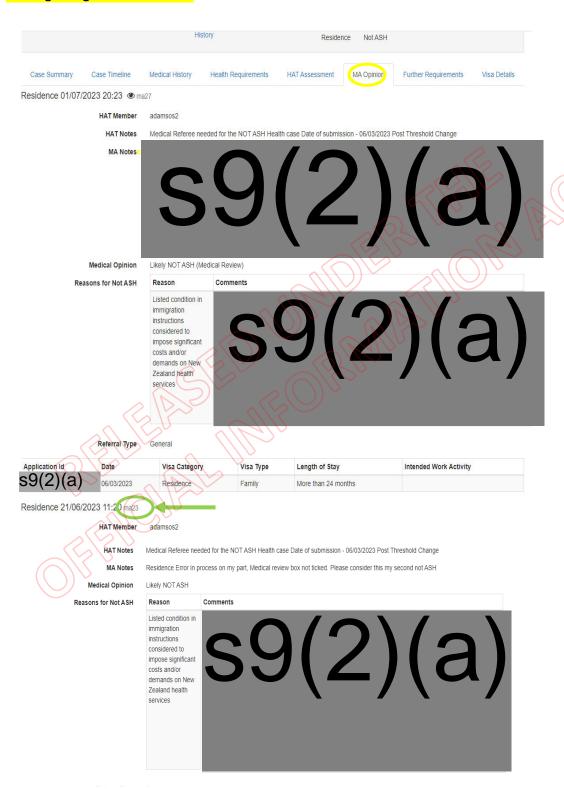


Under the "MA Opinion" tab you will see all MA Comments, with the most recent one at the top. Please note that the different Medical Assessors are identified by "MA#" and not the "HAT Member" username. In this scenario it will be from the second Medical Assessor of the health case. This is usually indicated by them stating that they are the Medical Referee (This is the comment that we need to insert from the second medical assessor for the second comment for our PPI letter)



The second assessment and comment from the original Medical Assessor usually sits just prior to the Medical Referee comment and you can check that it is the same assessor by ensuring that the "MA#" is the same, and usually their comment mentions further medical information received in some way. 

This is the second comment from initial Medical Assessor that we need to insert at the beginning of our PPI letter.

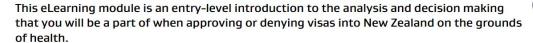


### **Medical waiver comments**

- When an applicant has a condition on the list of A4.10.1 conditions, these are conditions
  that are already deemed to cost more than 81K. The MA will not provide costings for these
  conditions.
- If a person has Hepatitis B or C contact me.
- If an MA has said an applicant has a condition which is not on the list but is likely to cost more than the 81K threshold, there should be some idea of costings in the MAs opinion.
- MAs are limited in how much costing information they can provide as it would require extensive research on their part and access to information from third parties.
- Ensure you've run a grammar/spellcheck a medical waiver document is a critical piece of documentation and should be well written and professional in its appearance.
- Be aware of using emotive language either for or against keep the writing style neutral. If you are copying and pasting comments made by an LIA/lawyer/applicant which are not your own make sure you identify that they are quotes.
- Make sure you fact check any information you use in your weighing and balancing don't make assumptions.
- Re any claims made that an applicants' income tax will offset health costs tax is at best a
  neutral factor rather than one that should tip the balance in the favour of a waiver being
  granted. A portion of tax paid may go toward public health expenditure, but it is also
  apportioned to other core Crown expenses. When considering the applicant's benefit to
  New Zealand, place more importance on:
  - their skills and value to their employer. Eg. is the applicant's skillset uncommon, is the employer highly reliant on the applicant, will a significant project be at risk, how long has the applicant worked there?
  - Societal contributions volunteer work, community coaching roles etc.
- Medical waivers should not be commonplace, but they don't necessarily need to be reserved
  for the rarest of cases. The instructions are there in recognition that there is a need for
  discretion from time to time.
- If you are on the fence about granting a waiver, do try and calibrate with others. If the case could feasibly go in the direction of the applicant one day, but against the applicant on a different day with a different decision-maker, think about giving the benefit of the doubt in favour of the applicant.
- The considerations under A4.70(c) are not an exhaustive list, there may be other relevant factors.
- Avoid using the concept of 'excessive costs' in your opinions. While the overarching objective of health instructions at A4.1 does state:
  - o ensure that people entering New Zealand do not impose **excessive costs** and demands on New Zealand's health and special education services; and...

'excessive costs' is not defined or measurable. It's my belief that 'excessive costs' is probably an error, and the objective should say 'significant costs'. Significant costs are defined in the instructions under A4.10. Don't think that the non-waiver conditions listed under A4.60(a) are the 'excessive cost' conditions. The instructions do not state this therefore it is incorrect to assume it or state it – they are simply the conditions for which a waiver cannot be granted. Consequently, making statements like "the applicant imposes significant costs but not excessive costs..." is not correct.

### Welcome





We have three key objectives in our health instructions, which are:

- a) protect public health in New Zealand; and
- ensure that people entering New Zealand do not impose excessive costs and demands on New Zealand's health and special education services; and
- c) where applicable, ensure that applicants for entry to New Zealand are able to undertake the functions for which they have been granted entry.

Any visa declined on health grounds should clearly link to one of these three objectives.

When we achieve the objectives above, we help to Grow New Zealand for all – so let's find out more about your role. . .

Find out about your role

### What is your role?

Before we go any further, it's important that we establish what your role is in relation to health.

You will now take part in a quiz to help us establish this:

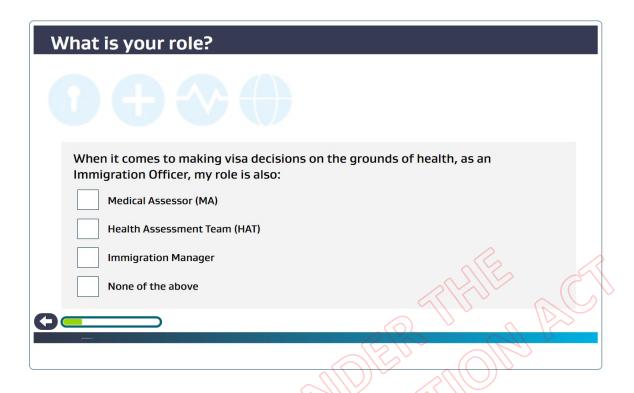
When it comes to making visa decisions on the grounds of health, as a	n
Immigration Officer, my role is to:	

