



11 December 2024

Sam Malik

fyi-request-29079-b5642e55@requests.fyi.org.nz

DOIA-REQ-0006069

Tēnā koe Sam

Thank you for your email of 6 November 2024 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following:

Can you please advise if the US citizen who's organised Pro-Khalistani rallies in Auckland and Wellington was checked for his history of spreading hate speech and violence. If not then why not?

Why didn't Immigration take enough measures against this person when he disrupted traffic in major cities and used slogans against other communities.

Please provide the evidence, if any, if the Ministry was satisfied by this person of a peaceful "visit"?

On Wednesday 20 November 2024, we requested clarification of the name of the individual in question. On the same date, you clarified the name of the individual as Mr A V Pannun.

On 4 December 2024, we had advised you that MBIE had decided to extend the period of time available to make a decision on 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 the request could not reasonably be made within the original time limit. MBIE would notify you of a decision on your request no later than 11 December 2024.

Our Response

Your request has been refused in reliance of section 9(2)(a) of the OIA, to protect the privacy of natural persons, including that of deceased natural persons.

In respect of the information being refused under section 9 of the OIA, I do not consider that there are any overriding public interest reasons that support the release of that information.

In respect of the information being refused under section 9(2)(a) of the OIA, I have taken into account s9(1) of the OIA, and I do not consider that there are any overriding public interest reasons that support the release of that information.

Individuals entering New Zealand must be either travelling from a visa waiver country and hold a valid Electronic Travel Authority (NZeTA) or hold an appropriate valid visa. People attempting to enter New Zealand without proper authorisation may be refused entry upon arrival.



Individuals applying to enter New Zealand and who are not travelling from a visa waiver country must meet the requirements of the specific visa category they are applying under, in accordance with Immigration New Zealand's (INZ's) rules, regulations, and policies.

Sections 15 and 16 are the relevant sections of the Immigration Act 2009 which detail that certain individuals who have been convicted of a crime, or deported, or who are considered to pose a risk or threat to New Zealand will not be eligible for a visa or entry permission into New Zealand unless by special direction.

All visa applicants must meet specific requirements, including a good character assessment that considers factors such as criminal convictions, deportation history, and potential risks to New Zealand's security, public order, or public interest.

There is currently no provision in the Immigration Act to prevent a person travelling to New Zealand based solely on their previous expression of opinion and ideas.

All applications assigned to an immigration officer are assessed on a case-by-case basis on their own merits, and all relevant evidence and information provided with the application is taken into consideration before a decision is reached. Immigration decision-makers have to weigh up all the factors and assess whether an individual presents a threat or risk to security, public order or the public interest and can be deemed an excluded person.

The immigration instructions concerning how a visa application is decided are publicly available in the INZ Operational Manual here:

<https://www.immigration.govt.nz/opsmanual/#35439.htm>.

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



Jeannie Melville
Deputy Chief Operating Officer
Immigration New Zealand
Ministry of Business, Innovation & Employment