



9 February 2024

Wendy Yang

fyi-request-25392-229983ef@requests.fyi.org.nz

File No: DOIA 2324-1469

Tēnā koe Wendy,

I refer to your request under the Official Information Act 1982 (the Act) received on 13 January 2024 requesting the following information from the Ministry of Business, Innovation and Employment (Ministry):

1. *Please provide information regarding the reasons and SOPs for cancelling both temporary and resident visas offshore, respectively, with each type of temporary visa listed separately.*
2. *Please provide the number of general visitor visa holders and accredited employer work visa holders departing from China who were interviewed while checking in at the airport and how many visas were cancelled after the interviews.*
3. *Please provide information on the number of individuals departing from China who were denied entry upon arrival in New Zealand, leading to a turnaround each month in 2023 and specify the visas held and reasons.*

Our Response

Question 1: *The reasons a resident or temporary visa may be cancelled are set out in the Immigration Act 2009 (IA09).*

Cancellation of resident visa offshore:

A resident visa may be cancelled at any time before its holder first arrives in New Zealand as the holder of that visa, provided both of the following are met:

- The visa was granted when the holder was outside New Zealand, and
- The person no longer meets the rules or criteria of the immigration instructions applicable at the time the application for the visa was made.

The visa holder must be notified in writing if their visa is cancelled under this section. Section 65 of the IA09 refers - [Section 65 Cancellation of resident visa before holder first arrives in New Zealand as holder of visa](#)

Cancellation of temporary visa offshore:

The Minister or an Immigration Officer may cancel a temporary entry class visa at any time when the holder is outside New Zealand, if they determine that there is sufficient reason to do so. They may also cancel a transit visa at any time.

The visa holder must be notified in writing if their visa is cancelled under this section and they are outside New Zealand. The above applies to all types of temporary entry class visa. Section 66 of the IA09 refers - [Section 66 Cancellation of temporary entry class or transit visa by Minister or immigration officer](#)



Cancellation of visa for administrative error:

Further to the above, an immigration officer may cancel a visa that the officer believes on reasonable grounds was granted as a result of an administrative error if one of the following apply:

- The visa was granted to a person designated by the chief executive under Section 383 of the IA09, and the person is still in the designated place or they have not left the arrival hall of the airport or port at which they arrived in New Zealand.
- The visa was granted to a person in an immigration control area or department office in New Zealand, and the person is still in the control area or office.
- Advice of the grant of the visa has not been sent or given to the person concerned.

Section 67 of the IA09 refers - [Section 67 Cancellation of visa for administrative error](#)

Section 8 of the IA09 provides further detail as to when a visa or entry permission may be considered to be granted as a result of administrative error - [Section 8 Meaning of granting visa or entry permission as result of administrative error](#)

Cancellation of visa on triggering event

Section 64 of the IA09 lists other events which trigger the cancellation of a visa - [Section 64 Cancellation of visa on triggering event](#)

The following immigration instructions contained in the Operational Manual also relate to the above sections of the IA09:

[E3.40 Cancellation of visas on triggering event](#)

[E3.45 Cancellation of visa for administrative error](#)

[E3.55 Cancellation of temporary entry class or transit visas](#)

[Y6.1 Cancellation of visa for administrative error \(border entry\)](#)

[Y6.5 Making a decision to cancel a visa on the basis of administrative error \(border entry\)](#)

Standard Operating Procedures (SOPs):

The information regarding the SOP for cancelling both temporary and resident visas offshore are not finalised, as such your request is refused under section 18(e) of the Act as the information requested does not currently exist.

Question 2: *The number of general visitor visa holders and accredited employer work visa holders departing China who were interviewed while checking in at the airport and how many visas were cancelled after the interviews.*

This portion of your request is being refused under section 18(f) of the OIA as the information cannot be made available without substantial collation or research. In accordance with section 18A(1) of the Act, I have considered whether fixing a charge under section 15 or further extending the time limit under section 15A would enable your request to be granted, but it is my view that neither would do so. Please note, there is a large number of records that would need to be manually reviewed in order for us to respond to this part of your request.

Individuals can be interacted with at check-in by Border Officers for a number of reasons and the nature and duration of the interactions is not visible in the available data. For example, INZ cannot readily distinguish an interaction with an individual to assess if they meet visa and entry requirements (an 'interview') from a technical interaction with an airline representative about the





individual to resolve a data entry error at check-in. Because the interactions are also recorded differently across multiple systems substantial collation is required to accurately identify the sub-set of individuals requested.

Question 3: *The number of individuals departing from China who were denied entry upon arrival in New Zealand, leading to a turnaround each month in 2023 and specify the visas held and reasons.*

In 2023, 355 individuals who were denied entry on arrival in New Zealand were recorded as having departed from China. This is based on records where a Chinese port is listed as the check-in, origin, embarkation, or offload port, and this is visible to Immigration New Zealand.

The tables below are a breakdown of those 355 individuals by month and visa type.

Visitor visa holders

Month	Excluded or character concerns	Non-genuine reasons for travelling to New Zealand	Other	Total
January 2023	2	1	1	4
February 2023	3	15	3	21
March 2023	1	14	2	17
April 2023	1	13	5	19
May 2023	0	18	9	27
June 2023	0	14	8	22
July 2023	1	24	4	29
August 2023	0	30	8	38
September 2023	2	27	11	40
October 2023	0	33	9	42
November 2023	1	21	13	35
December 2023	2	15	5	22
Total	13	225	78	316

Work visa holders

Month	Excluded or character concerns	Non-genuine reasons for travelling to New Zealand	Other	Total
January 2023	0	0	0	0
February 2023	0	0	0	0
March 2023	0	0	0	0
April 2023	0	0	0	0
May 2023	0	0	0	0
June 2023	0	0	0	0
July 2023	0	0	0	0
August 2023	1	2	6	9
September 2023	0	0	5	5
October 2023	0	1	0	1
November 2023	0	0	0	0
December 2023	0	0	0	0
Total	1	3	11	15



NZeTA/no visa

Month	Excluded or character concerns	Non-genuine reasons for travelling to New Zealand	Other	Total
January 2023	0	0	1	1
February 2023	0	1	0	1
March 2023	0	0	1	1
April 2023	0	1	0	1
May 2023	1	0	3	4
June 2023	0	1	4	5
July 2023	0	1	2	3
August 2023	0	0	1	1
September 2023	0	0	0	0
October 2023	0	0	1	1
November 2023	0	3	0	3
December 2023	0	2	1	3
Total	1	9	14	24

Please note: No other visa types were denied entry.

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

Richard Owen
General Manager – Immigration Risk and Border
Immigration New Zealand
Ministry of Business, Innovation and Employment