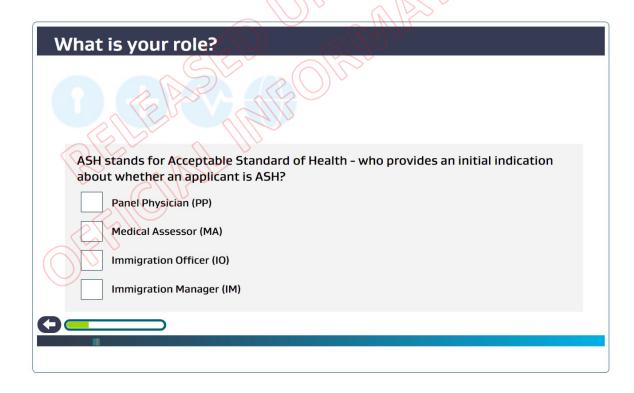
Make judgements based only on information that I

Connect different health services to ensure that I get as many visa requests accepted as possible

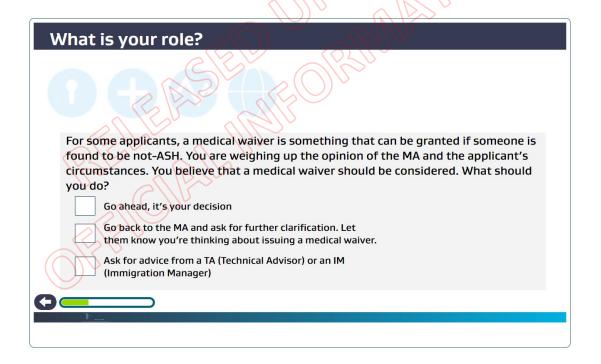
Approve or decline visa applications, based on information provided, and if I don't have enough information, I request more

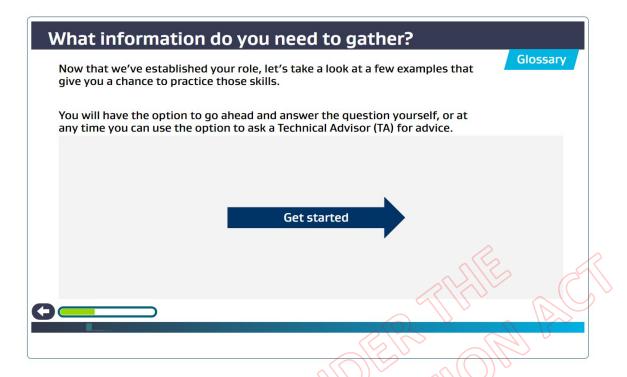


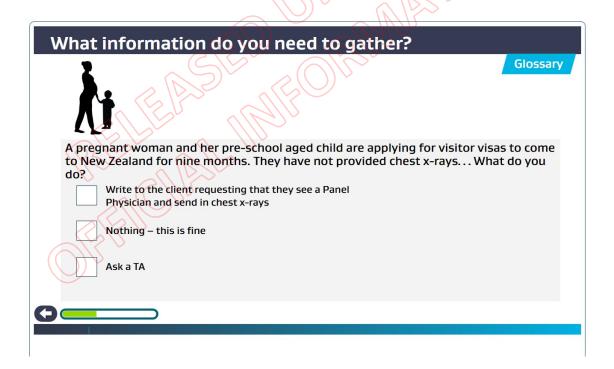




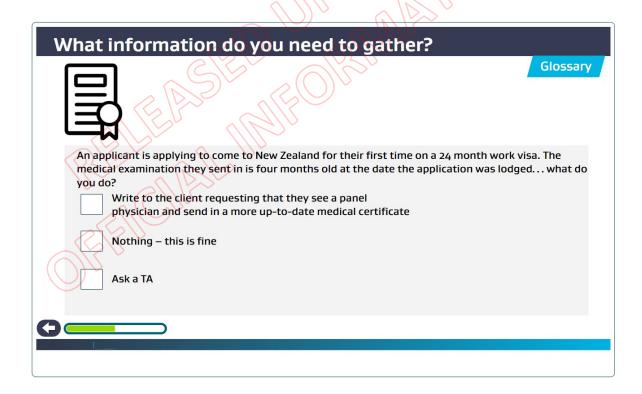
What is your role?
When I receive an opinion from a Medical Assessor (MA), my job is to:
Follow the opinion of the MA and quote it in a PPI letter if the person is found to not be ASH (Acceptable Standard of Health)
Take on board the opinion of the MA in my decision and quote their opinion in a PPI letter if the person is found to not be ASH (Acceptable Standard of Health)







What information do you need to gather?	
	Glossary
A first time applicant from China is applying for a 9 month visitor asked if they need to provide a chest x-ray. What do you tell the	
No Chest x-ray (CXR) necessary	
Please provide a chest x-ray (CXR) from an INZ Panel Physician	
Ask a TA	ALLE E



# What information do you need to gather? Glossary The partner of a New Zealand citizen is applying for residency. Do they need to provide a general medical certificate or a limited medical certificate? A general medical certificate A limited medical certificate Ask a TA

### Responding to Applicants

Glossary

An applicant's Immigration Medical Examination (IME) indicates that they have been diagnosed with Multiple Sclerosis (MS). The Medical Assessor has lodged a Further Information Request (FIR).

Below you will see a Further Information Request (FIR) from the Medical Assessor.

Click on the sections of the MA's FIR that are relevant to include in a letter to the applicant:

A recent report from a Neurologist is required regarding the applicant's Multiple Sclerosis.

This should include - history, diagnosis, clinical examination findings, the results of any additional investigations performed (eg MRI), management needs and long term prognosis.

Please include information regarding the extent of any neurological deficit (sensory, motor and higher centres, including speech and cognitive function), and whether Immunomodulating Therapy is likely to be required and if so, when. Please also comment on the applicant's current and long term functional capacity.

Please specifically comment on whether symptoms have been relapsing and/or are progressive.



Check your answer

## **Responding to Applicants**

Glossary

An applicant with mobility issues applied for a work visa two years ago. His last health assessment was ASH - With Conditions. He is now applying for a new work visa.

Below you will see a Further Information Request (FIR) from the Medical Assessor.

Click on the sections of the MA's FIR that are relevant to include in a letter to the applicant:

#### Diabetes noted.

Please update regarding mobility and ability to maintain employment - was mobilising with a wheelchair at times (previous medical certificate) but improvement following surgery.

How has the surgery improved disability? Is there residual disability? If so what assistance is required including wheelchair etc.

Please provide HbA1c; eGFR; creatinine:microalbumin ratio; creatinine; BP; medication update.



