

Consider false, misleading, or withheld information

The New Zealand immigration system relies on factual information provided by applicants to determine in each particular case if the requirements allowing the grant of a visa are met. [The Immigration Act](#) (the Act) imposes a strict obligation on applicants to truthfully inform Immigration New Zealand (INZ) of all material facts, including when their circumstances change after they make their application.

Several provisions found in the [Operational Manual](#) allow for the decline of a visa application if there is an instance of false or misleading information provided, or relevant information withheld. The correct provision and SOP to use depends on the circumstances.

SOP 1: Consider false, misleading or withheld information in current visa application (not associated to an Expression of Interest (EOI) containing false info)

- When an immigration officer suspects false or misleading information has been provided or relevant information withheld (including when an immigration officer is not informed of a material change in circumstances) by an applicant or their agent **in the visa application they are currently assessing**.

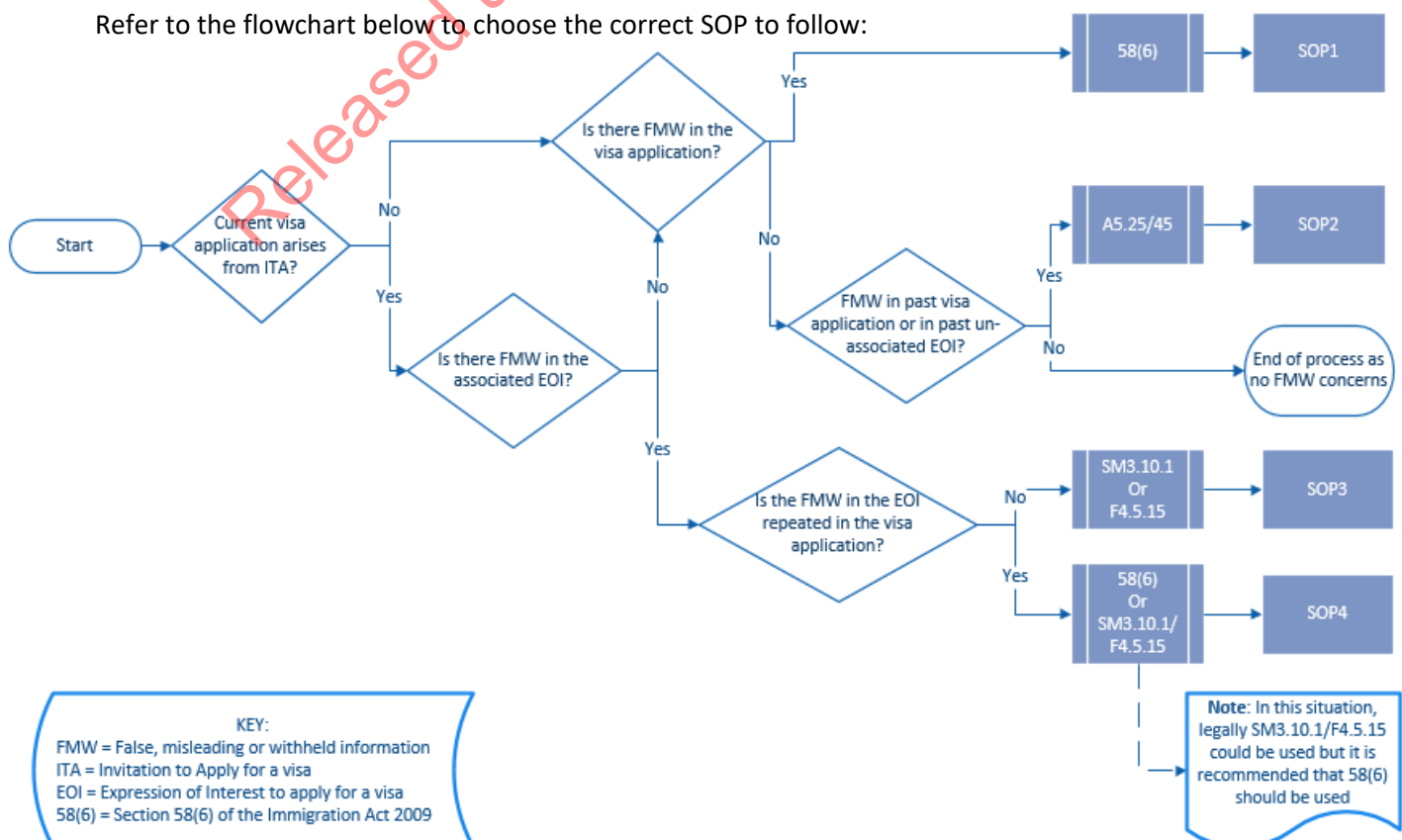
SOP 2: Consider false, misleading or withheld information in a previous visa application or un-associated Expression of Interest (EOI)

- If the false, misleading, or withheld information was in a **previous application or un-associated EOI**.

SOP 3: Consider false information in an Expression of Interest (EOI) not repeated in a visa application; or SOP 4: Consider false, misleading or withheld information in an EOI that is repeated in visa application

- If the application has been made as the result of an EOI (also referred to as an 'associated EOI') which contains false, misleading, or withheld information.

Refer to the flowchart below to choose the correct SOP to follow:



(1) Consider false, misleading, or withheld information in current visa application (not associated to an Expression of Interest (EOI) containing false information)

Date Published: 25 September 2023

Classification: Unclassified

Background

Section 58(6) of The Immigration Act 2009 (the Act) states that it is sufficient ground to decline to grant a visa to an applicant if they, whether personally or through an agent, submitted false or misleading information, withhold relevant information, or did not ensure an immigration officer was informed of any material change in circumstances during the course of the application.

When to use

When an immigration officer suspects false or misleading (FMW) information has been provided or relevant information withheld (including when an immigration officer is not informed of a material change in circumstances) by an applicant or their agent in the visa application they are currently assessing.

