



18 MAY 2017

Ben Smith

Email: fyi-request-5763-937e2ed7@requests.fyi.org.nz

Ref: DOIA 1617-1301

Dear Mr Smith,

Thank you for your request under the Official Information Act 1982 (the OIA) for the following information:

1. *"Is an applicant to the Post Study Work Visa - Open required to provide a police certificate for the visa if he or she has provided a police certificate with a previous visa application in the prior 24 months?"*
2. *If, in the intervening period, the applicant reaches the five year threshold of residence for providing a police certificate from New Zealand, does the Exception to the requirement to provide a police certificate based on having submitted a police certificate from another country in the prior 24 months also excuse the applicant from providing a New Zealand police certificate?"*
3. *If the applicant as described in Question (2) does in fact have to provide a NZ police certificate in spite of qualifying for the exception to provide a police certificate on the basis of providing a certificate from another country in the prior 24 months, can you cite the text and particular clause of the relevant legislation or regulation that requires the applicant to provide the certificate?"*
4. *Immigration NZ obtains police certificates from the NZ Police directly on applicants' behalf, where applicable. Could you please provide the average wait time for a police certificate over some indicative period, such as last year, or over the last month? If the information is available, please provide information about current likely waiting times.*
5. *Please describe all legal methods available by which an applicant can be granted an expedited processing time for Immigration NZ to obtain a police certificate. If some means for expedited processing are only available to some applicants, for example, applicants with a compelling reason to be granted expedited processing time, please indicate the relevant legislation, regulation, policy, or guidelines Immigration NZ uses to decide whether an applicant can be granted expedited processing time.*
6. *Please indicate the text of the relevant legislation, regulation, or policy that prevents an applicant from going directly to the NZ Police, obtaining the certificate, and providing it to Immigration New Zealand for processing"*

Our Response

Our response to the information you have requested is on the subsequent page.

Kindly note however, that the New Zealand Police does not issue 'police certificates' but provides a Police vet. The New Zealand Police will directly provide Immigration New Zealand (INZ) with the relevant information after INZ submits a vetting request on behalf of the applicant.



1. *“Is an applicant to the Post Study Work Visa - Open required to provide a police certificate for the visa if he or she has provided a police certificate with a previous visa application in the prior 24 months?”*

Response: The information you have requested is publicly available on the Immigration New Zealand (INZ) website. For ease of reference, the links to the webpages are provided below and a copy of the relevant immigration instructions (A5.10 Police certificates) is also attached.

<https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/tools-and-information/police-certificates>
<http://onlineservices.immigration.govt.nz/opsmanual/41439.htm>

2. *If, in the intervening period, the applicant reaches the five year threshold of residence for providing a police certificate from New Zealand, does the Exception to the requirement to provide a police certificate based on having submitted a police certificate from another country in the prior 24 months also excuse the applicant from providing a New Zealand police certificate?*

Response: The information you have requested is publicly available on the INZ website. The links to the webpages are provided below and a copy of the relevant immigration instructions (A5.10 Police certificates) is also attached.

<https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/tools-and-information/police-certificates>
<http://onlineservices.immigration.govt.nz/opsmanual/41439.htm>

Kindly note that submitting a police certificate from one country does not replace the requirement to provide a police certificate from another country (or for the case of New Zealand, be vetted by the New Zealand Police) if required under immigration instructions.

3. *If the applicant as described in Question (2) does in fact have to provide a NZ police certificate in spite of qualifying for the exception to provide a police certificate on the basis of providing a certificate from another country in the prior 24 months, can you cite the text and particular clause of the relevant legislation or regulation that requires the applicant to provide the certificate?*

Response: Copies of the relevant immigration instructions (A5.5 Character checks and A5.10 Police certificates) are attached for your reference.

4. *Immigration NZ obtains police certificates from the NZ Police directly on applicants' behalf, where applicable. Could you please provide the average wait time for a police certificate over some indicative period, such as last year, or over the last month? If the information is available, please provide information about current likely waiting times.*

Response: INZ has signed an Approved Agency agreement with the New Zealand Police. The agreement states that the New Zealand Police will process a vetting request within 20 working days, unless a delay for consultation necessitates an extension. Each check is different and some may take longer than others.

5. *Please describe all legal methods available by which an applicant can be granted an expedited processing time for Immigration NZ to obtain a police certificate. If some means for expedited processing are only available to some applicants, for example, applicants with a compelling reason to be granted expedited processing time, please indicate the relevant legislation, regulation, policy, or guidelines Immigration NZ uses to decide whether an applicant can be granted expedited processing time.*

Response: The vetting process is carried out by the New Zealand Police. It is not an INZ owned process that can be expedited by INZ. The FAQs on the New Zealand Police website (*Can I ask for my vet to be prioritised?*) provides more information in relation to expedited processing. The link to the relevant webpage is provided below:

<http://www.police.govt.nz/advice/businesses-and-organisations/vetting/vetting-faqs>

6. *Please indicate the text of the relevant legislation, regulation, or policy that prevents an applicant from going directly to the NZ Police, obtaining the certificate, and providing it to Immigration New Zealand for processing"*

Response: The information you have requested is publicly available on the New Zealand Police website. The link to the webpage is provided below:

<http://www.police.govt.nz/advice/businesses-and-organisations/vetting/information-about-vetting>

If you wish to discuss any aspect of your request or this response, please contact Karen Sionzon, Business Advisor, Operations Support, Immigration New Zealand at Karen.Sionzon@mbie.govt.nz.

