



20 July 2023

Muhammad

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DOIA 2223-3012

Tēnā koe Muhammad

Thank you for your email of 25 June 2023 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following information:

“1- INZ introduced a new SMC point system and claims to process the applications in 6-8 weeks. I would like to know when will INZ process the SMC applications that were lodged before March 2020 and still waiting for a decision? Why those applications are just ignored and priority is given to other newly launched pathways (such as RV21, New SMC).

2- Is the processing time of 6-8 weeks realistic for new SMC applications? Because INZ already misled the SMC applicants (lodged before March 2020) by mentioning 12-24 months of processing but failed to do so even after 40 months.

3- Did INZ discuss this 6-8 weeks processing time with NZSIS, so they can process the NSC checks within this time (if needed)? INZ claims that NSC checks are out of their control then how they will process the new SMC applications in 6-8 weeks when NSC checks are taking more than a year? Shouldn't INZ disclose this information so, applicants can know what to expect?

4- Why INZ hasn't given the priority to those SMC applications that were lodged before March 2020 and still waiting for a decision? INZ keep changing the focus and priorities without processing the existing applications that are waiting for more than 40 months? Is there any transparency and checks to oversee the actions of INZ?

5- Currently, INZ website shows the SMC processing time of applications after the reopening in Nov 2022. Why INZ is trying to hide those SMC applications that were lodged before March 2020 and still pending for a decision. Does INZ think adding those applications will ridiculously increase the processing time and some applicants maybe reluctant to apply?

6- As per recent OIA response from NZSIS, there is a backlog of NSC checks for resident applications due to issue in the INZ IT system. Who is responsible for such delay and what actions are taken to avoid such issues in the future? When will NZSIS clear the backlog of NSC checks?

7- Why INZ is not expediting the NSC checks and processing of SMC applications that were lodged before March 2020? If they are not able to expedite NSC checks then how can they claim to process the applications in 6-8 weeks with new SMC system? Then this claim becomes

fictitious. Does it mean those applicants, who need NSC check, should expect a very long processing time?

8- If there is no timeline of NSC checks, then why this information is not made public. So, applicants can see this information before lodgement of their applications.

9- When INZ will complete the processing of SMC applications that were lodged before March 2020? Is there a maximum time to decide about a SMC application, or those applicants can be in limbo for 5-10 years or even more?

10- How the New SMC system will affect the old SMC applications? Which applications will be prioritised and why?"

Our Response

Questions 1 and 2

In respect of the six-to-eight-week processing timeframe you refer to for Skilled Migrant Category Resident Visa (SMC) applications, it is important to note that this timeframe was stated with specific reference to those applications that are straight-forward to assess and have all the required information provided at the time they are submitted. This can be seen on the Immigration New Zealand (INZ) website:

<https://www.immigration.govt.nz/new-zealand-visas/preparing-a-visa-application/living-in-new-zealand-permanently/new-zealand-skilled-residence-pathways/changes-to-the-skilled-migrant-category-resident-visa>

All SMC applications lodged prior to March 2020 have now been allocated to immigration officers for assessment. Based on applications decided in May 2023, 50% of applications were completed within 82 weekdays, and 90% within five months. For the most up to date information on processing timeframes, please refer to the INZ website:

<https://www.immigration.govt.nz/new-zealand-visas/waiting-for-a-visa/how-long-it-takes-to-process-your-visa-application>

While SMC applications are generally processed in the order they are received by INZ, some are prioritised where certain criteria are met, including:

- Applicants with an hourly rate equivalent to or higher than twice the median wage; or
- Applicants holding current occupational registration where registration is required by immigration instructions.

Please note that resourcing (such as how many of our staff are trained and assigned to process different visa types) sits outside any priority given to certain applications within a specific category.

The time it takes to decide an application depends on a number of factors that may be outside the control of the immigration officer, including third-party checks (such as National Security Checks (NSC), court cases, and medical checks) and, in some cases, waiting for information to be provided by an applicant. It is not uncommon for some applications to have longer processing times than others due to their relative complexity.

Question 3

As noted in our response to Question 1, the processing timeframe you refer to applies only to straightforward applications that have all the required information submitted for the application to be decided within that period. INZ is regularly in contact with the New Zealand Security Intelligence Service (NZSIS) regarding processing timeframes and workloads.

Question 4

Please refer to our response to Question 1, which addresses the first part of Question 4.

Regarding the second part of your question, you can lodge a complaint about a service you have received from INZ or if you believe that INZ did not follow a correct process. More information about the process of complaints, as well as who you can appeal to if you are not satisfied with the outcome of your complaint, is available on the INZ website:

<https://www.immigration.govt.nz/about-us/contact/complaints/complaint-about-inz>

Question 5

When selections of Expressions of Interest for SMC resumed in November 2022, the processing timeframes published on the INZ website took into account applications submitted before that time. A decision was then made to remove the timeframes from the INZ website until such time as these figures could be made accurate following feedback from INZ customers which indicated that the figures published did not reflect realistic processing timeframes and may place licenced immigration advisors and immigration lawyers in difficult situations with their clientele.

Question 6

INZ has recently experienced some technical issues with NSCs for resident visa applications made through the enhanced Immigration Online system. When issues such as these occur, INZ and MBIE work closely with our third-party IT providers and the New Zealand Security Intelligence Service (NZSIS) to identify the root cause of the problem and potential solutions. This is an ongoing process and improvements are implemented over time.

On 30 June 2023, you were notified by Ministerial Services that a partial transfer of your request for official information, specifically the second part to your sixth question “[w]hen will NZSIS clear the backlog of NSC checks?”, was made to the NZSIS as it more closely aligns with their functions.

Question 7

INZ has been working with NZSIS to expedite NSCs for applications lodged before March 2020. However, applicants requiring a NSC should expect their application to take longer than six-to-eight-weeks for the reason outlined in our response to Question 3.

Question 8

Where appropriate, part of the character assessment of an applicant will include a NSC. If it is determined that a NSC is required, then the relevant information is gathered and referred to the NZSIS for processing. However, INZ cannot provide comment on volumes or processing timeframes for NSCs. In instances where INZ anticipates receiving significant application volumes that require NSCs, plans and agreements are made to ensure that appropriate resourcing is in place to manage anticipated NSC volumes.

Question 9

Please refer to the second and final paragraphs of our response to Question 1.

Question 10

The processing and order of allocation of all SMC applications are determined by the General Instructions relevant at the time. Please refer to the third paragraph of our response to Question 1 for further information on prioritisation.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

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

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Michael Carley', with a long, sweeping horizontal stroke extending to the right.

Michael Carley
(Acting) Principal Advisor, Visa Operations, on behalf of the Chief Operating Officer
Immigration New Zealand