Check your answer

## **Conclusion**

Glossary

In this eLearning module, we've established what is in and outside the scope of your role, we've had a chance to look at a few different types of examples and we've seen what to do when you have to turn down someone's visa application on the grounds of health.

Your next step is to attend a health workshop. This workshop will build on the learning in the module by delving into scenarios when answers are not black and white.

For further information, please go to the Ops Manual - <u>Health requirements</u>



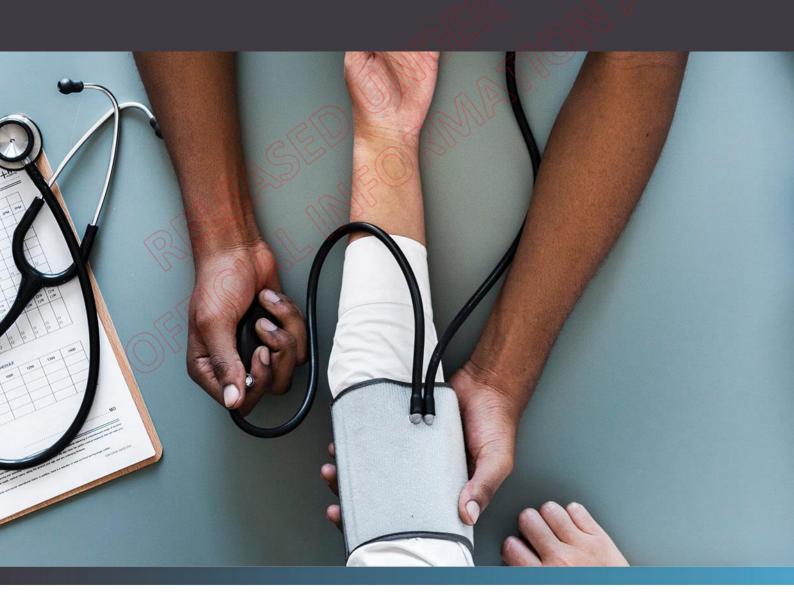
Exit course





## Health

Facilitator guide





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## **Workshop Information**

#### **Purpose**

The purpose of this workshop is to offer new Immigration Officers the chance to build on the knowledge gained after completing the Health eLearning module, and to practice analysing and making visa decisions based on health in a safe, yet challenging environment.

We are currently going through a transition period where we are moving all our visas from AMS to ADEPT. During this time our Immigration Officers will process visas in AMS and ADEPT. For ADEPT visas they will not complete this health requirement, it is completed by our Health Assessment Team. For AMS visas they will complete this health requirement. Therefore this learning is only relevant for the visas that are processed in AMS.

#### **Learning outcomes**

At the end of this course, learners will be able to:

- discuss and describe the process of denying or approving visa requests on the grounds of health
- use tools provided to analyse and complete complicated requests.

#### Audience

This course is for new Immigration Officers.

**Course duration** 

½ day (3 hours)

Pre-work

eLearning module - Health

## **Preparation**

### **Required course resources**

- Facilitator computer and projector.
- Poster or whiteboard with the learning objectives and high-level workshop outline on it.
- Flip chart paper.
- Post-it notes.
- Pens / markers (enough for the participants in group activities).
- 3 x scenario hand-outs.
- At least one person at each table must have access to INZ kit for the Health Instructions
- Participant's learning journals

#### Room set-up and pre-session preparation

- Café style, tables of 4-5 people.
- Write the learning objectives and high-level workshop outline on a whiteboard or a poster and put on the wall:

#### **Learning outcomes**

At the end of this course, learners will be able to:

- o discuss and describe the process of denying or approving visa requests on the grounds of health
- o use tools provided to analyse and complete complicated requests.

#### Workshop outline (see page 5)

## How to use this guide

Worksho	p outline (see page 5)		
How to u	use this guide		BAPHILL ACTION
This guide sets	s the order and key talking points, and is laid out as f	follows:	
Time	Topic	Resource	Your notes
Suggested time for each section.	<ul> <li>Do/Say/Ask - instructions on how to deliver each section of the topic.</li> <li>Model answers or links to the immigration instructions where questions relate.</li> </ul>	Resources needed for each section of a topic, including the relevant PowerPoint slide.	Background information to help the facilitator prepare. Includes:  • facilitator topics: information on topics including links to relevant instructions  • where the content is specific to a particular role/audience eg immigration officer, border officer, or compliance officer.  Includes space so the facilitator can add their own written notes during preparation.

## Workshop outline

Time	Topic
10 mins	Welcome and overview  Purpose: Introduction to each other and the room, exits, bathrooms, etc.
40 mins	Scenario # 1  Purpose: To help build empathy and a more global view by having participants step into the variety of different roles that have a say in the decision making process.
15 mins	Tea break  Purpose: To give participants the chance to get to know each other further while reflecting on the first scenario in a relaxed environment.
40 mins	Scenarios # 2 & 3  Purpose: To offer participants the chance to analyse and complete a complicated request that does not have a black and white solution.
15 mins	Closing  Purpose: To offer the chance for final reflections and remind participants of the additional help that is out there for them.

## Welcome and overview – 10 mins

## **Topic outcomes**

By the end of this topic, learners will be able to:

- identify the position of exits, bathrooms, etc
- recall the names of the others in the room
- consider the wellbeing of the people around them and the complexity that goes with that.

Time	Topic	Resource	Your notes
3 mins	Introduction  Welcome participants and point out the following:  • position of exits, and where to meet in case of emergency  • position of bathrooms  • where people can get a glass of water, etc.  Say: Here are the learning objectives and a high-level workshop outline.  Say: At any time today, please take time to write any questions you may have onto post-its and pop them up on the wall here (point to the part of the wall you've allocated for questions).	Hand-written poster or whiteboard with Learning Objectives and high-level Workshop Outline on it  A part of the wall that you have allocated for questions on post-its. You may choose to put a piece of flip-chart paper on the wall so you can take the questions away on it.	

#### 7 mins

#### Introduction activity

Say: Today we are talking about health, so we're going to have a think about how we're feeling today. Put yourselves into a line from 'feeling great!' on this end of the room to 'feeling pretty ugh' on this end. But you're not allowed to talk, you have to use your hands to describe what's happening for you, (you could show an example of your head on your hands and ask the group what you're feeling, then encourage them to be more creative with their examples).

Once they're in the line, say: Now we're going to fold this line, so that the person who is feeling the best is going to be next to the person feeling most ugh!