Role

- Immigration Officer (IO), or
- Technical Advisor (TA)

Related Resources

- [IAC 23/01 - False, misleading and withheld information - impact on visa applications](#)
- [Potentially prejudicial information \(PPI\) false information guidance](#)
- [VisaPak 300 - Authorisation Alerts and Warnings](#)
- [SOP Assess Risk and Conduct Verification](#)

General notes

At any stage during the steps below, it is acceptable to seek clarification of a piece of information either from the applicant, a third party, or (in accordance with the verification SOP above) a verification officer.

This SOP is written for processing applications in AMS.

Steps

1. Identify the suspected false, misleading, or withheld (FMW) information

Note: A suspicion that a piece of information, or purported set of facts, relating to the applicant/application may be false, misleading, or withheld may arise from the result of a verification activity or from an initial assessment of the application. If identification of suspected FMW information comes from a verification activity, it is unlikely that **Step 2** will be needed; however, whether the incorrect information can be disregarded should still be considered.

2. Disregard opinions, exaggerated claims, or trivial mistakes

When considering the incorrect or incomplete information, an IO can disregard the following:

- trivial mistakes or trivial omissions
- opinions or exaggerated claims (for example, about their occupation)
- information required for lodgement purposes that is incorrect in the first instance, but:
 - the applicant later corrects the incorrect information (and/or acknowledges it was incorrect) without prompting from INZ; and
 - IO is satisfied that it is a case where the applicant made reasonable efforts to provide accurate information in the first instance and where circumstances beyond their control caused those efforts to be unsuccessful; or
 - if no effort was made, IO is satisfied that circumstances beyond their control would have caused any effort to be unsuccessful

If IO decides that they	Then
Cannot disregard the incorrect or incomplete information on any of the grounds above (i.e., that information should be considered as FWM information)	Go to next step
Can disregard the incorrect or incomplete information on any of the grounds above	The IO should make a brief record in the assessment template that the matter can be disregarded, noting the reasons why End process

3. Decide if there is potentially prejudicial information (PPI) related to the FMW information that should be put to the applicant

Note: The definition of PPI (which must be put to the applicant) is any information that may adversely impact on the outcome of the application (see [E7.15](#) for temporary entry and [45.20.5](#) for residence). Refer to [Potentially prejudicial information \(PPI\) false information guidance](#).

Note: For offshore temporary entry visa applicants, the definition of PPI is also information that the applicant is not necessarily aware of (or is not publicly available) and which they have not previously had an opportunity to comment on (see [E7.15.1](#)).

Consider:

If	Then
There is PPI which must be put to the applicant for comment	<ul style="list-style-type: none"> • Send a PPI letter to the applicant. See SOP Communicate potentially prejudicial information (PPI) • Use AMS template V398 for the PPI letter. Ensure to include the following information in the letter: <ul style="list-style-type: none"> ○ Explain the concern that false or misleading information has been provided, or relevant information withheld; and

	<ul style="list-style-type: none"> ○ Invite comment on the concern; and ○ Invite comment on why they think they should be granted a visa, in the event the concern remains <ul style="list-style-type: none"> ● Go to next step
There is no PPI which must be put to the applicant for comment	Go to next step

4. Consider any response received from the applicant (if applicable), make a determination about whether there is FMW information, and decide the application

If IO is satisfied that	Then
<p>It is more likely than not that there is FMW information</p> <p>and</p> <p>It is appropriate to decline the application under s58(6) given the circumstances</p>	Go to Step 5 to decline application
<p>It's more likely than not that there is FMW information</p> <p>but</p> <p>It is not appropriate to decline the application on the grounds of s58(6) given the circumstances</p>	<ul style="list-style-type: none"> ● Record the decision and rationale in AMS template V586 (False and misleading information template) and briefly in the Visa Assessment Tool (VAT) or assessment notes ● Continue assessment of application and (if a QC is required) refer to SOP Submit an application for Quality Control (QC) Check once decision has been made ● In the decision letter, use Row 7 from the Letter Insert Bank (if declining the application) or Row 8 (if approving the application). Ensure that the applicant is advised: <ul style="list-style-type: none"> ○ The reason(s) why the IO is satisfied that false or misleading information was provided or relevant information withheld in their visa application. ○ It has been decided not to decline the application on the grounds of s58(6) of the Act ○ That the FMW information may require a character waiver in future applications ● Go to Step 6 to raise a character warning
The 'FMW' information (that is, the information that was initially thought to be FMW) is no longer considered FMW information*	<ul style="list-style-type: none"> ● Record the decision and rationale in AMS template V586 (False and misleading information template) and briefly in the VAT or assessment notes ● Continue assessment of application and (if a QC is

*This could occur either because: a) it is determined that the applicant in fact gave correct information; or b) it is determined that the information provided can be disregarded because it fits within the parameters of Step 2; or c) the IO/INZ is now not certain whether false or misleading information was provided, or whether material information was withheld.

required) refer to [SOP Submit an application for Quality Control \(QC\) Check](#) once decision has been made

- In the decision letter (whether the application is eventually approved or declined) the applicant should be advised that INZ no longer considers that false or misleading information was provided, or that relevant information was withheld (if the applicant was not aware there was a potential issue with FMW information, there is no need to include this advice to the applicant); see **Row 14** from the [Letter Insert Bank](#)

End process

5. Decline the application

Refer to either [SOP Decline application \(temporary entry\)](#) or [SOP Decline application \(Residence\)](#), additionally ensuring that the following FMW-specific instruction is followed:

- Record the rationale for declining the application on the grounds of FMW information in AMS template V586 (false and misleading information template).
- Record a reference to the template above in the VAT or assessment notes: "This application is being declined on the basis of [false/misleading/withheld] information. See False Information Assessment template for more details."
- Decline the application using the AMS decline type for false information.
- Use **Row 5** from the [Letter Insert Bank](#) (for temporary visa application) or **Row 6** (for resident visa application) in the decision letter. The applicant must be advised:
 - The reason(s) why the IO is satisfied false or misleading information was provided or relevant information withheld in their visa application;
 - That the FMW information may require a character waiver in future applications, and
 - That their ability to travel via visa waiver ([E2.1](#)) has been removed (if applicable)
- Attach the *False Info Assessment* to the decision letter.
- Once the application has been completed in AMS, go to **Step 6** to raise a character warning (this is separate to any visa suspension warning that may be raised at **Step 7**).

