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DOIA 2223-3056

Tēnā koe N.I.Alali

Thank you for your email of 30 June 2023 to the Ministry of Business, Innovation and Employment. I sincerely apologise for the delay in your response. You have requested under the Official Information Act 1982 (the Act), the following information:

- 1- *Does INZ conduct follow-ups on Skilled Migrant Category applications to ensure that they have been assigned and are being processed by the third-party check agency? please provide details on this process.*
- 2- *What is the timeframe provided by the third-party check agency for processing applications?*
- 3- *What is INZ's internal policy regarding escalation of SMC applications that has been in third party check stage for more than six months? what is the process and how decisions are made regarding whose application gets escalated?*
- 4- *Have there been any recent instructions, policies, advice or directives regarding the allocation of third-party checks for Skilled Migrant Residence Visas (excluding 2021 visas)? This includes any emails, records of internal meetings, or instructions or advice from the Minister's office or senior management at INZ.*
- 5- *Is there a different process that INZ or the SAT team follows for Skilled Migrant Residence Visa applications (excluding 2021 visas) in comparison to other resident visas? Please provide clarification on this process, including any instructions or internal policy guidelines. This may include relevant emails.*
- 6- *Have there been any instructions from the Minister's office or senior management at INZ directing INZ to prioritise the 2021 visa pathway over the traditional Skilled Migrant Residence Visa? This may include any emails, meeting minutes, or communications from the Minister's office or senior management teams at INZ.*
- 7- *As of today, how many case officers are assigned to the SMC visa?*
- 8- *You claim that you treat all applicants fairly on the principles of fairness and natural justice, what are the steps the INZ is taking to ensure fair treatment for SMC applicants who have been waiting for a decision on their application for over 4 years now? Has INZ had any internal discussions about this issue? this includes any advice, internal policy, emails or instructions they received from the Minister, other government agencies or consultants on this issue.*

Our Response

Question 1

Immigration New Zealand (INZ) does not follow up on third-party checks or whether they have been assigned for processing or are in process. This is because the processing of these checks is the responsibility of the New Zealand Security Intelligence Service.

Question 2

If it is determined that a National Security Check (NSC) is required, then the relevant information is gathered and referred to the appropriate government agency for processing. This usually occurs soon after an application is lodged or allocated for processing. The time it takes to complete an NSC depends on the applicant and their circumstances. Once processed, INZ receives a response regarding the outcome of the assessment.

Question 3

Applications are escalated on a case-by-case basis based on the particular circumstances of each application, as such there is no policy.

Question 4

Immigration Instruction A5.1 requires that all visa applicants be of good character, and not pose a potential security risk. If any person included in the application fails to meet the necessary character requirements and the character requirements are not waived, the application may be declined. Character assessments involve third-party checks, and these can include a New Zealand Police certificate and/or a NSC.

INZ cannot comment on allocations of third-party checks; however, INZ has been working with the New Zealand Security Intelligence Service to expedite NSCs for applications lodged before March 2020. In instances where INZ anticipates receiving a significant amount of applications that require NSCs, plans and agreements are made to ensure that appropriate resourcing is in place.

Question 5

While the residence visas are processed in different offices, each office follows similar processes for each visa category. All residence visa applications including Skilled Migrant Category (SMC) Resident Visa applications are assessed in accordance with immigration instructions. Each application is assessed on a case-by-case basis based on the information provided to INZ and referred to the Specialist Assessment Team (SAT) for processing if required. The SAT team has its own processes in place for assessing applications under every visa category. Details regarding the SAT team process are withheld under section 6(c) of the Act to prevent prejudice of the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

Question 6

There are no instructions to say that the 2021 Resident Visa will be prioritised over SMC. However, some 2021 Resident Visa applications may be prioritised based on their application cohorts such as medical professionals or those with split families.

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 NSCs, character checks, and medical checks) and, in some cases, waiting for information from the applicant. It is not uncommon for some applications to have longer processing times than others due to their relative complexity.

Question 7

INZ currently has 46 immigration officers working on SMC applications and 10 immigration officers working on Straight to Resident Visa applications.

Question 8

INZ has had had internal discussions about applications that have been pending decisions lodged pre-COVID-19 which has resulted in some of the cases being escalated to third-party agencies where there may have been delays in receiving the necessary checks.

Residence visas allow people to stay permanently in New Zealand, so naturally these applications take longer to process. Residence visa processing timeframes can and do vary depending on the complexity of an application and the provision of additional information that may be required. There are several reasons why an application may be delayed before a final decision can be made. For example, closing our borders during the pandemic meant that processing SMC applications for applicants living offshore had to be suspended until such times as the borders re-opened. In addition, INZ was previously tasked to deliver an annual Residence Programme that was oversubscribed. This affected the overall processing experience for many customers as INZ was limited on the number of residence approval decisions it could make within a reporting year.

Since the borders have re-opened, a web-based application form has been developed to enable customers to apply online. In addition, changes to the New Zealand residence programmes mean that INZ is no longer constrained by the number of approval decisions it can make within a reporting year and is now resourced to demand. As a result, SMC application allocation and processing timeframes have significantly improved. As at the end of June 2023, 90 per cent of SMC applications have been completed within five months.

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



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