Once the line is folded, say: Great, now talk to the person who has matched up next to you in the line, have a chat about why you put yourself where you did in the line. Note – you may need to form a group of three – this is fine.

Once they've shared, say: That's great – now I'm going to ask that you introduce your partner to the group with one word that you can think of that might describe what they told you about the way they're feeling. Try to think beyond just saying 'good' or 'tired' – get creative!

Note: It would be best to call on the partners who were at either end of the original line, as they probably have access to the most creative words immediately.

**Ask:** Ask participants to stay in their pairs and join the pair next to them to form a group of 4. Note – you may need to form a group of 5 – this is fine. Let participants know this is the group they will work in today. Ask each group to find a table to go and sit at together.

Note: This activity does a few things:

- it helps introduce the framing of the day on health
- it gets participants up out of their seats and talking as soon as possible
- it also gets the participants into groups that they will stay in for the rest of the day.

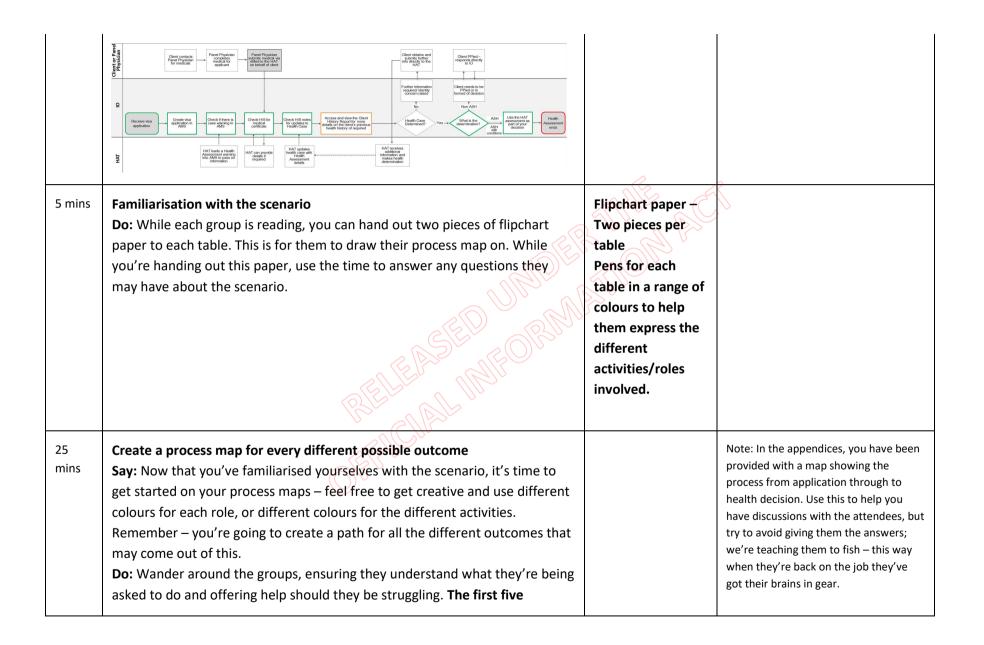
## Scenario # 1 – 40 mins

## **Topic outcomes**

By the end of this topic, learners will be able to:

• discuss and describe the process of refusing or granting visa applications on the grounds of health.

Time	Topic	Resource	Your notes
5 mins	Introduction  Say We are currently going through a transition period where we are moving all our visas from AMS to ADEPT. During this time you will process some visas in AMS and others in ADEPT. For ADEPT visas you will not complete this health requirement, it is completed by our Health Assessment Team. For AMS visas you will complete this health requirement. Therefore the learning in this module is only relevant for the visas you process in AMS.  Say An important part of your role is understanding who you are engaging with and how your actions can have multiple outcomes. To help you with this, at each table you are going to create a process map for a particular scenario. You have the scenario and a copy of the Health Instructions on your tables (provided in printed form on each table) to help you. In your process map, you should show every possible outcome and who you are engaging with at each point of the application process.  Note: Below is an example of one of the process maps that exists for this process: (also provided in the appendices)	Hand-outs for scenario # 1:  (Elderly traveller who was in New Zealand on a visitor visa two years ago. They were Acceptable Standard of Health (ASH) then and have a previous medical certificate that is still valid.  They have sent through another application to return to New Zealand and on their new application form, they declare that they were hospitalised six months ago with kidney stones).  Health Instructions	



	minutes are unlikely to be very productive, they might just be planning the	
	way that they'll be drawing it, but if they're not drawing after five minutes,	
	start cracking the whip with them – the next 20 minutes will go by quickly!	
	Note – as you wander around the groups, they may need help. Spend the 20	
	minutes asking coaching questions with each of the groups. Some examples	
	might be "Who would you get in touch with to see if you need to take this	
	further?" or "So you've engaged with HAT – who would they go to next?", or	
	you could walk them the whole way down a line through questioning, e.g.	
	"What if you just approved it without consulting? Would there be	
	you could walk them the whole way down a line through questioning, e.g.  "What if you just approved it without consulting? Would there be consequences? Could one consequence be that this person ends up on dialysis in a New Zealand hospital, which becomes a drain on our health system?" As	
	in a New Zealand hospital, which becomes a drain on our health system?" As	
	much as you can, try to get participants to come to answers themselves, but	
	do note that at certain points, they may need help, as some learners will	
	struggle with this level of freedom at first.	
	Note: be ready with extra flipchart paper, because mistakes will happen?	
5 mins	Table Discussion	
	Say: Now that you've had a chance to think about the many different	
	outcomes that are possible from the one visa application, take two minutes	
	to have a chat to the person next to you about your confidence levels in	
	applying the skills you'll need to take part in this when you're back on the	
	job.	
	Do: Ask each pair to share back to the group how they're feeling about this at	
	this stage.	
	Note: prepare to have a massive range of answers, and when people are	
	feeling very low in confidence, just remind them of the great support they	
	have not only in the different roles involved, but also in the room.	

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## Break - 15 mins

Remind participants that during the break they can add any questions they may have to the question wall that you introduced at the start of the session.



## Scenarios # 2 and 3 – 40 mins

## **Topic outcomes**

By the end of this topic, learners will be able to:

- analyse and complete a complicated request that does not have a black and white solution
- examine their position in the wider system of decision makers.

