



File No. DOIA 1920-0573

Beth

[fyi-request-11389-8e108ed9@requests.fyi.org.nz](mailto:fyi-request-11389-8e108ed9@requests.fyi.org.nz)

Dear Beth

Thank you for your email of 5 October 2019 requesting the following under the Official Information Act 1982 (the Act):

*any discussion notes, email chains, policy recommendations or reports regarding [the fact that the operation manual references the Domestic Violence Act 1995, which has since been repealed and replaced] and the potential impact this could have on a person who wishes to claim under Domestic Violence or has a visa being assessed based on a repealed law.*

*When does MBIE expect to update the policy to reflect the new law?*

*What was the earliest date available in records that staff have raised the issue of the law being outdated and what/if any actions were taken in regards to this being raised with MBIE?*

As you may be aware, section 4 of the now repealed Domestic Violence Act 1995 was used for the purposes of defining a domestic relationship. The new Family Violence Act 2018 replicates section 4 (see sections 12 – 14 of the new legislation). Similarly, the immigration instructions refer to section 3 of the Domestic Violence Act for the meaning of domestic violence, which comprises physical, sexual, and psychological abuse. The Family Violence Act 2018 also defines family violence as physical, sexual, and psychological abuse (although it does specify particular types of family violence, such as coercive or controlling behaviour or dowry-related violence).

This means that, in practice, there is no direct impact to immigration instructions. Given that the old references can be read as the new legislation, the change of name has no effect on people who were previously eligible for the category, or who apply for a visa under current instructions, although those instructions refer to the repealed law. I can confirm that Immigration New Zealand is continuing to process these applications, and that the category continues to meet the intent of the legislation (that is, to provide special protection to specified victims of family violence).

I would also refer you to information which Immigration New Zealand has made available regarding family violence, at: [www.newzealandnow.govt.nz/living-in-nz/safety/keeping-safe-security](http://www.newzealandnow.govt.nz/living-in-nz/safety/keeping-safe-security) (see *Protection from domestic or family violence* and under it *Special visas for victims of family violence*).

In response to the second part of your request, the title of the category will be updated at the next opportunity. The Ministry aims for this to happen in the coming months.

In response to the third part of your request, the Ministry was consulted on, and involved in, the process that led to the change. Consequently, the Ministry was aware of the fact that the law would be repealed prior to 1 July 2019, and the issue you mention in your request did not need to be raised by staff.

The Ministry is extending the time frame for our response to the first part of your request under section 15A(1)(b) of the Act, as consultations necessary to make a decision on the request are such that a proper response cannot reasonably be made within the original timeframe. This is because a key staff member involved in this area is currently posted overseas. We will provide a response to this part of your request on, if not before, 25 November 2019, which is an extension of 15 working days.

You have the right to seek an investigation and review by the Ombudsman of my decision on this request, in accordance with section 28(3) of the Act. The relevant details can be found at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Siân Roguski', with a small 'PP' written above it.

**Siân Roguski**  
Manager, Immigration Policy