



PPI or not PPI?

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What is Potentially Prejudicial Information? (PPI)

- When PPI is identified INZ is required to inform the applicant that it might impact the outcome of their application and provide opportunity for comment.
- If the applicant knows or has access to publicly available information that might impact the outcome of their application this is not considered PPI and a decision can be made without further comment required.
- IAC 11-09

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Onshore

- If the applicant is applying from within New Zealand, we always consider PPI.
- Why?
- INZ considers the principle of fairness and natural justice carefully for onshore applicants.

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Offshore

E7.15.1 applies

For the purpose of assessing an application for a temporary entry class visa from an applicant who is outside New Zealand, PPI is factual information or material that:

- a. was not obtained from the applicant or the applicant's authorised representative or agent; and
- b. is not publicly available, or that the applicant is not necessarily aware of; and
- c. will or may adversely affect the outcome of an application; and
- d. the applicant has not previously had an opportunity to comment on.

Note: The submission of false or misleading information by an applicant or their agent is not potentially prejudicial information as that information has been obtained from the applicant or their agent.

If there is a NZ citizen or resident connection – consider PPI/RFI

Recording decisions

- If declining an application and it has been identified that no PPI is present a note similar to the following must be used:

I have not sought comment from the applicant prior to making the decision to decline this application as the information I am basing my decision on is not PPI, according to instructions E7.15.1

- It is also critical to identify what failed the instruction and why

What does this mean?

- If you are satisfied, for example, that the applicant has not provided enough information to demonstrate that they are bona fide, you may proceed to decline the application.
- Verification or consultation with a VO is not required
- Consultation with a TA or IM is not required unless you have concerns or are unsure of something

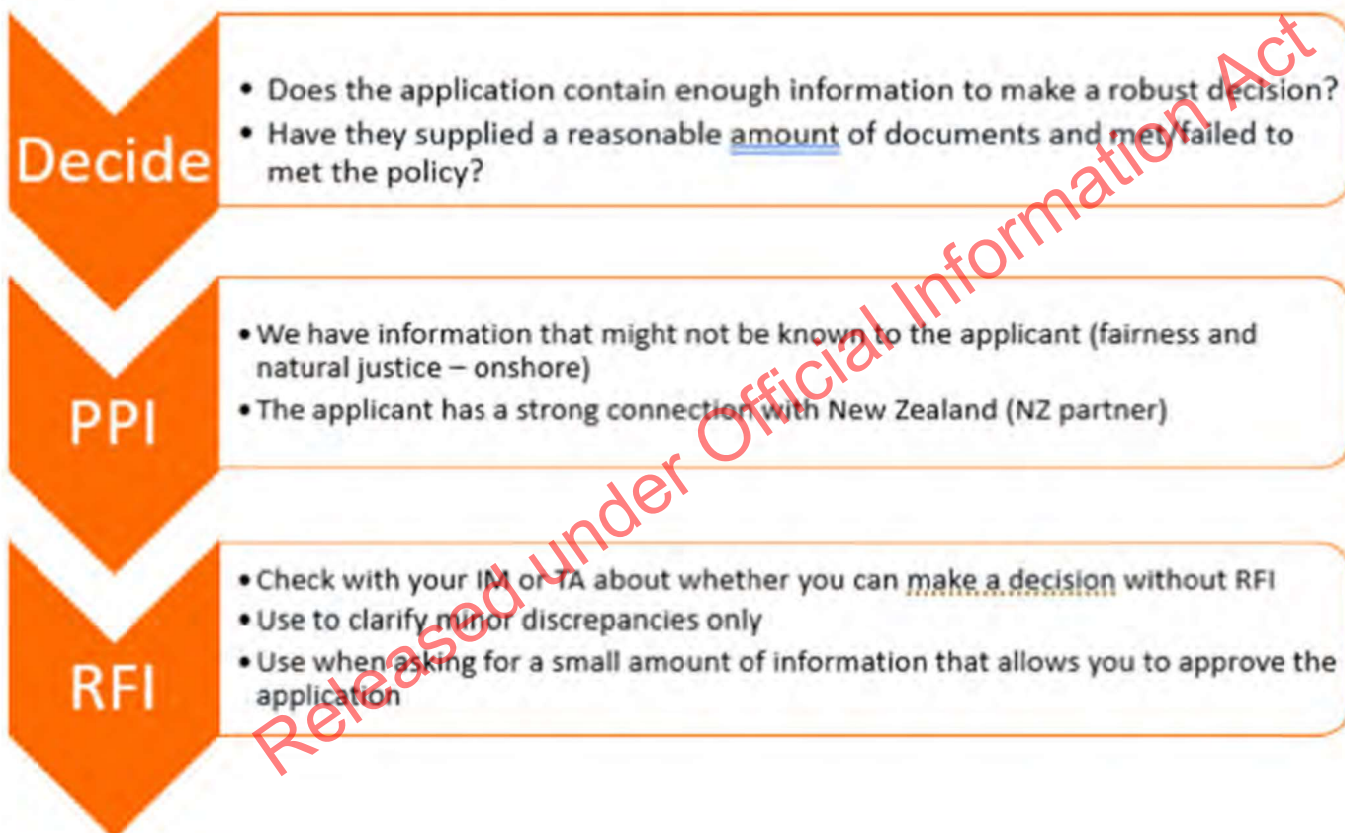
What if you want to PPI/RFI?