Time	Topic	Resource	Your notes
5 mins	Introduction Say: Now that you have returned to your desks, we're going to have a look at completing a few visa requests.  Do: Give each table one hand-out for scenario # 2 and allow them five minutes to read through it as a group  Note: The scenario is in the format that information comes through to them in AMS, so it feels as close to a real-life scenario as possible.  Discussion Say: In your groups, you are going to need to come up with an argument	Hand-outs for scenario # 2  • An elderly, blind man completed an immigration medical examination (IME) was assessed as not ASH.  • He is intending to travel to New Zealand for three months on a visitor visa to visit family.	
	either way to allow them their visitor visa or not – in seven minutes, you will present your arguments back to the group as a whole, then we will make a final decision.  Do: Wander around each group asking what they're leaning toward – if they're leaning too far in one direction, encourage them to consider the other side.		

5 mins	Discussion Say: Now we're going to hear back from each group about their thoughts. Do: Point to each group in turn, asking them to share their top points for saying 'yes' or saying 'no' – let them know that it's okay to repeat points.  After you've been around each group, say: Hands up who would say 'yes' (count). Now, hands up for who would say 'no'.  Say: It's always interesting to see that it's not always clear what the answer is – most of the time you can go with what the medical advisor says, but at the end of the day, that is their advice but the decision is still yours.	THE ACT
5 mins	Introduction Say: Now we're going to have a look at completing another visa request.  Do: Give each table one hand-out for scenario # 3 and allow them five minutes to read through it as a group  Note: The scenario is in the format that information comes through to them in AMS, so it feels as close to a real-life scenario as possible.	Hand-outs for scenario # 3  • A Ph.D. student in New Zealand applied for a two year student visa for his daughter, who is seven years old and has Down Syndrome, so that she could live in New Zealand while he was completing his studies here.  • She was assessed as not- ASH (as she would be eligible for the Ongoing Resourcing Scheme (ORS) funding for special needs assistance at school).

Discussion
Say: In your groups, you are going to need to come up with an argument
either way to allow them their visitor visa or not – in seven minutes, you will
present your arguments back to the group as a whole, then we will make a
final decision.
Do: Wander around each group asking what they're leaning toward – if
they're leaning too far in one direction, encourage them to consider the
other side.
Discussion
Say: Now we're going to hear back from each group about their thoughts.
<b>Do:</b> Point to each group in turn, asking them to share their top points for
saying 'yes' or saying 'no' – let them know that it's ok to repeat points.
Once you've heard from each group, say: Hands up who would say 'yes'
(count). Now, hands up for who would say 'no'.
Reflection
Say: We're now going to take some time to reflect on what our key
takeaways are from having been through these two scenarios. Talk with the
people around you about what your key takeaways have been.
After three minutes: Bring the discussion back to the big group and ask each
table to share one or two key takeaways from the activity.
Note, you're looking for them to say things like 'it's always best to ask for
further advice within INZ' or 'we don't always have to take advice, because
it's just advice from the Medical Advisor (MA), in the end, the decision is
ours'.

## Closing – 15 mins

## **Topic resources**

• Participant's learning journals

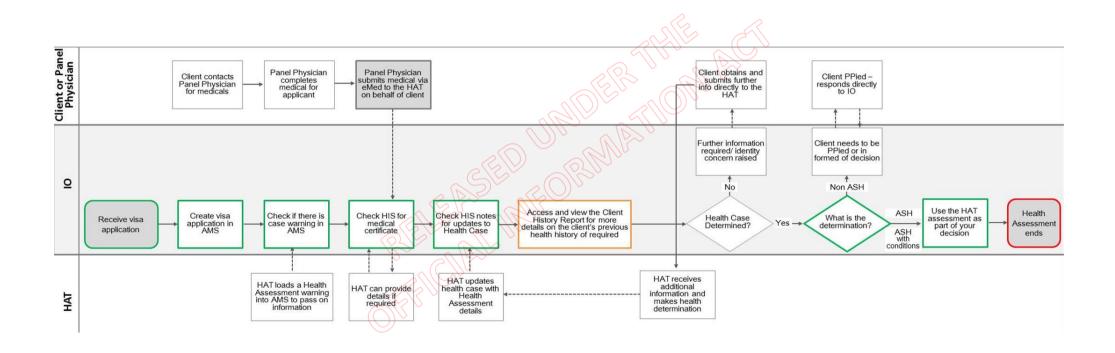
## **Topic outcomes**

- reflect on the learnings they have achieved
- recognise the additional help that is out there for them.

By the e	Topic outcomes  By the end of this topic, learners will be able to:  • reflect on the learnings they have achieved  • recognise the additional help that is out there for them.		
Time	Topic	Resource	Your notes
15 mins	Learning Journal  Ask the group to add their key learning to their Learning Journals	Learning Journal	
10 mins	Course closure  Ask the group to share their key take outs with the person next to them.  Key learnings may include anything about:  • the process of denying or approving visa requests on the grounds of health  • the tools we use to analyse and complete complicated requests.		
	Answer any final questions from the group.  Course closure.		

## Process diagram from visa application through to final health assessment

Use this to help you provide options for what attendees can add to their process maps:



## Scenario # 1:

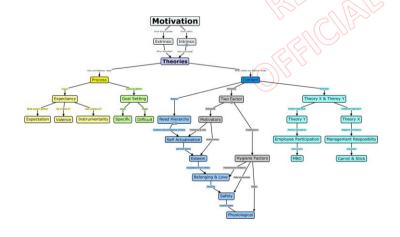
An elderly traveller who was in New Zealand on a visitor visa two years ago. They were ASH then and have a previous medical certificate that is still valid.

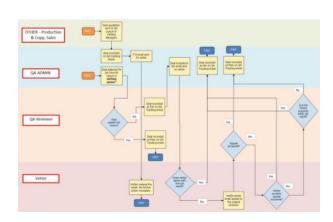
They have sent through another application to return to New Zealand and on their new application form, they declare that they were hospitalised six months ago with kidney stones.

## At each table:

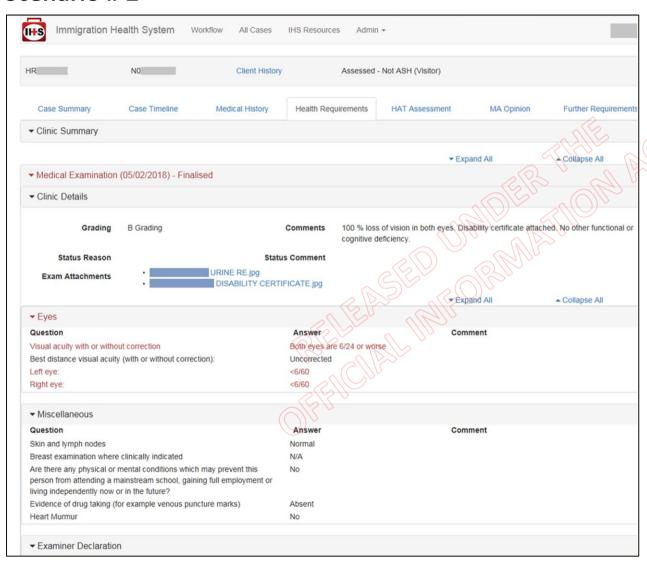
Using the Health Instructions, you will create a process map for every possible outcome based on what you do next. Remember to include who you are engaging with at each point of the application process.

