

Character & Waiver Assessment Template for temporary visa applications lodged on and after 25 Sept 2023

Application number: [Application Number]

Client number: [Client Number]

Applicant's Name	[Client Name]
Relevant Temporary instructions or category	<p>Examples</p> <ul style="list-style-type: none"> • Work Partnership • AEWV • Student
Date application lodged	
IMPORTANT NOTE:	<i>If the application was lodged before 25 September 2023, you must not use this template. Instead, use V316a.</i>

Part 1 – Assessment of Character

SECTION 1: INITIAL ASSESSMENT OF THE CHARACTER ISSUE(S)

A: Convictions

If the person has multiple convictions and/or pending charges, list each one and specify the sub-paragraph in A5.45.5 it falls under. Add extra rows if the person has more than 3 convictions.

If the person has no convictions or pending charges, enter 'N/A' in the first row, under 'Charge' and delete rows A2 and A3 and the Evidence of convictions subsection.

Index	Charge	Offence Date (if known)	Result (if convicted)	Which sub-paragraph in A5.45.5 applies?
A1			<i>If not yet convicted, type 'charge pending' or 'under investigation'</i>	
A2				
A3				

Evidence of convictions, charges or pending investigations

List relevant police records or other records (e.g. Ministry of Justice, FBI, etc), and dates of the records in the table below

Police or other record <i>Include what country the record is from</i>	Date of record
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B: False, misleading or withheld information

List all incidents of suspected false, misleading or withheld information provided in a **prior** application or EOI. (The same false information, e.g a single person declaring they were married, spread over multiple applications counts as one incident, but **only** for the purposes of filling in this part of the template.) Add extra rows if the person has more than 3 incidents.

If the person has no incidents of false misleading or withheld information, enter 'N/A' in row B1 and delete rows B2 and B3.

Index	Description <i>Identify the false, misleading or withheld information, and why you suspect the information to be false etc. (If a previous immigration officer has already identified the false etc information, state this and record where this determination can be found.) Note the date(s) the false information was provided or the relevant information was withheld.</i>	Sub-paragraph(s) in A5.45.5 which applies
B1		
B2		
B3		

SECTION 2: APPLICANT'S COMMENTS REGARDING POTENTIAL CHARACTER ISSUE(S)

A: Applicant's opportunity to comment on the character issue

<p>Describe the opportunity <i>Select one, delete the others</i></p>	<p>The applicant was sent a PPI letter on the issue(s) above.</p> <p>The applicant provided comment at the time they submitted this application.</p> <p>The applicant provided comment prior to the time of this application, and I have determined there is no need to ask for further comment.</p> <p>Because a previous waiver (see Section 4 below) has been granted I intend to follow the fast track waiver process and so no PPI letter is required.</p>
<p>Details (such as when the PPI letter was sent and the date comment was provided)</p>	

NB: if there is more than one character issue and different items above apply to different issues, you will need to adapt the table above to make it fit for purpose.

B: Applicant's views

Summarise the applicant's views in the table below. Use the relevant index numbers from the tables above. If item 4 in subsection A above was selected for the character issue (or all of the issues if more than one), you may leave the table blank and skip to Section 3.

Index	Does the applicant agree they fall within the relevant character instruction?	Provide a summary of their explanation of the relevant issue, whether they agree or not. The applicant's comments can include those they made in prior applications.	What evidence (if any), have they provided to support their explanation? Is there any other independent evidence? (If there is no such evidence, that does not necessarily mean their explanation is not plausible.)

SECTION 3: CONCLUSION ON WHETHER A5.45.5 APPLIES

Index	My final assessment regarding the issue(s), having regard to any comments by the applicant or their agent	Is it confirmed that A5.45.5 applies due to this issue? (Yes/No)

Select one of the two paragraphs below; delete the other one; if the second one is chosen, save the file and close, and proceed with assessing the remaining requirements of the application.

Conclusion: In this application, the following character provisions at A5.45.5 apply: [list the relevant provisions here]. Therefore, a character waiver needs to be considered.

Conclusion: After considering further evidence and/or submissions from the applicant, I am satisfied none of the character provisions at A5.45.5 apply. Therefore, a character waiver does not need to be considered for this application.

Provide your name here; if you are the TA completing both parts 1 and 2 of this template, you can delete the lines below and simply provide your name at the end of Part 2.