6. Raise a character warning against each adult (age 18 and over) applicant included in the application, recording the false or omitted information

Note: A warning should not be raised against a dependent child (aged 18 years or above) if the FMW information was not regarding that child (see A5.25.5(g)).

- In the AMS Client Alert tab, click on 'Add' to raise a character warning.
- The warning must expire 100 years from today's date, as below:

AMS - Add Client Alert/Warning

Alert | Notes | Personal Details

Type: ▶ Branch Warning Alert Number:

Code: ▶ Character Warning

Action: ▶ Warning

Informant: ▶ Immigration New Zealand

Informant File Number:

Interpol Control Number:

Notify Office: ▶

Effective From: ▶ 09/May/2023 Expires: ▶ 09/May/2133

Suspend From: Suspend To:

Created: 09/May/2023

Office Created:

Authorised:

OK Cancel

- Enter one of the below notes (whichever is applicable):

“False or misleading information was provided in application [application number]. Please see the application notes for further details.”

OR

“Relevant information was withheld in application [application number]. Please see the application notes for further details.”

- Add the following note to the warning if the application was **not** declined using s58(6):

“Although I did not decline the application on this basis, it remains a character issue for this applicant and will need to be addressed in any further application this person may make.”

Note: An IO or TA can add the warning, but it needs authorisation from a Practice Lead or Immigration Manager (IM) before the status will change to 'active'.

7. If the applicant is from a visa waiver country, consider a special direction under s69(2)(d) of the Act to remove their ability to travel to New Zealand visa

If	Then
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<p>It is appropriate to suspend the applicant's visa waiver status</p>	<p>Create an AMS alert with the following details:</p> <p>Code: Visa-Waiver Suspended Action: Stop from Boarding at Check in coming to NZ Informant: Immigration New Zealand Expires: (This is automatically set at 100 years) Enter the following notes: Pursuant to Sections 69(2)(d) and 378 of the Immigration Act 2009 I [your name], Technical Advisor, hereby direct that the waiver of the requirement to hold a visa for travel to New Zealand that normally applies to citizens of countries as provided by Schedule 2 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 is suspended forthwith in the case of [client name], DOB [date of birth].</p> <p>When refused at check-in as a result of this alert the client should be advised to contact INZ to discuss their options in applying for a visa from offshore.</p> <p>The reason for this decision is that there are character concerns which have come to INZ's attention. [Give some detail here.] These concerns should be addressed if this person applies for another visa.</p> <p>Technical Advisor Schedule 3 delegations [date]</p>
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8. If the FMW information indicates or supports evidence of a new risk trend, discuss with IM as to whether the matter should be reported to the Verification team

Refer to the Verification team, if applicable.

END

Released under Official Information Act

(2) Consider false, misleading, or withheld information in a previous visa application or un-associated Expression of Interest (EOI)

Date Published: 25 September 2023

Classification: Unclassified

Background

Character instructions allow for the decline of a visa application if false or misleading information was provided, or relevant information withheld, in a previous visa application or un-associated (not associated or related to current application) expression of interest (EOI) submitted by the applicant. This includes when the immigration officer processing the past application or EOI was not informed of a material change in circumstances.

When to use

When an immigration officer identifies suspected or determined false, misleading, or withheld (FMW) information in a previous application or un-associated EOI submitted by any of the applicants included in the current application

Role

- Immigration Officer (IO), or
- Technical Advisor (TA)

Related Resources

- [IAC 23/01 - False, misleading and withheld information - impact on visa applications](#)
- [VisaPak 300 - Authorising Alerts and Warnings](#)
- [SOP Assess Risk and Conduct Verification](#)

General notes

At any stage during the steps below, it is acceptable to seek clarification of a piece of information either from the applicant, a third party, or (in accordance with the verification SOP above) a verification officer.

This SOP is written for processing applications in AMS.

Steps

1. Identify any determined or suspected FMW information in a prior EOI or application

The avenues by which an IO may become aware of the FMW information include (but are not limited to):

- a person being declined a previous visa application, on the basis of section 58(6) of the Act
- a person being declined a previous application for a variation of conditions or travel conditions, due to FMW information
- post-application verification activity identifying FMW information in a previous application
- a person being declined a visa under character instructions for FMW information

- a file record from a previous IO noting a determination that there was FMW information in a prior application, but where that IO also noted that they decided not to decline the application on that basis; if the previous IO followed the proper process, they would have also advised the applicant of this in the communication regarding the visa decision
- a file record noting a suspicion of FMW information in a prior application, but where the full facts of this incident did not come to light until after that application was decided
- the current IO discovering there was potentially FMW information in a prior application or EOI, based in part on the information to hand; for example, Mr X may provide evidence in the current application – submitted in August 2023 - that he had married Ms Y in January 2018, but he had declared he was single in a February 2018 application.

2. Is the problematic information determined to be FMW information, or only suspected to be?

If	Then
<p>A previous IO declined the person’s application or EOI on the basis of FMW information</p> <p>OR</p> <p>A previous IO recorded a determination of FMW information but made a decision not to decline the EOI or application on that basis</p> <p>OR</p> <p>the Immigration and Protection Tribunal or the Courts made a finding that there was FMW information in a prior visa application or EOI</p>	<ul style="list-style-type: none"> • The problematic information is determined to be FMW information • Go to Step 5, unless there are concerns about the previous determination, in which case see note below <p>Note: There is nothing preventing the IO, despite any previous IO’s determination of FMW information, from, for example, using Step 4 (prior to going to Step 5) to assess whether the previous incorrect information should have been (and therefore, can currently be) disregarded.</p>
None of the above apply	The problematic information is only suspected FMW information

3. Consider whether it is appropriate to seek clarification of any piece of information, or of a set of purported facts, relating to the applicant or application

- Clarification could be sought from the applicant, a third party, or by making a verification request. See [SOP Request for Further Information \(RFI\)](#).
- Once any further clarifying information is received, go to **Step 4**.