While this is embedding:

For offshore applicants if you wish to RFI/PPI you must check with a TA/IM first.

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Decision Making Steps



Examples

1. VVG – Client has insufficient funds or any sponsorship. **PPI is not required** – however, you are able to seek the information if you consider they have it and it can easily be provided.
2. VVG – IO is not satisfied client is bona fide due to prior breaching of visa in New Zealand. **PPI is not required** – IO can decide based on information available.
3. VVG – IHS have recently indicated the client is not ASH – **PPI is required** as this meets the definition to require a PPI. Meets PPI definition because this is information we hold- the applicant doesn't know this until we tell them.

Examples Cont'd

4. VVG – CAPP Nurse – client has been notified their course has been cancelled. **PPI is not required.** IO can decide based on information available.
5. VVG – Character issue declared that falls under A5.45 – **PPI is required** as client would normally be eligible for a character waiver assessment.
6. VVG – client has provided as evidence of funds and OWT a bank statement that indicates sufficient funds. INZ verification reveals bank statement is false. **PPI is not required.** IO can decide on the information available.
7. VVG – where a client has not provided everything needed with their application to meet instructions. **PPI is not required.** IO can decide based on information available.



Thank you

Questions?

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NEW ZEALAND
IMMIGRATION

Writing for Immigration

October 2021

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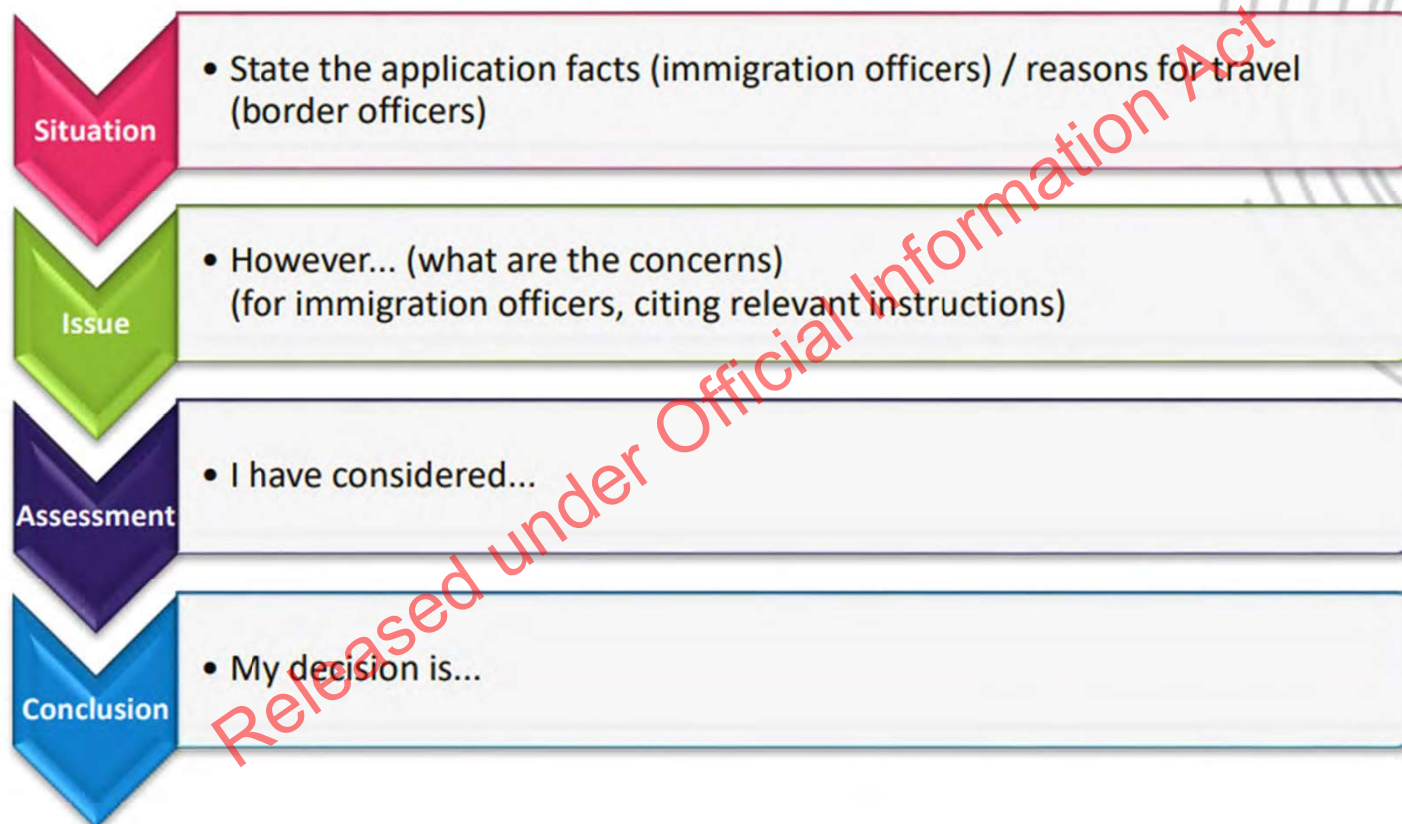