[Firstname Surname]

Immigration Officer

Date: [Date]

IMPORTANT: After you have completed Part 1, delete this instruction and all of the instructions above that are highlighted.

-----END OF PART 1-----

Part 2 – Character Waiver Assessment

SECTION 4: FAST TRACK CHARACTER WAIVER (CW) CONSIDERATION

- Read the previous CW(s) and review all relevant supporting documentation provided with the current application (and previous applications if available)
- Go down the list in order in the table below. Enter notes in the last column if they are needed to clarify the point.
- If any one item is not correct, you need not answer the rest of the items, and you can skip to section 5.
- If all of the answers are correct, go to section 6.

		Correct	Not correct	Notes (if needed)
CW history	The applicant has previously been granted a CW(s)* for all of character issue(s) in Part 1 above (If correct, give date(s) of waiver(s) in the 'Notes' column), and those waivers occurred in applications for temporary entry class visas except work-to-residence work visas. (If correct, give date(s) of waiver(s) in the 'Notes' column.)			
Declaration	The applicant made accurate and complete declarations in the Character section of the form for the current application (NB: they must be accurate and complete even if the applicant knows that INZ knows about past character issues)			
Additional information	The applicant has no further character concerns identified since the previous CW			
Instructions	The CW instructions have substantively remained the same since the last CW was granted			
Police certificates (PCs)	Updated PCs are not required for this application, OR such PCs (if obtained) show no new convictions			
Circumstances	The applicant's circumstances substantively stayed the same since the last waiver, or (in the alternative) any change in circumstances could, on balance, be seen as positive (e.g. a new higher paid job and other circumstances remaining the same)			
Purpose	The applicant's purpose for travelling to, or remaining in, New Zealand has not materially changed since the last waiver e.g applicant still intends to work			

* For the purposes of the fast track process only, a 'waiver' includes a situation where an applicant could have been declined on non-character grounds for false or misleading information (such as under section 58(6) of the Act – A24 in the Manual) but was nevertheless granted a visa. There needs to be a clear record by the IO in that previous application that they believed they had grounds to use s58(6) but decided not to use it in that instance.

SECTION 5: FULL CHARACTER WAIVER CONSIDERATION

A: Summary of applicant's submissions as to why they should be granted a character waiver

Summarise the applicant's waiver submissions. Do not make any opinions on their submissions at this stage. If there is something they have submitted that is, in your judgement, clearly incorrect, you may insert a correction

in [square brackets]. "Mr X says he has lived in NZ since 1998 [according to AMS, he first arrived in 1999]."

Date of waiver submissions:

Summary:

B: Recording of waiver factors

Record your consideration of each of the factors in the following table, taking into account the applicant's submissions, specified in character instructions at A5.45.10. If there are two or more character issues, make these records against the relevant index reference.

Factors considered (Factors listed above the row in grey are mandatory factors to consider)	Description of the facts related to this consideration <i>(As much as possible, do not give a personal view of these facts.)</i>	Commentary and analysis, including any weight placed on these facts.
the applicant's reason for travelling to, or remaining in, New Zealand		
any surrounding circumstances		
the public interest		
Whether the 3 factors above are compelling	Leave this cell blank	Comment here on whether the three factors above are compelling enough, taken individually or collectively, to justify a waiver. This consideration is also to be balanced against any applicable factors below.
(if applicable) the significance of the false, misleading or forged information provided, or information withheld	if not applicable, write n/a here and delete the next 3 rows	
(if applicable) the nature and extent of the applicant's intentions and involvement in the provision of the false, misleading or forged information, or in the withholding of relevant information		
(if applicable) the extent to which the applicant exercised reasonable diligence in ensuring that INZ was provided with		

complete and accurate information		
(if applicable) whether Article 31 of the Convention Relating to the Status of Refugees applies		
Any other facts considered	<i>Use separate rows below for each fact; list the facts in this column</i>	
	<i>Fact 1</i>	
	<i>Fact 2</i>	

C: Overall Assessment

Are the circumstances sufficiently compelling so as to justify waiving the good character requirement? Explain your reason(s), including how you balanced the key positive and negative factors.

SECTION 6 - Decision

Character waiver [granted / granted by the fast track process / not granted]

Name:	
Designation/Title:	Technical Adviser (or Senior Immigration Officer)
Date:	

NB: Any grant of a character waiver does not guarantee a waiver for a future application.