4. Determine whether the problematic information can be disregarded

a. Disregard opinions, exaggerated claims, or trivial mistakes

When considering the suspected FMW information, an IO can disregard the following:

- trivial mistakes or trivial omissions
- opinions or exaggerated claims (for example, about their occupation)
- information required for lodgement purposes that is incorrect in the first instance, but:

- the applicant later corrects the incorrect information (and/or acknowledges it was incorrect) without prompting from INZ; and
- IO is satisfied that it is a case where the applicant made reasonable efforts to provide accurate information in the first instance and where circumstances beyond their control caused those efforts to be unsuccessful; or
- if no effort was made, IO is satisfied that circumstances beyond their control would have caused any effort to be unsuccessful.

If IO decides they	Then
Can disregard the incorrect or incomplete information on any of the grounds above	Go to Step 16
Cannot disregard the incorrect or incomplete information on any of the grounds above (i.e., it's considered as FWM information)	Go to Step 4b

b. Determine if the FMW information can be set aside due to relevant circumstances, as per character instructions

An incident of FMW information can be set aside in the following circumstances:

- If a previous IO recorded a determination that the FWW information was not a character issue (A5.25.5(e)); or
- The person was under 18 years old at the time (A5.25.5(f)); or
- A child aged over 18 years was included in an application where the FMW information was not concerning them (A5.25.5(g)); or
- The FMW information incident was connected to a report of migrant exploitation (A5.25.7)

Notes: The list above is not exhaustive; the IO should also be familiar with the clarifications regarding FMW information in A5.25.6. For processing temporary entry visa applications, there are equivalent provisions at A5.45.5, A5.45.6, and A5.45.7.

If IO decides they	Then
Can disregard the FMW information on any of the grounds above	Go to Step 16
Cannot disregard the FWM information	Go to next step

5. Identify whether a character waiver has previously been granted when the determined FMW information was the (or one of the) character issue(s)

If	Then
There has been a previous character waiver* granted with respect to the incident(s) of FMW information AND it is intended to again grant a character	<ul style="list-style-type: none"> • Use the fast-track process in the appropriate character assessment and waiver assessment template. See Select the correct Character Assessment and Waiver Assessment Template • If, by using the template, it is discovered that the fast-track process cannot be applied in this

<p>waiver</p> <p>*Note: A decision not to use s58(6) for an incident of FMW information counts as a character waiver, but only for the purposes of the fast-track process.</p>	<p>case, go to Step 6</p> <ul style="list-style-type: none"> Continue assessment of application and (if a QC is required) refer to SOP Submit an application for Quality Control (QC) Check once decision has been made Once QC has been completed and TA agrees with decision, refer to SOP Approve application (issue eVisa and notify applicant). Refer to note below for information to include in decision letter <p>Note: The applicant should be advised in the decision letter that a character waiver was granted because of their previous character waiver, and that their circumstances were such that another waiver was appropriate. They should be reminded that a further waiver would be needed in the next application and that (with this future application) they should provide submissions as to why it should be granted. Use Row 3 from the Letter Insert Bank (for declining applications, despite the waiver), or Row 4 (for approving applications).</p> <p>End process</p>
<p>No such character waiver has been previously granted (or the fast-track process cannot be used)</p>	<p>Go to next step</p>

6. Identify if the applicant has already conceded there is a character issue due to the prior incident(s) of FMW information

The applicant may have conceded/disclosed their character issue in a previous application, at the time they made the current application (e.g., in a cover letter), or after the current application was made (for example, in an email sent by their immigration lawyer or adviser, prior to any formal potentially prejudicial information (PPI) step).

If	Then
The applicant has made such a concession	Go to next step
The applicant has not conceded	Go to Step 8

7. Identify if the applicant has also made character waiver submissions

The applicant or their representative must have clearly indicated that their concession and submissions are everything they wish to submit and have nothing to add on the issue – if it is unclear, a quick phone call or email may be needed to clarify.

If	Then
The applicant has also made submissions on why they think they should be granted a character waiver	Go to Step 9
The applicant has not made a submission	<ul style="list-style-type: none"> • Invite the applicant to make a submission by sending them or their representative a conceded character PPI letter - refer to the applicable letter: <ul style="list-style-type: none"> ○ V323 (temporary); or ○ V319a (residence) • After receiving a response, go to Step 9

8. Provide the applicant (in the same letter) an opportunity to comment on both the FMW information and why they think they should be granted a character waiver

Send the applicant or their representative the applicable PPI letter:

- V396 (temporary); or
- V397 (residence)

9. Consider the response received from the applicant and complete Part 1 of the relevant Character Assessment and Waiver Assessment Template

Refer to [Select the correct Character Assessment and Waiver Assessment Template](#).

If IO concludes at the end of Part 1	Then
That A5.25 or A5.45 applies due to FMW information	<ul style="list-style-type: none"> • Refer the application to a TA or SIO for a character waiver assessment • Go to next step
That character instructions do not apply (either because the suspected FMW information is no longer FMW information, or for another reason)	Go to Step 15

10. (Step for TA or SIO) Complete Part 2 of the relevant Character Assessment and Waiver Assessment Template

11. (Step for TA or SIO) Identify if applicant's visa waiver status is currently suspended

- Check AMS character warnings and any alert labelled 'Visa-waiver suspended'.
- Read notes and check that if applicant's visa waiver status has been suspended by special direction under s69(2)(d) of the Act.
- Confirm that the suspension has not been subsequently cancelled.