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New Zealand Government

SIAC Model

THE SIAC MODEL:

STRUCTURING A CLEAR AND CONCISE DECISION RATIONALE



The SIAC model can be used to help clarify a decision rationale. The four stages within the SIAC model; situation, issue, assessment, and conclusion.

Example in PPI

S – Situation

I – Issue

A – Assessment

C – Conclusion

- You have claimed 40 points for an overseas qualification from Fiji as an electrician; however you do not appear to meet the requirements for these points as set out in SM8.5(d) and SM8.10(c).
- You claimed 40 points for your overseas qualification from Fiji however this qualification does not appear on the LQEA and has not been assessed by the NZQA. The EWRB has only noted your qualification and has not accepted it, therefore the qualification is not yet recognised and is not yet eligible for points.



Writing tips

Do

- Paraphrase
- Summarise, be concise
- Use bullet points to plan out your letters
- Maintain a neutral and objective tone
- Read IPT decisions (it's how we all learned)

Don't

- Copy/paste from the LIA/applicant letters
- Overcomplicate
- Jump to conclusions
- Use 'I feel...' 'I believe...'



Common issues

- Structure of a PPI
 - Follow the templates in TLS. Generally it is instruction, body, conclusion.
- Rationale for skilled employment and work experience
 - WALC/SIAC. Set it out in a logical progression based on the facts and the instructions.
- Summarising PPI/Decline in the Case Summary
 - Do not copy/paste. You just need to summarise the issue, the assessment, and the outcome. It doesn't have to be long, it just has to be accurate, neutral, and objective.