IMPORTANT: After you have completed Part 2, delete this instruction and all of the instructions above that are highlighted.

Character & Waiver Assessment Template for residence applications lodged on or after 25 Sep 2023

Application number: [Application Number]

Client number: [Client Number]

Applicant's Name	[Client Name]
Residence Category	<p>Examples</p> <ul style="list-style-type: none"> • Partnership • SMC • SSRV • PRV
Date application lodged	
IMPORTANT NOTE:	<i>If the application was lodged before 25 September 2023, you must not use this template. Instead, use V317a. (You may delete this row after reading it.)</i>

Part 1 – Assessment of Character

SECTION 1: INITIAL ASSESSMENT OF THE CHARACTER ISSUE(S)

A: Convictions

If the person has multiple convictions, list each one and specify the sub paragraph in A5.25.5 it falls under. Add extra rows if the person has more than 3 convictions.

If the person has no convictions, enter 'N/A' in the first row, under 'Charge' and delete rows A2 and A3 and the Evidence of convictions subsection.

Index	Charge	Offence Date	Result	Sub paragraph in A5.25.5(a) which applies
A1				
A2				
A3				

Evidence of convictions

List relevant police records or other records (e.g. Ministry of Justice, FBI, etc), and dates of the records in the table below

Police or other record <i>Include what country the record is from</i>	Date of record

B: False, misleading or withheld information

List all incidents of suspected false, misleading or withheld information provided in a **prior** application or EOI. (The same false information, e.g a single person declaring they were married, spread over multiple applications counts as one incident, but only for the purposes of filling in this part of the template.) Add extra rows if the person has more than 3 incidents.

If the person has no incidents of false misleading or withheld information,, enter 'N/A' in row B1 and delete rows B2 and B3.

Index	Description	Sub paragraph(s) in A5.25.5(b)(c) which applies
	Identify the false, misleading or withheld information, and why you suspect the information to be false etc. (If a previous immigration officer has already identified the false etc information, state this and record where this determination can be found.) Note the date(s) the false information was provided or the relevant information was withheld.	
B1		
B2		
B3		

C: Incitement of hatred

If the person has one or more incident of this issue, list each one. If there are no incidents, enter 'N/A' in the first row and delete rows C2 and C3. Add extra rows if there are more than 3 incidents.

Index	Incident – Time and details	Evidence
C1		
C2		
C3		

Further details	<p>Set out the enquiries you made into this matter, and any information you hold as to how long they expressed the views or belonged to the group, and the extent of their involvement and the nature of the views of the group. Confirm which sub-paragraph of A5.25.5(d) applies to this case.</p> <p>Delete this table if section C does not apply</p>
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SECTION 2: APPLICANT’S COMMENTS REGARDING POTENTIAL CHARACTER ISSUE(S)

A: Applicant’s opportunity to comment on the character issue

<p>Describe the opportunity</p> <p><i>Select one, delete the others</i></p>	<p>The applicant was sent a PPI letter on the issue(s) above.</p> <p>The applicant provided comment at the time they submitted this application.</p> <p>The applicant provided comment prior to the time of this application, and I have determined there is no need to ask for further comment.</p> <p>Because a previous waiver (see Section 4 below) has been granted I intend to follow the fast track waiver process and so no PPI letter is required.</p>
<p>Details (such as when the PPI letter was sent and the date comment was provided)</p>	

NB: if there is more than one character issue and different items above apply to different issues, you will need to adapt the table above to make it fit for purpose.

B: Applicant's views

Summarise the applicant's views in the table below. Use the relevant index numbers from the tables above. If item 4 in subsection A above was selected for the character issue (or all of the issues if more than one), you may leave the table blank and skip to Section 3.

Index	Does the applicant agree they fall within the relevant character instruction?	Provide a summary of their explanation of the relevant issue, whether they agree or not. The applicant's comments can include those they made in prior applications.	What evidence (if any), have they provided to support their explanation? Is there any other independent evidence? (If there is no such evidence, that does not necessarily mean their explanation is not plausible.)

SECTION 3: CONCLUSION ON WHETHER A5.25.5 APPLIES

Index	My final assessment regarding the issue(s), having regard to any comments by the applicant or their agent	Is it confirmed that A5.25.5 applies due to this issue? (Yes/No)

Select one of the two paragraphs below; delete the other one; if the second one is chosen, save the file and close, and proceed with assessing the remaining requirements of the application.