Below are a couple of examples of process map styles – use your creativity and have fun with it!





## Scenario # 2



An elderly, blind man completed an immigration medical examination (IME) was assessed as not-ASH.

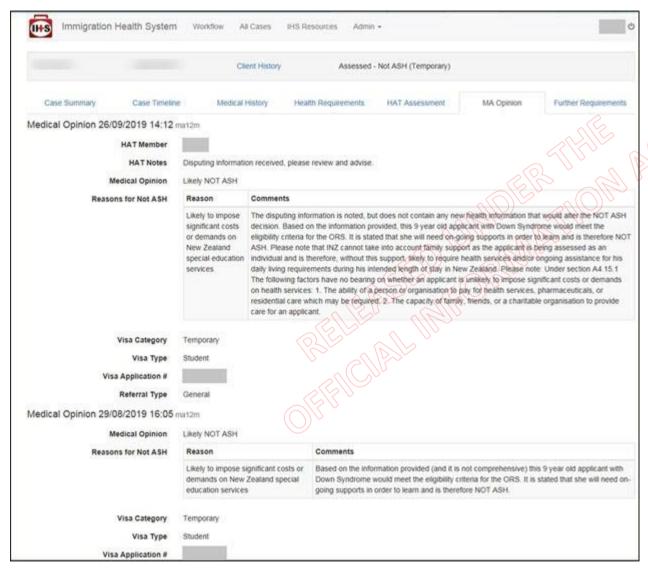
He is intending to travel to New Zealand for three months on a visitor visa to visit family.

## At each table:

Develop an argument both ways:

- allow visa
- don't allow visa.

## Scenario #3



A Ph.D. student in New Zealand applied for a two year student visa for his daughter, who is nine years old and has Down Syndrome, so that she could live in New Zealand while he was completing his studies here.

She was assessed as not-ASH (as she would be eligible for ORS funding for special needs assistance at school).

## At each table:

Develop an argument both ways:

- allow visa
- don't allow visa.

# Assess waiver recommendation (resident)

## When to use

When an application does not meet character or health instructions and a waiver has been recommended.

## Role

- Technical Advisor, or
- Immigration Manager

## **Steps**

1. Receive waiver recommendation

Receive the waiver recommendation from the Immigration Officer, either 'Character Waiver' or 'Medical Waiver' template.

2. Review recommendation

Review and complete the Conclusion and Decision sections of the document.

- 3. Update AMS location to "Actionable"
- 4. Return to Immigration Officer to finalise the application

Return to Immigration Officer for the completion of the assessment process.

**END** 

## See also

## Caseload Management Standard

#### **Waiver Templates**

- Medical waiver template
- · Character waiver template

**END** 

#### **MEDICAL WAIVER ASSESSMENT TEMPLATE**

**Application number:** [Application Number]

Client number: [Client Number]

Client name: [Client Name]
Date of birth: [Date of Birth]

This client lodged an application for [Application Type] - [Application Grounds Code Level 3] on [Date Tendered].

He/she meets the necessary criteria and character requirements under these instructions. The Medical Assessor, however, does not believe the client has an acceptable standard of health as he/she is likely to:

#### [Choose one of the following options. Delete these instructions]

- ? be a danger to public health.
- ? impose significant costs or demands on New Zealand's health services.
- ? impose significant costs on New Zealand's special education services.
- ? be unable to undertake the work for which he/she is applying for a visa.

This client has been assessed as not having an acceptable standard of health by INZ.

#### **Considerations**

In considering the client for a medical waiver, I have taken into account the following factors:

1. The applicant's current medical condition and his/her level of disability/disease.

[Summarise medical condition and refer to reports. Where there is a conflict between information provided by the MA and that provided by applicant's own specialist then you are required to obtain comment from a second MA who will provide a FINAL recommendation (see A4.45).]

2. The applicant's prognosis in terms of both his/her lifestyle and the type of treatment he/she will require and the availability of that treatment.

#### [Factors to consider in this part are the applicant's:

1 Stage of disability/disease and symptoms, eg early stages or advanced.

2 Likely course of disability/disease, eg remission periods, progressiveness of the disease/disability.

3 Required treatment and frequency required, eg specialist visits, hospital visits, and medical treatment.

4 The probable quality of life and day-to-day functioning, eg normal life expectancy, level of participation in day-to-day activities.

#### 5 Life expectancy.]

3. The likely cost of the treatment required.

[Include estimates from the MA and Health Authorities where relevant. Ensure you state all possible costs.

If the applicant is seeking expensive medical treatment not available in his/her home country, request the relevant Health Authority to provide a written estimate of the specific costs of the potential treatment or surgery.

- 4. The objectives of the health requirements instructions (see A4.1) and the objectives of the relevant residence instructions under which the application has been made.
  - The objective of health requirements instructions is to:
- ? protect public health in New Zealand; and
- ? ensure that people entering New Zealand do not impose excessive costs and demands on New Zealand's health and special education services; and
- ? where applicable, ensure that applicants for entry to New Zealand are able to undertake the functions for which they have been granted entry.

[Comment on how the applicant meets these objectives. Also comment on objectives of the instructions that affect the application.]

5. The degree to which the applicant would impose significant costs and/or demands on New Zealand's health or education services.

[Consider the resources required for care, eg frequency of hospitalisation immediate and long term, ongoing care required, ongoing management required and need for utilisation of support services such as specific disability services, community health groups, and specialists.]

[State availability of these resources in New Zealand, and in the area the applicant lives in.]

6. Whether the applicant has immediate family lawfully and permanently resident in New Zealand and the circumstances and duration of that residence (unless the limitations on the grant of medical waivers set out in A4.60c apply).

[Comment on any significant family ties to New Zealand, such as parents and siblings living in New Zealand, any New Zealand-born children of the applicant and the duration of the relationship with the child's other parent.]