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Topic One: PPI or not to PPI?

July 2023

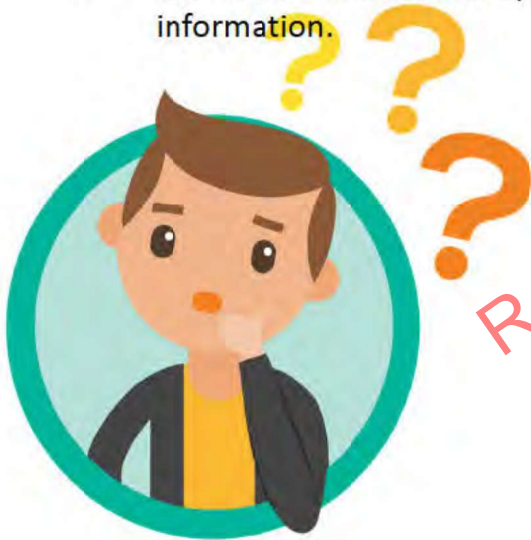
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Three overlapping geometric shapes at the bottom of the slide: a blue trapezoid on the left, a green trapezoid in the middle, and a teal trapezoid on the right.

What is Potentially Prejudicial Information? (PPI)

- When Potentially Prejudicial Information is identified INZ is required to inform the applicant that it might impact the outcome of their application and provide opportunity for comment.
- If the applicant knows or has access to publicly available information that might impact the outcome of their application this is not considered Potentially Prejudicial Information and a decision can be made without further comment required.
- IAC 11-09 – If a client is applying onshore, we must send a letter to clients so they may address any potentially prejudicial information.



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Offshore

E7.15.1 applies

For the purpose of assessing an application for a temporary entry class visa from an applicant who is outside New Zealand, *Potentially Prejudicial Information* is factual information or material that:

- a. Was not obtained from the applicant or the applicant's authorised representative or agent; and
- b. Is not publicly available, or that the applicant is not necessarily aware of it; and
- c. Will or may adversely affect the outcome of an application; and
- d. The applicant has not previously had an opportunity to comment on.

Note: The submission of false or misleading information by an applicant or their agent is not PPI as the information has been obtained from the applicant or their agent.

Which part of the information is potentially prejudicial?

Was it obtained from the client/LIA?

YES

Not PPI

No

Can this information be verified via open search?

YES

Not PPI

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Close family members in NZ

If the client has *close* family members in New Zealand – consider PPI/RFI.

- Child(ren) of a NZ'er
- Partner of a NZ'er
- Any cases we would perceive to be of a *sensitive nature*



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Decline Decision Rationale

November 2022



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Summary:

- How to write good PPI/rationale – and convert into a good decline letter, which withholds scrutiny
- It's easier to write a decline letter if your existing PPI and rationale are strong!
- Need to write a good concise summary in your assessment notes in ADEPT
- Need to write a good decline letter explaining why the instructions aren't met – and quote the relevant instructions



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Advantages of a good PPI

- Fewer phone-calls/emails from applicant (“I don’t understand.....”)
- Better responses from applicant
- Less follow-up required for IO
- Improved timeliness for IO
- Better responses enable better decisions
- Easier for you to decline if necessary
- Less likely decision will lead to complaints or reconsiderations where our decision isn’t upheld.
- Less re-work for INZ overall!

Consequences of a bad PPI

Bad PPI letters have a 'flow-on effect' on the overall assessment:

- Applicant unaware of/doesn't understand INZ's concerns
- Applicant less likely to address concerns satisfactorily
- Application less likely to be approved
- Decision less likely to be correct or fair

What makes a good PPI? - WALC

Well written

- Structured
- Concise
- Free from grammatical and spelling errors
- Neutral and objective



Accurate

- Right instructions cited and applied
- Material facts recorded correctly
- Information provided is correctly reflected



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Well written:

Think about the structure, if the concerns are complex it may be easier to get your point across in bullet points.