If	Then
The person is not from a visa waiver country	Go to Step 14
The person's visa waiver status is not currently suspended	Go to Step 12a
The person's visa waiver status is currently suspended	Go to Step 12b

12. (Step for TA or SIO) Consider whether to suspend an applicant's visa waiver status, or (if applicable) whether to continue or remove an existing suspension

12a. For those whose waiver status is **not** suspended currently:

If	Then
A character waiver was granted at Step 10 for a residence class visa applicant	<ul style="list-style-type: none"> • A suspension should not be considered • Go to Step 14
OR A character waiver was not granted at Step 10 A character waiver was granted at Step 10 for a temporary entry class visa applicant	<ul style="list-style-type: none"> • A suspension should be considered • If a suspension is considered appropriate, go to Step 13, but if not, go to Step 14

12b. For those whose waiver status is suspended currently:

If	Then
A character waiver was granted at Step 10 for a residence class visa applicant	<ul style="list-style-type: none"> • The suspension should be cancelled • Go to Step 13
OR A character waiver was not granted at Step 10 A character waiver was granted at Step 10 for a temporary entry class visa applicant	<ul style="list-style-type: none"> • The continuation of the suspension should be considered, though the decision to do so, or to cancel the suspension, should be made on a case-by-case basis • Go to Step 13

13. (Step for TA or SIO) Load, add to, or cancel the visa suspension alert

If	Then
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<p>No alert is yet loaded</p> <p>AND</p> <p>It is appropriate to suspend the applicant's visa waiver status</p>	<p>Create an AMS alert with the following details:</p> <p>Code: Visa-Waiver Suspended Action: Stop from Boarding at Check in coming to NZ Informant: Immigration New Zealand Expires: (This is automatically set at 100 years) Enter the following notes: Pursuant to Sections 69(2)(d) and 378 of the Immigration Act 2009 I [your name], Technical Advisor, hereby direct that the waiver of the requirement to hold a visa for travel to New Zealand that normally applies to citizens of countries as provided by Schedule 2 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 is suspended forthwith in the case of [client name], DOB [date of birth].</p> <p>When refused at check-in as a result of this alert the client should be advised to contact INZ to discuss their options in applying for a visa from offshore.</p> <p>The reason for this decision is that there are character concerns which have come to INZ's attention. [Give some detail here.] These concerns should be addressed if this person applies for another visa.</p> <p>Technical Advisor Schedule 3 delegations [date]</p>
<p>There is already a visa suspension alert</p> <p>AND</p> <p>It is appropriate for the suspension to continue</p>	<ul style="list-style-type: none"> • Add notes to the existing alert that, in light of the circumstances of the latest waiver decision, it has been decided that it is appropriate for the suspension to continue. Add any other relevant details regarding the decision
<p>There is already a visa suspension alert</p> <p>AND</p> <p>It is appropriate for the suspension to be cancelled</p>	<ul style="list-style-type: none"> • Add notes to the existing alert explaining the reason for cancelling the suspension, in light of the circumstances of the latest waiver decision • Delete the alert

14. (Step for TA or SIO) Refer application back to the IO

15. Complete application

- Continue assessment of application, and once decision has been made (and if QC is required) refer to [SOP Submit an application for Quality Control \(QC\) Check](#).
- Once QC has been completed and TA agrees with decision (if QC is required), refer to applicable SOP to decide application

If	Then
Approving application	Refer to SOP Approve application (Issue eVisa and notify applicant)
Declining application	Refer to either: <ul style="list-style-type: none"> • SOP Decline application (temporary entry); or • SOP Decline application (Residence) <p>If application is to be declined on character grounds, use the AMS decline type 'Decline - failed character'.</p>

16. Advise the applicant of the character and application decisions

If	Then
The character concern remains (whether a waiver was granted or not) because of the confirmed incident(s) of FMW information	The decision letter must include: <ul style="list-style-type: none"> • a copy of the character and waiver assessment template (if the waiver was declined) • Advice that the character concern remains for any future application and will need to be addressed • (If they are a visa waiver traveller), any appropriate advice regarding their visa waiver status <p>See Rows 1-4 and 15-17 of the Letter Insert Bank; select the appropriate blurb(s) in accordance with the circumstances of the application.</p>
The character concern no longer exists AND The applicant was aware there was, or might have been, a character concern	<ul style="list-style-type: none"> • Advise the applicant in the decision letter that it is no longer considered that the relevant incident(s) amounted to FMW information; see Row 14 of the Letter Insert Bank • This advice should be provided whether the application is approved or declined on other grounds
The character concern no longer exists AND The applicant was not aware there was, or might have been, a character concern	There is no need to advise the applicant of any character concern which would have related to the suspected FMW information

17. Create, edit, or delete any relevant character warnings as appropriate

If	Then
<p>The character concern remains</p> <p>AND</p> <p>no character warning has been loaded yet</p>	<p>Raise a character warning – refer to Step 6 of <i>SOP (1) Consider false, misleading, or withheld information in current visa application (not associated to an Expression of Interest (EOI) containing false information)</i></p>
<p>The character concern remains</p> <p>AND</p> <p>There is an existing character warning</p>	<p>Add any relevant updates to the existing warning, e.g., the result of the latest waiver assessment</p>
<p>The character concern no longer exists</p> <p>AND</p> <p>There is an existing character warning regarding the same incident(s)</p>	<ul style="list-style-type: none"> • Add notes explaining why the concern no longer exists. • Delete the warning • Check if there is a Visa-waiver suspended alert or other warning/alert in AMS which shows that the person’s visa free status (if applicable) has been suspended or removed by a previous officer, on the basis of the character concern • If this is the case, ask a TA to take the appropriate steps to remove that barrier for the applicant (e.g., the procedure in Step 13)

END

Released under Official Information Act

(3) Consider false, misleading, or withheld information in an Expression of Interest (EOI) not repeated in a visa application

Date Published: 25 September 2023

Classification: Unclassified

Background

Immigration instructions for the Skilled Migrant and Parent categories allow for the decline of a visa application if false or misleading information was provided, or relevant information withheld, in the preceding, associated Expression of Interest (EOI) submitted by the applicant. These provisions apply even if the applicant provides complete and truthful information in the visa application (in other words, even if they do not repeat the false information they had provided in their EOI).

When to use

When an immigration officer identifies suspected or determined false, misleading, or withheld (FMW) information in a previous EOI, but this FMW is **not** repeated in the current Skilled Migrant or Parent Category application.