- 7. Whether the applicant's potential contribution to New Zealand will be significant.
- ? For Family Category applications, consider the applicant's family situation.
- ? For Skilled Migrant Category applications, consider qualifications, work experience, and job offer.
- ? Consider whether the secondary applicant (partner of the PA) has a job offer or the ability to work and, if so, for how long. Consider if his/her occupation is listed on the LTSSL.
- 8. Whether the applicant meets all other requirements of the relevant category in immigration instructions.

[Comment whether the applicant meets the other instructions]

9. Other considerations.

[List and comment on any other factors you have taken into consideration in assessing this medical waiver.]

[\*\*\*\* Copy this assessment into AMS notes and forward to a Technical Advisor or Immigration Manager\*\*\*\*]

[All details hereafter are to be completed by the Technical Advisor or Immigration Manager who will decide whether to grant or refuse a medical waiver. Ensure that the weighing and balancing of factors and your decision are entered into the Client's Application Notes on AMS.]

Weighing and balancing of factors

[Record your weighing and balancing of all the factors you have considered:

- 1. State the factors in favour of a medical waiver.
- 2. State the factors against a medical waiver.
- 3. Ensure you have adequate information and demonstrate you have taken into account all the circumstances not just the Medical Consultant's recommendation.]

Decision

[State your conclusions and decision to grant or refuse a medical waiver.]

Name:	
Designation/Title:	
Date:	
OELE.	ASED RIMITORINA

**Application number:** [Application Number]

Client number: [Client Number]

[Date]

[AdviserName1]
[AdviserName2]
[AdviserStreetNumber] [AdviserStreetNamePOBoxNumber]
[AdviserSuburb]
[AdviserCity] [AdviserPostCode]
[AdviserCountry]
[NZBN Adviser]

Dear [Client Name]

#### Application for a [Application Type] for:

#### **Applicant:**

[Client Name]

[Secondary Applicant 1]

[Secondary Applicant 2]

[Secondary Applicant 3]

[Secondary Applicant 4]

#### Date of birth:

[Date of Birth]

[SecondaryApplicant1DateOfBirth] [SecondaryApplicant2DateOfBirth] [SecondaryApplicant3DateOfBirth]

[SecondaryApplicant4DateOfBirth]

Thank you for your letter dated [insert date of letter] providing additional information and comments about the concerns we have regarding your [or secondary applicant's name] health.

#### Our assessment of your health

We have completed a final assessment of your [or secondary applicant's name] health taking into account the information and comments you have provided and have concluded that you [or secondary applicant's name] do not have an acceptable standard of health for residence.

#### **Medical Assessor's Comments**

The additional information you provided was submitted to the same medical assessor who initially assessed your [or secondary applicant's name] medical certificate. They have considered this information and have again determined that you [or secondary applicant's name] do not have an acceptable standard of health for residence, on the basis that you are [or he/she is] [insert any of the following as appropriate]

likely to be a danger to New Zealand's public health [and/or:]

likely to impose significant costs or demands on New Zealand's health services or special education services [and/or:]

unable to undertake the work on the basis of which you are [or he/she is] applying for a visa [and/or:]

have a condition(s) listed in immigration instructions that does not allow for the grant of medical waiver.

Specifically the medical assessor has noted:



#### [Quote the medical assessor's comments below]

"[Add medical assessor's comments here]".

In line with our health assessment procedure, your [or secondary applicant's name] medical certificate and all additional information was referred to a second medical assessor for a second opinion. The second medical assessor has considered this information and has also determined that you [or secondary applicant's name] do not have an acceptable standard of health for residence, on the basis that you are [or he/she is] [insert any of the following as appropriate]

likely to be a danger to New Zealand's public health [and/or:]

likely to impose significant costs or demands on New Zealand's health services or special education services [and/or:]

unable to undertake the work on the basis of which you are [or he/she is] applying for a visa [and/or:]

have a condition(s) listed in immigration instructions that does not allow for the grant of medical waiver.

Specifically the second medical assessor has noted:

#### [Quote the second medical assessor's comments below]

"[Add Medical assessor's comments here]".

#### [Use the paragraphs below as appropriate. Delete these instructions.]

This means that you are not eligible for a residence class visa unless the health requirement is waived.

## [For secondary applicants who were eligible to be included in their parent/partner's original application:]

Please note that you cannot be considered for a medical waiver. This is because you were eligible to be included in your [parent/partner's] residence application but were [not included in/withdrawn from] their application. Please read the relevant immigration instructions relating to medical waivers for residence class visa applicants (A4.60 and A4.70), which can be found below in Appendix A.

#### [For applicants who may be considered for a waiver]

We are now giving you the opportunity to make comments or provide additional information to help us decide if your circumstances justify waiving the health requirement. Please read the relevant immigration instructions relating to medical waivers for residence class visas applicants (A4.60 and A4.70), which can be found below in Appendix A. While the immigration instructions at A4.70 set out the factors that we must take into account you are welcome to provide any other information you want us to take into account.

#### [For applicants with a partner/child who does not meet health requirements]

You should be aware that if you choose to withdraw [insert name of secondary applicant] and they apply for a residence visa in the future they will be required to complete a General Medical Certificate (INZ 1007), not the Limited Medical Certificate (INZ 1201) for partners and dependent children of New Zealand citizens and residents. In addition, if [insert name of secondary applicant] is deemed not to have an acceptable standard of health at that time they will not be granted a medical waiver. These limitations also apply if [insert name of secondary applicant] applies for a temporary entry class visa in the future.

#### What can you do now?

We have not made a decision on your application at this stage. It is in your interest to write to us with your comments or send us additional information

#### [continue sentence above with the options below as appropriate. Delete these instructions.]

#### [For applicants who may be considered for a waiver:]

to explain why you think a medical waiver should be granted.

#### [For applicants who may not be considered for a waiver]

that you wish to be taken into consideration before we make a final decision on your application.

#### [Write your office address into the placeholder below. Delete if not applicable]

#### You may provide further information

#### [Paper applications]

Any comments or further information must be provided by [date]. This should be sent to the following address:

**Immigration New Zealand** 

[Office address line 1]

[Office address line 2]

[Office address line 3]

[City] [postcode]

[COUNTRY]

#### [Use the sentence below as appropriate.]

Please provide all information you would like to be considered by responding to this email.

All supporting documents must be original or certified copies of originals. Any documents not in English must be translated into English by a recognised, independent translation service.

#### [Online applications]

#### Upload the required information by [date]

To upload documents:

- 1. Log into your account through www.immigration.govt.nz.
- 2. Click on 'Submitted' and select your submitted application.
- 3. Click 'Upload additional document' and select [document type] from the list of document types.
- 4. Click on 'Browse' to select the document for upload and 'Submit'.