Think about what you would expect to see if you received a letter from a government organisation. You would expect professional language that is easy to understand.

Neutral and objective – not written in language that shows you are more inclined to decline than approve, and the content of the letter hasn't been influenced by your personal opinions/feelings

What makes a good PPI? - WALC

Logical

- Clear link with the evidence/information and how it doesn't meet instructions
- Any concerns outlined are consistent with each other and free of contradictions



Complete

- All relevant instructions were identified and cited
- All relevant evidence was assessed
- Any actions and outcomes were clearly outlined



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What do you think of this PPI?

Our assessment of your application

Guaranteed Remuneration:

Immigration instruction WA3.30(c) states that for employment to be assessed as meeting a minimum pay threshold, the average guaranteed remuneration for each hour of work within a pay period, including any paid leave must be at or above that threshold.

It does not appear that the average guaranteed remuneration for each hour of work within a pay period is at or above [INSERT MINIMUM PAY THRESHOLD, EG MEDIAN WAGE OR WAGE REQUIRED BY WA3.15.1], as [INSERT RATIONALE]. Please provide further evidence to demonstrate this instruction is met.

<https://www.immigration.govt.nz/opsmanual/#77180.htm>

Please submit any further information by 16 September 2022.

Therefore, your application may be declined. We will consider your response before deciding on your application. Any comments or further information must be provided by **16 September 2022**.

Please upload additional information and comments to your Immigration Online account at apply.immigration.govt.nz.



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Activity - Look at PPI examples

- Open up the below word docs, which were sent out this morning and are in the chat for this training:
 - 'PPI example 1.doc'
 - 'PPI example 2 doc'
- Read the rationale in the PPI examples.
- Do you think we could justify a decline based on these PPI letters?

Charlotte

PPI example 1 – IO has not explained the issue fully. If the employer does not understand WHY the salary must be in the body of the advertisement, they have not really been given a fair opportunity to respond to our PPI.

PPI example 2 – IO has fully explained WHY the salary must be in the body of the advertisement. This means the employer is more likely to take the opportunity to re-advertise, which will result in a good outcome for them, and less work for INZ as it's unlikely we will have to decline their app, assess a reconsideration, and potentially another JC application from them.

What is rationale?

- The process to get from the beginning to the end.
- The means justifies the ends!
- NOT the end justifies the means!
- i.e. everything must be justified appropriately.



Why do you think it is important to include rationale in ADEPT to document WHY an application was declined?



Rhiannon

The reasons for needing to document our decision rationale in ADEPT is underpinned by the principles of fairness and natural justice.

Fairness is giving the applicant a fair hearing, which includes giving proper consideration to all of the evidence, informing them of any PPI and giving them the chance to respond, and giving appropriate reasons for a decline decision.

Your decision should also avoid bias, which includes not predetermining the application without considering all facts and evidence.

Discuss the OIA – applicants and their Lawyers/LIAs can submit an OIA to get a copy of your notes in ADEPT. You need to show that you have been fair and unbiased, and that you have considered all relevant evidence.

Standard Operating Procedures for IOs to follow

IOs to follow guidance for the scenarios below.

The preference for an RFI is a phone call but an email is also acceptable.

Genuine Attempts	
Scenario	RFI or PPI first?
No evidence supplied	RFI. If they are unable to supply then send PPI
Evidence not clear, e.g unable to determine source or date	RFI. If they are unable to supply then send PPI
Advertising timing (e.g old or done after job offer)	PPI
Source of advertising not acceptable	PPI
Shortage list requirements not met and now requires advertising	PPI
Content of advert doesn't match requirements of job or has requirement to deter NZers from applying	PPI
Employment Agreement	
Scenario	RFI or PPI first?
No Employment Agreement supplied	RFI – ideally a call. If they are unable to supply then send PPI
Hours not specified or guaranteed	RFI – ideally a call. If they are unable to supply an amended agreement then send PPI
Employment agreement not meeting mandatory requirements	RFI – ideally a call referring to www.employment.govt.nz website for guidance. If they are unable to supply a compliant agreement then send PPI
Evidence that Employer has not previously complied with agreement (pay, hours)	PPI

Other Issues

Scenario	RFI or PPI first?
ANZSCO substantial match and no impact on skill level assessment or SMR requirements.	No notification prior to decision required, communicate with decision.
ANZSCO substantial match and with impact on skill level assessment or SMR requirements, dependents.	PPI
Sustainability Concerns	Refer to Practice Lead prior to any action.
Market Rate	PPI
Unfavourable SMR	PPI
Bona Fides	PPI

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Dear _____

Thank you for your application for a _____, which we received on _____.

