



**NEW ZEALAND
IMMIGRATION**

Kia ora!

Character Workshop

RELEASED UNDER THE
OFFICIAL INFORMATION ACT



MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

New Zealand Government

Opening Karakia

Tāwhia tō mana kia mau, kia māia
Ka huri taku aro ki te pae
kahurangi,
kei reira te oranga mōku
Mā mahi tahi, ka ora, ka puāwai
Ā mātau mahi katoa, ka pono, ka
tika
TIHEI MAURI ORA

*Retain and hold fast to your mana, be bold,
be brave*

*We turn our attention to the future,
that's where the opportunities lie*

*By working together, we will flourish and
achieve greatness*

*Taking responsibility to commit to doing
things right*

TIHEI MAURI ORA

Our Kawa - How we will work together

Bring your:

- Curiosity
- Confidentiality
- Respect
- Acceptance of differences
- Willingness to enquire and learn

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Objectives

By the end of this workshop, you will be able to:

- explain why there is a need for applicants to meet character requirements
- interpret and apply immigration instructions for character requirements
- analyse police certificates to determine if an applicant's history affects their character eligibility
- identify whether an application is caught by character provisions
- differentiate between when a character waiver may apply to an applicant and when it may not.



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Why do we need to assess character?

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Why do we need to assess character?

A5.1 - Applicants for all visas must:



Be of good character



Pose no potential security risk

WHY?



Risk to Aotearoa

Character Instructions - Operational Manual



A5.5 & A5.10



A5.20 Section
15/16



A5.25 & A5.45

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Who needs character (police) check? A5.5

- a) Character checks must be carried out for the following categories of applicant:
- i. those **aged 17 and over** applying for **residence class visas**; and
 - ii. those **aged 17 and over** applying for **temporary entry class visas** who intend **to stay in New Zealand for 24 months or longer**; and
 - iii. other applicants for temporary entry class visas who warrant a character check if the immigration officer decides it is necessary

What types of police certificates are required? A5.5(b) and (c)

Resident Visa

- b) It is a **mandatory requirement** for first time applicants for a residence class visa aged 17 and over to obtain a police or similar certificate from:
- i. the applicant's **country of citizenship**; and
 - ii. **each country** in which the applicant **has lived for 12 months or more** (whether on one visit or intermittently) in the **last 10 years**

Temporary Visa

- c) If required, applicants aged 17 and over applying for a temporary entry class visa must obtain a police or similar certificate from
- i. the applicant's **country of citizenship**; and
 - ii. **any country** in which the applicant **has lived for 5 years or more** (whether on one visit or intermittently) since **age of 17**.

Activity 1 – Is a PC required?

1

George is applying for a temporary visitor visa to visit NZ for 3 months.

2

Meryl is applying for a temporary visa to work in NZ for another year. She previously lived in NZ for a year and a half.

3

Idris a UK citizen is applying for a resident visa to live in NZ. He has lived in NZ for the past 12 months. He lived in Spain for five years immediately prior to the application.

Which police certificates would Idris need to provide?

PC Requirements - Read A5.10



Pop Quiz

How old must a PC be when an application is lodged?

If a PC was submitted with a previous application, how long does it remain valid?

What if someone is unable to provide a police certificate? What can they provide instead?

How to get a police certificate





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Character Issues

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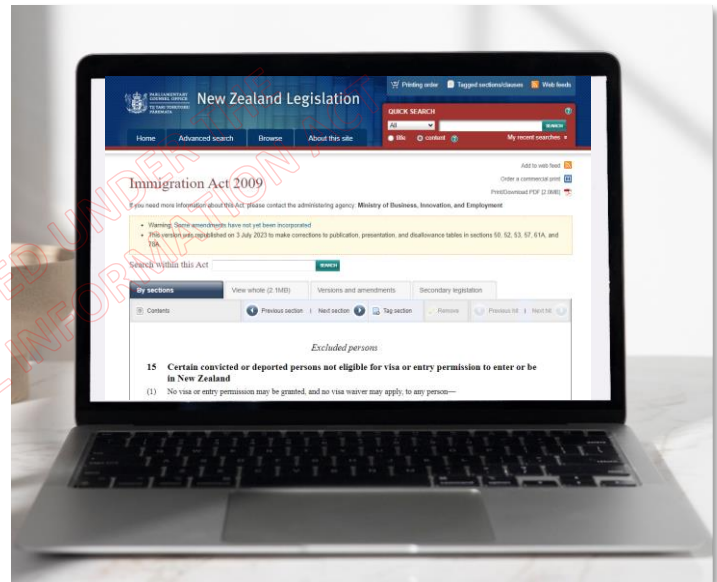
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Immigration Act - Excluded persons

Read Operational
Manual A5.20

Then Section 15



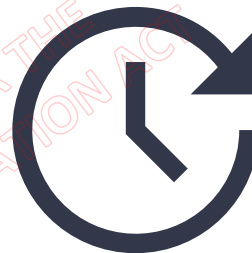
Section 15 vs Section 16



15:

Past actions

VS



16:

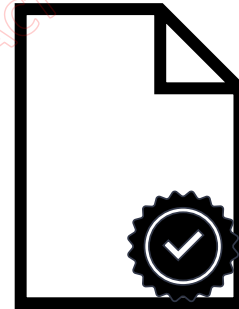
Future actions

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Special Directions

An immigration officer with the **appropriate delegated authority** may grant a special direction under section 17 of the Act if there are **exceptional circumstances**.

An **IO cannot decide to grant a resident visa by way of a special direction** – these have to be signed off by an IM or above.



