



27 October 2023

Wendy Yang

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DOIA 2324-0703

Tēnā koe Wendy

Thank you for your email of 28 September 2023 to the Ministry of Business, Innovation and Employment requesting, under the Official Information Act 1982 (the Act), the following:

- 1. Please provide the Immigration internal assessment templates and training materials regarding S61 and Special Direction requests respectively.*
- 2. Please provide monthly data regarding each visa category granted through S61 and Special Direction requests from Year 2021 to 2023.*

On 2 October 2023, we contacted you seeking to clarify your interpretation of 'special direction requests'. On the same date, you confirmed that it is in line with the definition published on the Immigration New Zealand's (INZ) website:

<https://www.immigration.govt.nz/about-us/media-centre/common-topics/special-direction>

Our Response

Question 1: Please provide the Immigration internal assessment templates and training materials regarding S61 and Special Direction requests respectively.

A decision to grant a visa under section 61 of the Immigration Act 2009 is in the Minister of Immigration, Associate Minister of Immigration or delegated officers' absolute discretion. There are no training materials for section 61 requests. Therefore, this part of your request is refused under section 18(e) of the Act because the documents alleged to contain the information requested do not exist or, despite reasonable efforts to locate it, cannot be found.

However, please refer to Appendix A for the section 61 assessment template and the list of international obligations for decision makers to consider when deciding a section 61 request.

Special directions allow a legal obstacle or requirement to be overcome. The need for a special direction may occur at any stage of processing an application and is not constrained by a specific circumstance. Requests for special directions are assessed on a case-by-case basis and circumstances may vary as to why a special direction should be considered. Special directions are decided with absolute discretion and therefore no training materials or assessment templates are in place. Therefore, this part of your request is refused under section 18(e) of the Act because the documents alleged to contain the information requested do not exist or, despite reasonable efforts to locate it, cannot be found.

Question 2: Please provide monthly data regarding each visa category granted through S61 and Special Direction requests from Year 2021 to 2023.

Section 61 requests: Please refer to Appendix B for the monthly data requested.


Special direction requests: INZ makes hundreds of special direction decisions each year. The exact numbers cannot be reported as raising a separate record in INZ's application management system is not always practical for every special direction request received or granted. A key word search for special directions returned over 159,000 applications granted between 2021 and 2023, which would need to be manually checked by the Ministry to obtain the number sought. As such, this part of your request is refused under section 18(f) of the Act, as the information cannot be made available without substantial collation or research.

I have considered whether the Ministry would be able to respond to your request given extra time or the ability to charge for the information requested. I have concluded that, in both cases, the Ministry's ability to undertake its work would remove staff from their core duties and therefore, the greater public interest would not be served.

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



Simon Sanders
Deputy Chief Operating Officer
Chief Operating Officer Immigration Branch
Immigration New Zealand
Ministry of Business, Innovation & Employment