Yours sincerely,



Geoff Scott
Assistant General Manager – Visa Services
Immigration New Zealand
Ministry of Business, Innovation and Employment

A5.5 Character checks

See also *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 Regs 5(2)(d)(iii), 6(2)(c)(iv), 10(2)(e)(iii)*

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

Note: the 24-month period in A5.5(a)(ii) above includes time already spent in New Zealand prior to the application being made.

- b. It is a mandatory requirement (see [R2.40](#)) for first time applicants for a residence class visa aged 17 and over to obtain a police or similar certificate from:
- the applicant's country of citizenship; and
 - each country in which the applicant has lived for 12 months or more (whether on one visit or intermittently) in the last 10 years (but see [A5.10.1](#)).

Applicants for a further residence class visa under [RV2](#) or [RV4](#) will not usually need to submit a police or similar certificate, unless specifically asked to by an immigration officer. Applicants for a further residence class visa applying under any other category are required to submit a police or similar certificate as if they were applying for residence for the first time.

Note: the requirement in A5.5(b) above does not apply to Australian citizens, holders of a current Australian permanent residence visa and holders of a current Australian resident return visa, applying for a resident visa at an immigration control area.

- c. If required, applicants aged 17 and over applying for a temporary entry class visa must obtain a police or similar certificate from:
- their country of citizenship; and
 - from any country in which they have lived for five or more years (whether on one visit or intermittently) since attaining the age of 17 years.
- d. Despite (c) above, student visa applicants do not have to provide a police or similar certificate until they are aged 20 or over if they:
- held a student visa when they turned 17; and
 - have held consecutive student visas (or interim visas with study conditions) since the date they turned 17; and
 - are applying for a further student visa.
- e. Despite (d) above, a police or similar certificate is required if an immigration officer decides it is necessary.

Effective 11/04/2016

A5.10 Police certificates

- a. All police certificates must be less than six months old at the time an application is lodged, unless [A5.10\(d\)](#) applies or an appropriately delegated immigration officer, having regard to any instructions on the matter, has waived that requirement, in which case police certificates more than six months old may be accepted and used for determination purposes.
- b. If police certificates become a year old from date of issue before a decision on an application is made (see [R2.25](#)), immigration officers may request further police certificates as a basis for determining an application.
- c. An immigration officer may also request further police certificates within the 12-month period if there is good reason to do so.
- d. If police certificates were submitted with a previous application:
 - i. they can be accepted for any further application for a temporary entry class visa (other than a student visa under [U4.10](#)) made within 24 months of the date of issue of the police certificates; or
 - ii. they can be accepted for further student visa applications as either:
 - o a fee-paying foreign student ([U4.10](#)); or
 - o a student enrolled in any Doctor of Philosophy (PhD) programme in any New Zealand university (see [U3.35.20](#)) made within 36 months of the date of issue of the police certificates; or
 - iii. they can be accepted for any further temporary entry class visa application as a partner or dependant of a student enrolled any Doctor of Philosophy (PhD) programme in any New Zealand university made within 36 months of the date of issue of the police certificates; or
 - iv. they can be accepted for a residence class visa application under the Partnership Category ([F2](#)) or the Dependent Child Category ([F5](#)) made within 24 months of the date of issue of the police certificates.
- e. The applicant is responsible for meeting all the costs of obtaining a police certificate.
- f. Instructions on how to obtain police certificates from specific countries can be obtained from the INZ website at www.immigration.govt.nz/policecertificates.
- g. If an applicant requires a police certificate from a country that:
 - i. does not issue police certificates to individuals; and
 - ii. for which no instructions in respect of how to obtain a police certificate are available;
 - iii. an immigration officer may proceed to assess the application without a police certificate and obtain any necessary clearances before a decision is made.
- h. If a police certificate is not written in English, it must be accompanied by a translation (see [A13.5](#)).

A5.10.1 If police certificates are unavailable

- a. Provision of police or similar certificates is a mandatory requirement for the grant of residence class visas in most cases (except for applicants under 17 or who are applying for a further residence class visa under [RV2](#) or [RV4](#)). They are also required for some temporary entry class visa applications, as set out at [A5.5a](#). The only exception is where an immigration officer who holds the position of immigration manager or has Schedule 3 delegations or above is satisfied that such certificates are not available or would be unduly difficult to obtain (for example where the authorities of any such country will not generally provide such certificates).
- b. Evidence of undue difficulty in obtaining police or similar certificates may include, but is not limited, to:
 - i. information indicating conditions in the relevant country are such that the country's governmental infrastructure is no longer functioning; or
 - ii. confirmation that there are circumstances beyond the control of the applicants which prevent them obtaining the required certificates.

Note: Such circumstances do not include difficulty in paying for the certificates or delays in obtaining them.
- c. If an immigration officer who holds the position of immigration manager or has Schedule 3 delegations or above is satisfied that a police certificate is not available or unduly difficult to obtain from a particular country, then that immigration officer may require the applicant to make and provide a separate statutory declaration in both English and the applicant's own language.
- d. The statutory declaration must:
 - i. detail the applicant's attempts to obtain a police certificate; and

- ii. state whether the applicant and any accompanying family members have been convicted, or found guilty of, or charged with offences against the law of that country, or have not been charged with any offences against the law of that country; and
 - iii. be corroborated by other information confirming the applicant's character.
- e. Any decision to waive the production of:
- i. a police or similar certificate; and/or
 - ii. a statutory declaration instead of a police or similar certificate;
- must be made by an officer with Schedule 3 delegations or above.

Effective 06/07/2015

RELEASED UNDER THE
OFFICIAL INFORMATION ACT