Activity 3 – 20 minutes

Read the following scenario's:

Use the Operational Manual to reference **A5.20** of the immigration instructions to work through each of the following scenarios and identify whether **sections 15** of the **Act** apply.



A5.25.5 and A5.45.5

- ❑ Convictions can be “at any time” (so a 12-month sentence 20 years ago makes someone fall under this part of instructions even if they are not subject to section 15)
- ❑ The list of criminal convictions falling under A5.25.5(a) is longer than in A5.45.5
- ❑ Even if the **applicant has no knowledge** of the false information, and only the agent was responsible for providing it, the **applicant is still caught** by A5.25.5/ A5.45.5
- ❑ The IO does not need to determine where or not the person or agent knows the information was false or misleading

Do any of the provisions at A5.25.5 apply?



Person A has a conviction for drunk driving (with blood alcohol content in excess of a specified limit), convicted on 12/05/2021.

Person B has a conviction (dated 23/04/2005) for stealing a car.

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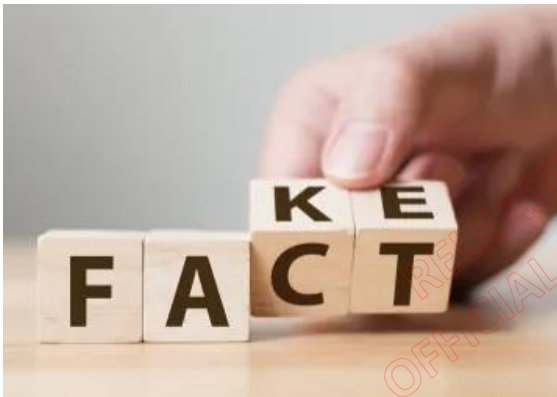
Do any of the provisions at A5.45.5 apply?

Person C has a conviction for wilful damage, they received a fine of \$2000.

This conviction occurred in New Zealand while Person C held a Visitor Visa.



False information



False information is a purported fact or set of facts, which is not true.

To help identify False information, ask yourself if the information **contradicts other information** which is more likely to be true.

Misleading information



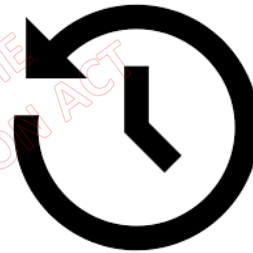
Misleading information does not directly contradict other 'true' information but **suggests an interpretation of the person's situation that is untrue or provides an incomplete picture of their situation.**

Section 58 vs Character



Section 58(6):
CURRENT applications

containing false
misleading or withheld
information.



Character instructions:
PAST applications

containing false
misleading or withheld
information.

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Police certificate sentences

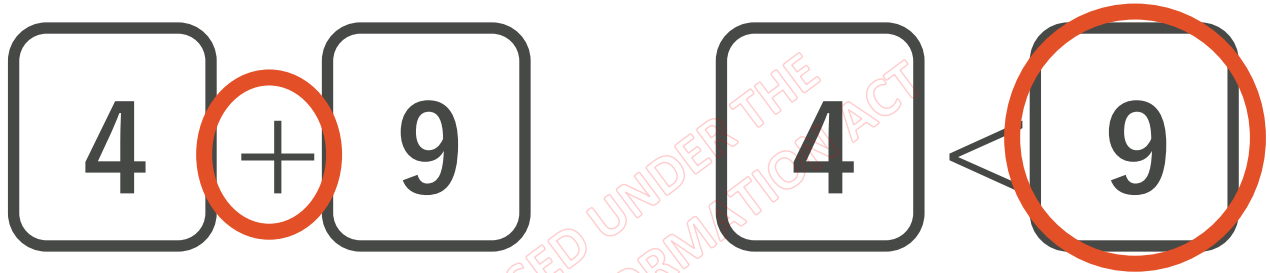


Total sentences:

Calculate when convicted for **more than one offence** on the **same occasion** or in the same proceedings.

A 'total sentence' of **12 months or more** in the **last 10 years, or a five years or more sentence**, at any time, causes the applicant to fall under section 15. This means the applicant can only be granted a visa by a **special direction**.

Police certificate sentences



Consecutive/cumulative:

Offender has to serve the time in prison that you get by **adding the two sentences together**

Concurrent:

Imposed when two or more offences are of a similar nature or connected to a **single incident**. Total sentence is **longest sentence in series**

Activity 4 – 20 minutes

Read through police certificate

1. Looking at the issue date, is this a valid Police certificate?
2. Do any character provisions apply?
3. Does Section 15 or 16 apply?
4. Is it cumulative or concurrent?
5. What is the total sentence?



Character waiver



A single drink-driving conviction in the last five years would make someone subject to A5.25.5/A5.45.5.

Does that mean everyone who has a conviction of this nature is automatically declined?



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Accessing whether an applicant is caught by character instructions

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Activity 5 – 20 minutes

1. Read through Mrs Solar's case
2. Discuss and answer the questions



Two stages to assessing an Applicant

1

Assess whether someone 'falls under' a character provision.

2

Once we've confirmed that someone 'falls under' a character provision, **only then** do we consider a character waiver.

Activity 6 – 20 minutes



Questions and Key takeaways



MBIE Karakia

Ka hiki te tapu
Kia wātea ai te ara
Kia tūruki ai te ao
mārama
Hui e, Taiki e

*Restrictions are moved aside
So the pathway is clear
To return to everyday duties
Enriched and unified
Greetings to all*

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Ka rawe!

**You have completed
this workshop**



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