

# Hon Poto Williams

## MP for Christchurch East

Minister for the Community and Voluntary Sector

Associate Minister of Immigration

Associate Minister for Social Development

Associate Minister for Greater Christchurch Regeneration



D Gounder

Email: [fyi-request-12374-e3f993f8@requests.fyi.org.nz](mailto:fyi-request-12374-e3f993f8@requests.fyi.org.nz)

Ref: OIA 2020-04

13 May 2020

Dear D Gounder,

Thank you for your email of 4 March 2020 requesting, under the Official Information Act 1982, the following information:

*"1) The number of Ministerial Intervention Requests in the last five years (January to December, 2010 to 2019 and January to current date for 2020)*

*2) The number of Ministerial Intervention Requests in which the Minister has chosen to intervene in the last five years (January to December, 2010 to 2019 and January to current date for 2020)*

*3) The internal process for when the Minister intervenes in Individual Cases."*

Thank you for clarifying that your request covers the last five, not nine years.

Your request has been understood as relating to requests by individuals or their representative for my intervention in their immigration case. These 'intervention requests' are different from other decisions that a Minister may make in relation to individuals (for example, deportation-related decisions). A table outlining the number of ministerial requests and requests where the decision makers have chosen to intervene is attached to this letter. It is important to note that an intervention does not necessarily mean the outright grant of a visa. It is more usual for the intervention to grant a visa subject to the requestor meeting certain requirements such as an acceptable standard of health and character.

There is no one document describing the ministerial process. The framework is provided by the Immigration Act 2009 and there are formal letters of delegation of authority to consider and decide ministerial requests, which flow from the Minister of Immigration to the Associate Minister of Immigration and Delegated Decision Makers. The decision makers are also provided with a legal briefing on the relevance of New Zealand's International Obligations for their decision making.

In order for the decision makers (the Minister of Immigration, the Associate Minister of Immigration and the Delegated Decision Makers) to make a decision on an individual case, the original request together with any additional supporting documents provided by the requestor, is given to the decision maker. Accompanying the request is a case note prepared by officials from Immigration New Zealand. The case note includes sections called 'Representations', 'Relevant Instructions and Legislation', 'Immigration History', 'International Obligations' and 'Relevant Issues'. It also provides the decision maker with at least two

decision options listed in order of most to least favourable to the requestor. It is important to note that officials do not make recommendations and the decision maker is free to make a decision based upon an alternative option of their choosing. The purpose of the case note is to provide a comprehensive account of Immigration New Zealand's interactions with the client and a neutral summary of the submissions presented by the requestor. The decision maker may request that officials provide additional information or specific advice at any time.

I trust that you find the information helpful.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information on how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, please contact [craig.chambers@parliament.govt.nz](mailto:craig.chambers@parliament.govt.nz).

Yours sincerely

A handwritten signature in black ink, appearing to be 'Poto Williams', with a long horizontal line extending to the left.

Hon Poto Williams  
**Associate Minister of Immigration**