Role

- Immigration Officer (IO), or
- Technical Advisor (TA)

Related Resources

- [IAC 23/01 - False, misleading and withheld information - impact on visa applications](#)
- [Potentially prejudicial information \(PPI\) false information guidance](#)
- [VisaPak 300 - Authorising Alerts and Warnings](#)
- [SOP Assess Risk and Conduct verification](#)

General notes

At any stage during the steps below, it is acceptable to seek clarification of a piece of information either from the applicant, a third party, or (in accordance with the verification SOP above) a verification officer.

This SOP is written for processing applications in AMS.

Steps

1. Identify the suspected false, misleading, or withheld (FMW) information

Note: A suspicion that a piece of information, or purported set of facts, relating to the applicant/application may be false, misleading, or withheld may arise from the result of a verification activity or from initial assessment of the application. If identification of FMW comes from a verification activity, it is unlikely that **Step 2** will be needed; however, whether the incorrect information can be disregarded should still be considered.

2. Disregard opinions, exaggerated claims, or trivial mistakes

When considering the incorrect or incomplete information, an IO can disregard the following:

- trivial mistakes or trivial omissions
- opinions or exaggerated claims (for example, about their occupation)
- information required for lodgement purposes that is incorrect in the first instance, but:
 - the applicant later corrects the incorrect information (and/or acknowledges it was incorrect) without prompting from INZ; and
 - IO is satisfied that it is a case where the applicant made reasonable efforts to provide accurate information in the first instance and where circumstances beyond their control caused those efforts to be unsuccessful; or
 - if no effort was made, IO is satisfied that circumstances beyond their control would have caused any effort to be unsuccessful

If IO decides they	Then
Cannot disregard the incorrect or incomplete information on any of the grounds above (i.e., that information should be considered as FWM information)	Go to next step
Can disregard the incorrect or incomplete information on any of the grounds above	The IO should make a brief record in the assessment template that the matter can be disregarded, noting the reasons why End process

3. Decide if there is potentially prejudicial information (PPI) related to the FMW information that should be put to the applicant

Note: The definition of PPI (which must be put to the applicant) is any information that may adversely impact on the outcome of the application (see [E7.15](#) for temporary entry and [B5.20.5](#) for residence). Refer to [Potentially prejudicial information \(PPI\) false information guidance](#).

Note: For offshore temporary entry visa applicants, the definition of PPI is also information that the applicant is not necessarily aware of (or is not publicly available) and which they have not previously had an opportunity to comment on (see [E7.15.1](#)).

Consider:

If	Then
There is PPI which must be put to the applicant for comment	<ul style="list-style-type: none"> • Send a PPI letter to the applicant. See SOP Communicate potentially prejudicial information (PPI) • Use AMS template V399 for the PPI letter. Ensure to include the following information in the letter: <ul style="list-style-type: none"> ○ Explain the concern that false or misleading information has been

	<p>provided, or relevant information withheld; and</p> <ul style="list-style-type: none"> ○ Invite comment on the concern; and ○ Invite comment on why they think they should be granted a visa, in the event the concern remains <ul style="list-style-type: none"> ● Go to next step
There is no PPI which must be put to the applicant for comment	Go to next step

4. Consider any response received from the applicant (if applicable), make a determination about whether there is FMW information, and decide the application

If IO is satisfied that	Then
<p>It is more likely than not that there is FMW information</p> <p>and</p> <p>It is appropriate to decline the application under SM3.10.1/F4.5.15 given the circumstances</p>	Go to Step 5 to decline application
<p>It's more likely than not that there is FMW information</p> <p>but</p> <p>It is not appropriate to decline the application on the grounds of SM3.10.1/F4.5.15 given the circumstances</p>	<ul style="list-style-type: none"> ● Record the decision and rationale in AMS template V586 (False and misleading information template) and briefly in the Visa Assessment Tool (VAT) or assessment notes ● Continue assessment of application and (if a QC is required) refer to SOP Submit an application for Quality Control (QC) Check once decision has been made ● In the decision letter, use Row 10 from the Letter Insert Bank (if declining the application) or Row 11 (if approving the application). Ensure that the applicant is advised: <ul style="list-style-type: none"> ○ The reason(s) why the IO is satisfied that false or misleading information was provided or relevant information withheld in their visa application. ○ It has been decided not to decline the application on the grounds of SM3.10.1/F4.5.15 ● Go to Step 6 to raise a character warning
The 'FMW' information (that is, the information that was initially thought to be FMW) is no longer considered FMW information*	<ul style="list-style-type: none"> ● Record the decision and rationale in AMS template V586 (False and misleading information template) and briefly in the VAT or assessment notes ● Continue assessment of application and (if a QC is

*This could occur either because: a) it is determined that the applicant in fact gave correct information; or b) it is determined that the information provided can be disregarded because it fits within the parameters of **Step 2**; or c) the IO/INZ is now not certain whether false or misleading information was provided, or whether material information was withheld.

required) refer to [SOP Submit an application for Quality Control \(QC\) Check](#) once decision has been made

- In the decision letter (whether the application is eventually approved or declined) the applicant should be advised that INZ no longer considers that false or misleading information was provided, or that relevant information was withheld (if the applicant was not aware there was a potential issue with FMW information, there is no need to include this advice to the applicant); see **Row 14** of the [letter insert bank](#)

End process

5. Decline the application

Note: If the applicant is from a visa waiver country, consider a special direction under s69(2)(d) of the Act to remove their ability to travel to New Zealand via visa waiver. Discuss with TA if unsure.