Our assessment of your application

We have completed a first assessment of your application and need more information before we can go any further.

Please send the following:

▪

Please send the requested information by _____

Please send the information we have requested to this office by the above date so we can continue to assess your application.

We recommend that you email the requested information to Rochelle.Selwyn@mbie.govt.nz or, if you are submitting original documents, you can send them to the following address:

Courier address:

Immigration New Zealand
C/- DX Mail EP71514
20 Fairfax Avenue
Penrose
Auckland 1061
New Zealand

Postal address:

Immigration New Zealand
PO Box 76895
Manukau
Auckland 2241
New Zealand

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.

If you do not send the information, our decision on your application will be delayed. We may return your application to you without proceeding further, or we may assess your application based solely on the information you have already given us.

Contact us

If you have any questions, you can:

- email me at Rochelle.Selwyn@mbie.govt.nz
- find answers to frequently asked questions or email us your enquiry at <http://kb.immigration.govt.nz>, 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

Dear XXX

Please be advised that I am the immigration officer that has been assigned your work visa application for assessment.

In order to enable me to complete an initial assessment on your application please provide the following information by **[DATE]**:

- XXX
- XXX

[IGMS] The information should be uploaded to your online account.

[PAPER] This information should be emailed to Christchurch.Applications@mbie.govt.nz

Receiving the information requested by the date above will enable me to keep processing your application in an efficient and timely manner. If the requested information is not received by **[DATE]**, processing of your application is likely to be delayed and it is likely that more formal correspondence will be sent.

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PPI/Decline Letter Training

Porirua Office

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Objectives

- PPI
- WALC
- Structure for Decline Letter/IRAC
- Group activity
 - Review decline letters
- Resources:
 - MBIE writing style guide, Additional resources/modules for personal development

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PPI – Potentially Prejudicial Information

ONSHORE APPLICANTS

- E7.15.5
- PPI is factual information or material that will or may adversely affect the outcome of an application.

OFFSHORE APPLICANTS

- E7.15.1
- Only PPI if:
 - Facts/material was not obtained from the applicant or the applicants authorised rep/agent and,
 - Is not publicly available or applicant is not necessarily aware of and,
 - Will or may adversely affect the outcome of an application and,
 - The applicant has not previously had an opportunity to comment on

PPI pointers

- Ensure you have conducted a full assessment that way you capture everything you need to address – this avoids any further PPIs.
- Ensure the content is factual or material information – try to avoid any opinions. Your write up is an assessment of the application and information.
- For onshore applicants, they can apply for a reconsideration. Therefore, your declines may be reconsidered to see if the process and decision was correct.

WALC

- **Correct instructions**

The relevant instructions have been correctly applied, and the IO has followed any/all necessary steps before decision

- **Makes sense**

Does the evidence match up with what the IO has written in their assessment?

“As the client has shown evidence of their stable employment, I am satisfied that his family ties to home country are sound.”

Is the assessment free from contradictions?

“The PA is 22 and the SP is 76. The couple are of a similar age and cultural background.”

- **Grammar and spelling**

The assessment/letter reads well and can be understood.

The assessment does not contain non-approved acronyms, abbreviations, or informal or otherwise inappropriate language

- **No contradictions**

Ensuring your assessment aligns with your decision.