#### What happens if you do not send any comments or additional information?

If you do not send any comments or additional information by the date requested above we will make a decision on your application based on the information you have already given us. We are unlikely to approve your application based on this information.

#### False or misleading information

Please note that providing false or misleading information or withholding information may make you ineligible for a visa.

#### What happens if your circumstances change?

You must tell us about any changes to your circumstances that may affect your application for a visa, including but not limited to changes to the following:

- ? the personal or family circumstances of any person included in the application
- ? your address or contact details (including postal address, email address, and telephone number)
- ? your business or employment
- ? your study if you are applying for a student visa.

If you do not tell us about changes to your circumstances, we may decline to grant you a visa or you may become liable for deportation. While you are in New Zealand, you must hold a valid visa at all times.

#### Contact us

If you have any questions, you can:

- ? call me on [Case Manager Phone Number]
- ? email me at [Case Manager Email]
- ? find answers to frequently asked questions or email us your enquiry www.immigration.govt.nz/help, or
- ? call our Immigration Contact Centre on 0508 55 88 55 or 09 914 4100, or for those outside of New Zealand +64 9 914 4100.

You will need to tell us your application and client numbers (you will find these at the top of this letter). Please have them with you and be ready to quote them if you contact us.

Yours sincerely

[Case Manager Name]
[Case Manager Designation]
Immigration New Zealand



**Application number:** [Application Number]

Client number: [Client Number]

[Date]

[AdviserName1]
[AdviserName2]
[AdviserStreetNumber] [AdviserStreetNamePOBoxNumber]
[AdviserSuburb]
[AdviserCity] [AdviserPostCode]
[AdviserCountry]
[NZBN Adviser]

Dear [Client Name]

Application for a: [Application Type]

#### Applicant:

[Client Name]

[Secondary Applicant 1]

[Secondary Applicant 2]

[Secondary Applicant 3]

[Secondary Applicant 4]

#### Date of birth:

[Date of Birth]

[SecondaryApplicant1DateOfBirth]

[SecondaryApplicant2DateOfBirth]

[SecondaryApplicant3DateOfBirth]

[Secondary Applicant 4 Date Of Birth]

Thank you for your letter dated [insert date of letter] providing additional information and comments about the concerns we have regarding your [or secondary applicant's name] health.

#### Our assessment of your health

We have completed a final assessment of your [or secondary applicant's name] health taking into account the additional information and comments you provided and have concluded that you [or secondary applicant's name] do not have an acceptable standard of health. This means that you [or secondary applicant's name] are [is] not eligible for a residence class visa unless the health requirement is waived.

The health requirement may only be waived in certain circumstances, as detailed in immigration instructions for residence class visas (A4.60 and A4.70, copies attached). You [or secondary applicant's name] do [does] not appear to be eligible to be considered for such a medical waiver. This is because we have determined that you [or secondary applicant's name] [continue sentence with relevant wording below as appropriate. Delete these instructions.]

require dialysis treatment (A4.60(a)(i)).



will require dialysis treatment within a period of five years from the date of **[your/their]** medical assessment (A4.60(a)(i)).



have severe haemophilia (A4.60(a)(ii)).





have a physical incapacity that requires full time care (A4.60(a)(iii)).



have active pulmonary tuberculosis (A4.60(a)(iv)).

#### [or]

are [is] applying for a resident visa under Family category, but although eligible to be included in an earlier application for residence as the spouse or partner of a principal applicant or the dependent child of a principal applicant or their spouse or partner, were [was] not declared on that earlier application (A4.60(b)).

#### What can you do now?

We have not made a decision on your application at this stage. We are now giving you the opportunity to make comments or provide additional information to help us to decide if you are eligible to be considered for a medical waiver.

[Either: RESIDENCE applications only. Write your office address into the placeholder below. Delete if not applicable]

#### You may provide further information

Any comments or further information must be provided by [date]. We recommend you email the information to me at : [Case Manager Email] or, if you are submitting original documents, you can send them to the following address

Immigration New Zealand [Office address line 1] [Office address line 2] [Office address line 3]

[City] [postcode]

[COUNTRY]

All supporting documents must be original or certified copies of originals. Any documents not in English must be translated into English by a recognised, independent translation service.

[Or: TEMPORARY ENTRY applications only. Write your office address into the placeholder below. Delete if not applicable]

#### You may provide further information

Any comments or further information must be provided by [date]. We recommend you email the information to me at: [Case Manager Email] or, if you are submitting original documents, you can send them to the following address

Immigration New Zealand
[Office address line 1]
[Office address line 2]
[Office address line 3]
[City] [postcode]

[COUNTRY]

[Or: for Online applications. Delete if not applicable. Delete these instructions.]

#### You may provide further information

Any comments or further information must be provided by [date].

Please upload it to your online account.

#### To upload documents:

- 1. Log into your account through www.immigration.govt.nz.
- 2. Click on 'Submitted' and select your submitted application.
- 3. Click 'Upload additional document' and select [document type] from the list of document types.
- 4. Click on 'Browse' to select the document for upload and 'Submit'.

Any documents not in English must be translated into English by a recognised, independent translation service.

#### What happens if you do not send any comments or additional information?

If you do not send any comments or information by the date requested above we will make a decision on your application based on the information you have already given us. We are unlikely to approve your application based on this information.

#### False or misleading information

Please note that providing false or misleading information or withholding information may make you ineligible for a visa.

#### What happens if your circumstances change?

You must tell us about any changes to your circumstances that may affect your application for a visa, including changes to:

- ? the personal or family circumstances of any person included in the application
- ? your address or contact details (including postal address, email address, and telephone number)
- ? your business or employment
- ? your study, if you are applying for a student visa.

If you do not tell us about changes to your circumstances, we may decline your visa or you may become liable for deportation. While you are in New Zealand, you must hold a valid visa at all times.

#### **Contact us**

If you have any questions, you can:

- ? call me on [Case Manager Phone Number]
- ? email me at [Case Manager Email]
- ? find answers to frequently asked questions or email us your enquiry at www.immigration.govt.nz/help, or
- ? call our Immigration Contact Centre on 0508 55 88 55 or 09 914 4100, or for those outside of New Zealand +64 9 914 4100.

You will need to tell us your application and client numbers (you will find these at the top of this letter). Please have them with you and be ready to quote them if you contact us.

Yours sincerely

[Case Manager Name] [Case Manager Designation] Immigration New Zealand

