



9 May 2024

Nessy-Rose

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DOIA 2324-2051

Tēnā koe Nessy-Rose

Thank you for your email of 19 March 2024 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following:

Pursuant to the Official Information Act 1982, I request the following information from Immigration New Zealand.

- 1. Detailed explanation and documentation of the criteria used by INZ to assess whether the "compelling personal circumstances" threshold is met to expedite case officer allocation for Family Category visa applications. This request seeks to understand the framework, guidelines, or quantifiable measures that guide decision-making in these assessments.*
- 2. Any available categorisation or examples of circumstances previously recognised as "compelling" for expediting case officer allocation. This includes, but is not limited to, any internal memos, guidelines, or case studies that may illustrate the application of these criteria.*
- 3. Statistical information on the number of Family Category visa applications expedited due to "compelling personal circumstances" over the past six months, including a breakdown by the nature of these circumstances.*

This request aims to clarify how INZ ensures consistency and fairness in applying its criteria for expediting case officer allocation for "compelling personal circumstances," particularly in the absence of publicly available, detailed guidelines. Understanding the basis for these decisions is crucial for applicants to navigate their options and ensure transparency and accountability in the immigration process.

This request is made with a complete understanding and respect for the privacy and confidentiality obligations that Immigration New Zealand must adhere to. Therefore, I seek aggregated or anonymized data where necessary and do not request any personal information that could potentially identify individual applicants. My interest lies in the procedural aspects and the application of policies by INZ, rather than the specifics of individual cases.

I understand my request should be responded to under the Official Information Act within 20 working days. Please do not hesitate to contact me here if you require any clarification regarding this request.

On 18 April 2024, we had advised you that we were extending your request under section 15A(1)(b) of the Act, as consultations necessary to make a decision on your request were such that a proper response to your request could not be reasonably made within the original time limit. We had advised you that MBIE would notify you of a decision on your request no later than 9 May 2024.

Our Response

Section 26 (4) of the Immigration Act 2009 sets out the framework for determining the order and the ways in which applications should be processed. The Operational Manual provided on the Immigration New Zealand (INZ) website provides further details that applications of the same group should generally be processed in lodgement date order. Further instructions are provided the Operational Manual that within the Family Residence group, Partnership and Dependant Child applications will be prioritised, with a final note providing provision for case-by-case urgent allocation of applications. Please see the below link for this information:

<https://www.immigration.govt.nz/opsmanual/#44854.htm>

INZ has a process for reviewing requests made for the urgent allocation of applications, outside of the order of processing detailed earlier and this is referred to as an escalation. Such requests are made through the INZ website or the Immigration Contact Centre (ICC). This process is outlined on the INZ website and includes a set of criteria. This allows for the nuance of each category to be considered as well as the wider context for reviewing the requests. Please see the link below for this information:

<https://www.immigration.govt.nz/new-zealand-visas/waiting-for-a-visa/escalation-for-urgent-applications#:~:text=Criteria%20for%20an%20escalation%20request,humanitarian%20factors%2C%20and>

When reviewing the request and considering any supporting documents provided by the applicants, the Escalations team evaluates each situation on a case-by-case basis depending on the individual circumstances and application types, and information that is provided. Aspects which are considered may include:

- Extreme financial hardship over an extended period of time
- The long-term separation of partners and/or families that are not able to travel visa free to reunite or apply for other short term visas to remain together/reunite
- Milestone/timebound events – Graduation/Wedding/Funeral/Medical treatment or surgery

It should be noted that these examples are not exhaustive and may be subject to change, and the circumstances of the individual or the request are considered as part of the holistic assessment. Each decision is made on a case-by-case basis.

The prioritisation of an application is a discretionary decision made by experienced staff who calibrate with each other to ensure consistency throughout the process. Staff who are new to the Escalations team are given coaching by established team members over several weeks. Calibrations are carried out each time a new staff member joins the Escalations team to ensure that reviews are coherent across the team. If a decision is deemed as difficult, it can be referred to another reviewer for a confirmation of the review.

Please see the attached appendix for guidelines on prioritising visa applications. Please note that there are currently no case studies or additional training guidance for staff.

The Escalations team records data which categorises the request according to high level reasons. This does not include any details of the request and there is therefore no available reporting that would provide a breakdown for the nature of these circumstances, only that the request has been made under the wider Compelling Personal Circumstances criteria.

Partnership residence applicants are highly likely to be able to apply for a temporary visa based on their family relationships. This is considered when reviewing escalations requests as it provides an option for applicants to utilise if an escalation for a residence application is not accepted. The threshold for the prioritisation of a residence application is high. There have been several requests in which the decision

made by the Escalations team was to refuse an escalation, as the applications was about to be allocated to immigration officers, within the normal flow of work.

Table: The number of escalation requests received under the Family Category, as at 28 March 2024.

Month	Requests Received	Accepted	Criteria for compelling personal circumstances not met
September 2023	4	0	4
October 2023	7	0	7
November 2023	19	0	18
December 2023	5	0	5
January 2024	32	1	31
February 2024	21	0	20

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



Jock Gilray
Director Visa
Immigration New Zealand
Ministry of Business, Innovation & Employment