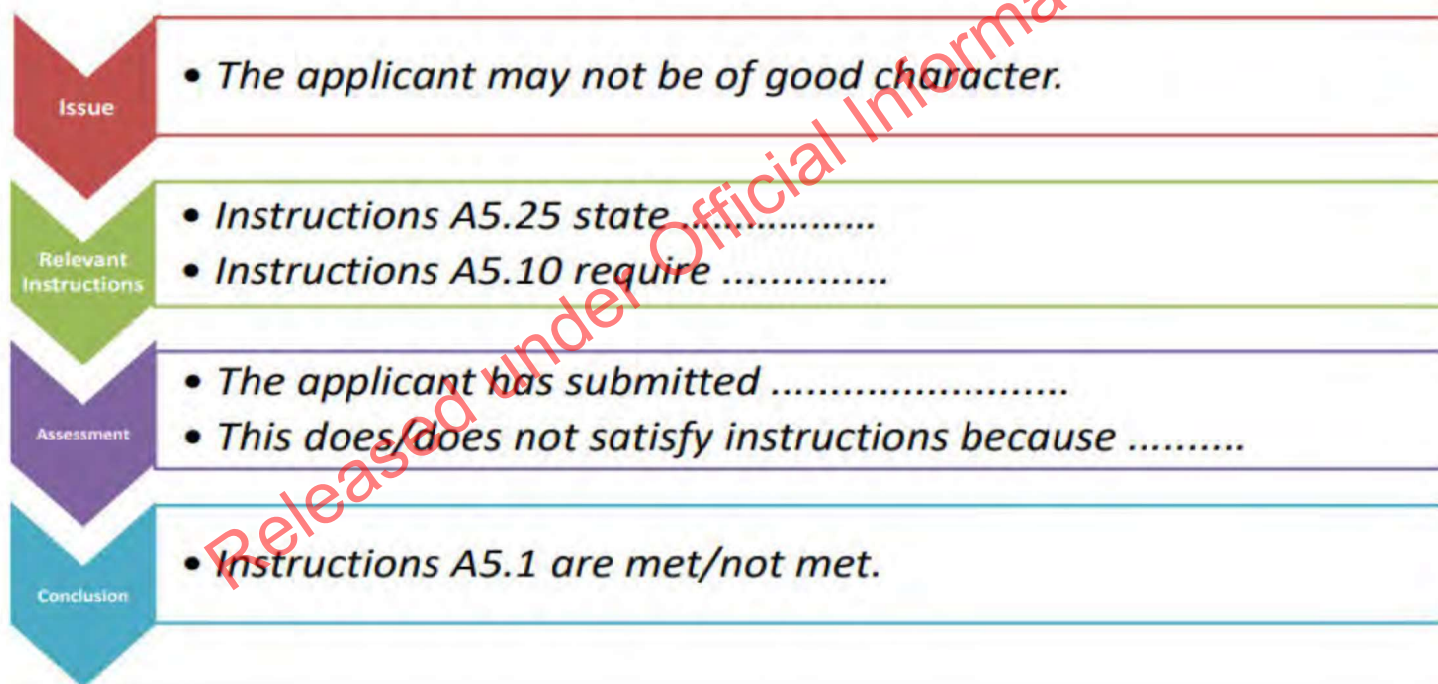
- **Relevant Evidence**

The IO has assessed and recorded all the evidence submitted in the application

The assessment does not record information/evidence that has NOT been submitted with the application, or that is not relevant to the application

IRAC

IRAC: Issue, Relevant Instructions, Assessment, Conclusion



Structure

- Instructions
 - Quote the visa product instruction/parent instruction
 - E.g SV applicant declining on bona fides. U3.1(b)(ii) & E5 instructions to decline on.
- Concerns
 - Outlining points of decline. This may entail your assessment of the evidence.
- How and Why?
 - Explaining how and why you are not satisfied the applicant does not meet instructions.



RESOURCES

- [MBIE writing style guide.pdf](#)
- Writing for Immigration Modules (optional)
 - Rationale <https://mbihas.live.kineoplatforms.net/course/view.php?id=1291>
 - PPI <https://mbihas.live.kineoplatforms.net/course/view.php?id=1292>

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