Refer to either [SOP Decline application \(temporary entry\)](#) or [SOP Decline application \(Residence\)](#), additionally ensuring that the following FMW-specific instruction is followed:

- Record the rationale for declining the application on the grounds of FMW information in AMS template V586 (false and misleading information template).
- Record a reference to the template above in the VAT or assessment notes: "This application is being declined on the basis of [false/misleading/withheld] information. See False Information Assessment template for more details."
- Decline the application using the AMS decline type for false information.
- If the applicant is from a visa waiver country, consider a special direction under s69(2)(d) of the Act to remove their ability to travel to New Zealand visa waiver
- Use the appropriate template letter (see note at end of this step). The applicant must be advised:
 - The reason(s) why the IO is satisfied false or misleading information was provided or relevant information withheld in their visa application
 - That the FMW information may require a character waiver in future applications, and
 - That their ability to travel via visa waiver ([E2.1](#)) has been removed (if applicable)
- Attach the *False Info Assessment* to the decision letter.
- Once the application has been completed in AMS, go to **Step 6** to raise a character warning (this is separate to any visa suspension warning that may have been raised earlier in this process).

Note: As of the day of publishing the first version of this SOP (25 September 2023), the specialised template letters for these decisions are not yet loaded into TLS, though they should be by the end of October 2023. If an IO requires assistance in writing a decline letter in the meantime, contact the SOP team for advice.

6. Raise a character warning against each adult (age 18 and over) applicant included in the application, recording the false or omitted information

Note: A warning should not be raised against a dependent child (aged 18 years or above) if the FMW information was not regarding that child (see A5.25.5(g)).

- In the AMS Client Alert tab, click on 'Add' to raise a character warning.
- The warning must expire 100 years from today's date, as below:

AMS - Add Client Alert/Warning

Alert | Notes | Personal Details

Type: ▶ Branch Warning Alert Number:

Code: ▶ Character Warning

Action: ▶ Warning

Informant: ▶ Immigration New Zealand

Informant File Number:

Interpol Control Number:

Notify Office: ▶

Effective From: ▶ 09/May/2023 Expires: ▶ 09/May/2133

Suspend From: Suspend To:

Created: 09/May/2023

Office Created:

Authorised:

OK Cancel

- Enter one of the below notes (whichever is applicable):

“False or misleading information was provided in the EOI associated to application [application number]. Please see the application notes for further details.”

OR

“Relevant information was withheld in the EOI associated to application [application number]. Please see the application notes for further details.”

- Add the following note to the warning if the application was **not** declined using SM3.10.1/F4.5.15):

“Although I did not decline the application on this basis, it remains a character issue for this applicant and will need to be addressed in any further application this person may make.”

Note: An IO or TA can add the warning, but it needs authorisation from a Practice Lead or Immigration Manager (IM) before the status will change to 'active'.

- 7. If the FMW information indicates or supports evidence of a new risk trend, discuss with IM as to whether the matter should be reported to the Verification team**

Refer to the [Verification Tools](#), if applicable.

END

Released under Official Information Act

(4) Consider false, misleading, or withheld information in an Expression of Interest (EOI) that is repeated in visa application

Date Published: 25 September 2023

Classification: Unclassified

Background

Section 58(6) of The Immigration Act 2009 (the Act) states that it is sufficient ground to decline to grant a visa to an applicant if they, whether personally or through an agent, submitted false or misleading information, withhold relevant information.

Where that same false or misleading information had been repeated in the preceding, associated EOI, then immigration instructions for the Skilled Migrant and Parent categories also allow for the decline of the application.

In such a situation, it is advised that section 58(6) of the Act, rather than immigration instructions, is used if the immigration officer intends to decline the application.

When to use

When an immigration officer identifies suspected or determined false, misleading, or withheld (FMW) information in a previous EOI, and this FMW is repeated in the current Skilled Migrant or Parent Category application.

Role

- Immigration Officer (IO), or
- Technical Advisor (TA)

Related Resources

- [IAC 23/01 - False, misleading and withheld information - impact on visa applications](#)
- [Potentially prejudicial information \(PPI\) false information guidance](#)
- [VisaPak 300 - Authorising Alerts and Warnings](#)
- [SOP Assess Risk and Conduct Verification](#)

General notes

At any stage during the steps below, it is acceptable to seek clarification of a piece of information either from the applicant, a third party, or (in accordance with the verification SOP above) a verification officer.

This SOP is written for processing applications in AMS.

Steps

1. **Identify the suspected false, misleading, or withheld (FMW) information**

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SOP (4) - Consider false, misleading, or withheld information in an Expression of Interest (EOI) repeated in visa application

Note: A suspicion that a piece of information, or purported set of facts, relating to the applicant/application may be false, misleading, or withheld may arise from the result of a verification activity or from initial assessment of the application. If identification of FMW comes from a verification activity, it is unlikely that **Step 2** will be needed; however, whether the incorrect information can be disregarded should still be considered.

2. Disregard opinions, exaggerated claims, or trivial mistakes

When considering the incorrect or incomplete information, an IO can disregard the following:

- trivial mistakes or trivial omissions
- opinions or exaggerated claims (for example, about their occupation)
- information required for lodgement purposes that is incorrect in the first instance, but:
 - the applicant later corrects the incorrect information (and/or acknowledges it was incorrect) without prompting from INZ; and
 - IO is satisfied that it is a case where the applicant made reasonable efforts to provide accurate information in the first instance and where circumstances beyond their control caused those efforts to be unsuccessful; or
 - if no effort was made, IO is satisfied that circumstances beyond their control would have caused any effort to be unsuccessful

If IO decides they	Then
Cannot disregard the incorrect or incomplete information on any of the grounds above (i.e., that information should be considered as FWM information)	Go to next step
Can disregard the incorrect or incomplete information on any of the grounds above	The IO should make a brief record in the assessment template that the matter can be disregarded, noting the reasons why End process

3. Decide if there is potentially prejudicial information (PPI) related to the FMW information that should be put to the applicant

Note: The definition of PPI (which must be put to the applicant) is any information that may adversely impact on the outcome of the application (see [E7.15](#) for temporary entry and [B5.20.3](#) for residence). Refer to [Potentially prejudicial information \(PPI\) false information guidance](#).

Note: For offshore temporary entry visa applicants, the definition of PPI is also information that the applicant is not necessarily aware of (or is not publicly available) and which they have not previously had an opportunity to comment on (see [E7.15.1](#)).

Consider:

If	Then
----	------

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There is PPI which must be put to the applicant for comment	<ul style="list-style-type: none"> • Send a PPI letter to the applicant. See Communicate potentially prejudicial information (PPI) • Use AMS template V398 for the PPI letter. Ensure to include the following information: <ul style="list-style-type: none"> ○ Explain the concern that false or misleading information has been provided, or relevant information withheld; and ○ Invite comment on the concern; and ○ Invite comment on why they think they should be granted a visa, in the event the concern remains. • Go to next step
There is no PPI which must be put to the applicant for comment	Go to next step

4. Consider any response received from the applicant (if applicable), make a determination about whether there is FMW information, and decide the application

If IO is satisfied that	Then
<p>It is more likely than not that there is FMW information</p> <p>and</p> <p>It is reasonable to decline the application under s58(6) given the circumstances</p>	Go to Step 5 to decline application
<p>It's more likely than not that there is FMW information</p> <p>but</p> <p>It's not reasonable to decline the application on the grounds of s58(6) or SM3.10.1/F4.5.15 given the circumstances</p>	<ul style="list-style-type: none"> • Record the decision and rationale in AMS template V586 (False and misleading information template) and briefly in the VAT or assessment notes • Continue assessment of application and (if a QC is required) refer to SOP Submit an application for Quality Control (QC) Check once decision has been made • In the decision letter, use Row 12 of the Letter Insert Bank (if declining the application) or Row 13 (if approving the application). Ensure that the applicant is advised: <ul style="list-style-type: none"> ○ The reason(s) why the IO is satisfied that false or misleading information was provided or relevant information withheld in their visa application. ○ It has been decided not to decline the application on the grounds of s58(6) of the Act or SM3.10.1/F4.5.15

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SOP (4) - Consider false, misleading, or withheld information in an Expression of Interest (EOI) repeated in visa application

	<ul style="list-style-type: none"> Go to Step 6 to raise a character warning
<p>The 'FMW' information (that is, the information that was initially thought to be FMW) is no longer considered FMW information*</p> <p>*This could occur either because: a) it is determined that the applicant in fact gave correct information; or b) it is determined that the information provided can be disregarded because it fits within the parameters of Step 2; or c) the IO/INZ is now not certain whether false or misleading information was provided, or whether material information was withheld.</p>	<ul style="list-style-type: none"> Record the decision and rationale in AMS template V586 (False and misleading information template) and briefly in the VAT or assessment notes Continue assessment of application and (if a QC is required) refer to SOP Submit an application for Quality Control (QC) Check once decision has been made In the decision letter (whether the application is eventually approved or declined) the applicant should be advised that INZ no longer considers that false or misleading information was provided, or that relevant information was withheld (if the applicant was not aware there was a potential issue with FMW information, there is no need to include this advice to the applicant); see Row 14 from the Letter Insert Bank <p>End process</p>

5. Decline the application

Refer to either [SOP Decline application \(temporary entry\)](#) or [SOP Decline application \(Residence\)](#), additionally ensuring that the following FMW-specific instruction is followed:

- Record the rationale for declining the application on the grounds of FMW information in AMS template V586 (false and misleading information template).
- Record a reference to the template above in the VAT or assessment notes: "This application is being declined on the basis of [false/misleading/withheld] information. See False Information Assessment template for more details."
- Decline the application using the AMS decline type for false information.
- If the applicant is from a visa waiver country, consider a special direction under s69(2)(d) of the Act to remove their ability to travel to New Zealand visa waiver
- Add the s58(6) residence decline insert (see **Row 6** from the [Letter Insert Bank](#)) to the SMC or Parent Category decline letters. The applicant must be advised:
 - The reason(s) why the IO is satisfied false or misleading information was provided or relevant information withheld in their visa application
 - That the FMW information may require a character waiver in future applications, and
 - That their ability to travel via visa waiver ([E2.1](#)) has been removed (if applicable)
- Attach the *False Info Assessment* to the decision letter.
- Once the application has been completed in AMS, go to **Step 6** to raise a character warning (this is separate to any visa suspension warning that may have been raised earlier in this process).

6. Raise a character warning against each adult (age 18 and over) applicant included in the application, recording the false or omitted information

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SOP (4) - Consider false, misleading, or withheld information in an Expression of Interest (EOI) repeated in visa application

Note: A warning should not be raised against a dependent child (aged 18 years or above) if the FMW information was not regarding that child (see A5.25.5(g)).

- In the AMS Client Alert tab, click on 'Add' to raise a character warning.
- The warning must expire 100 years from today's date, as below:

AMS - Add Client Alert/Warning

Alert | Notes | Personal Details

Type: ▶ Branch Warning Alert Number: []

Code: ▶ Character Warning

Action: ▶ Warning

Informant: ▶ Immigration New Zealand

Informant File Number: []

Interpol Control Number: []

Notify Office: ▶ [REDACTED]

Effective From: ▶ 09/May/2023 Expires: ▶ 09/May/2133

Suspend From: [] Suspend To: []

Created: 09/May/2023 [REDACTED]

Office Created: [REDACTED]

Authorised:

OK Cancel

- Enter one of the below notes (whichever is applicable):

“False or misleading information was provided in the EOI associated to application [application number], and in the application itself. Please see the application notes for further details.”

OR

“Relevant information was withheld in the EOI associated to application [application number], and in the application itself. Please see the application notes for further details.”

- Add the following note to the warning if the application was not declined using s58(6):

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SOP (4) - Consider false, misleading, or withheld information in an Expression of Interest (EOI) repeated in visa application

“Although I did not decline the application on this basis, it remains a character issue for this applicant and will need to be addressed in any further application this person may make.”

Note: An IO or TA can add the warning, but it needs authorisation from a Practice Lead or Immigration Manager (IM) before the status will change to 'active'.

7. If the FMW information indicates or supports evidence of a new risk trend, discuss with IM as to whether the matter should be reported to the Verification team

Refer to the [Verification Toolkit](#) if applicable.

END

Released under Official Information Act

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SOP (4) - Consider false, misleading, or withheld information in an Expression of Interest (EOI) repeated in visa application