Conclusion: In this application, the following character provisions at A5.25.5 apply: [list the relevant provisions here]. Therefore, a character waiver needs to be considered.

Conclusion: After considering further evidence and/or submissions from the applicant, I am satisfied none of the character provisions at A5.25.5 apply. Therefore, a character waiver does not need to be considered for this application.

Provide your name here; if you are the TA completing both parts 1 and 2 of this template, you can delete the lines below and simply provide your name at the end of Part 2.

[Firstname Surname]

Immigration Officer

Date: [Date]

IMPORTANT: *After you have completed Part 1, delete this instruction and all of the instructions above that are in italic type.*

-----END OF PART 1-----

Part 2 – Waiver Assessment

SECTION 4: FAST TRACK CHARACTER WAIVER (CW) CONSIDERATION

- *Read the previous CW(s) and review all relevant supporting documentation provided with the current application (and previous applications if available)*
- *Go down the list in order in the table below. Enter notes in the last column if they are needed to clarify the point.*
- *If any one item is not correct, you need not answer the rest of the items, and you can skip to section 5.*
- *If all of the answers are correct, go to section 6.*

		Correct	Not correct	Notes (if needed)
Character Waiver history	The applicant has previously been granted a CW(s)* for all of character issue(s) in Part 1 above (If correct, give date(s) of waiver(s) in the 'Notes' column), and those waivers occurred in applications for resident visas or work-to-residence work visas. (If correct, give date(s) of waiver(s) in the 'Notes' column.)			
Declaration	The applicant made accurate and complete declarations in the Character section of the form for the current application (NB: they must be accurate and complete even if the applicant knows that INZ knows about past character issues)			
Additional information	The applicant has no further character concerns identified since the previous CW			
Instructions	The CW instructions have substantively remained the same since the last CW was granted			
Police certificates	Updated PCs are not required for this application, OR such PCs (if obtained) show no new convictions			
Circumstances	The applicant's circumstances substantively			

	stayed the same since the last waiver, or (in the alternative) any change in circumstances could, on balance, be seen as positive (e.g. a new higher paid job and other circumstances remaining the same)			
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** For the purposes of the fast track process only, a 'waiver' includes a situation where an applicant could have been declined on non-character grounds for false or misleading information (such as under section 58(6) of the Act – A24 in the Manual) but was nevertheless granted a visa. There needs to be a clear record by the IO in that previous application that they believed they had grounds to use s58(6) but decided not to use it in that instance.*

SECTION 5: FULL WAIVER CONSIDERATION

A: Summary of applicant's submissions as to why they should be granted a character waiver

<i>Summarise the applicant's waiver submissions. Do <u>not</u> make any opinions on their submissions at this stage. If there is something they have submitted that is, in your judgement, clearly incorrect, you may insert a correction in [square brackets]. "Mr X says he has lived in NZ since 1998 [according to AMS, he first arrived in 1999]."</i>
Date of waiver submissions:
Summary:

B: Recording of waiver factors

Record your consideration of each of the factors in the following table, taking into account the applicant's submissions, specified in character instructions at A5.25.10. If there are two or more character issues, make these records against the relevant index reference.

Factors considered (Factors listed above the row in grey are mandatory factors to consider)	Description of the facts related to this consideration <i>(As much as possible, do not give a personal view of these facts.)</i>	Commentary and analysis, including any weight placed on these facts.
the seriousness of the criminal offence (generally indicated by the term of imprisonment or size of the fine)	<i>Use this row only if there is a conviction which is causing a character issue; otherwise put n/a</i>	
whether there is more than one criminal offence or whether more than one provision at A5.25.5 applies		
how long ago the relevant event or events occurred		
whether the applicant has any immediate		

family lawfully and permanently in New Zealand		
the extent of the applicant's other connections to New Zealand		
Whether the applicant's potential contribution to New Zealand will be significant	<i>Record the potential contribution in this column and any views the applicant has regarding it; record your assessment of its significance of it in the next column.</i>	
(if A5.25.5(b)/(c) applies) the significance of the false, misleading or forged information provided, or the relevant information not provided		
(if A5.25.5(b)/(c) applies) the nature and extent of the applicant's intentions and involvement in the provision of the false, misleading or forged information, or in the withholding of relevant information		
(if A5.25.5(b)/(c) applies) the extent to which the applicant exercised reasonable diligence in ensuring that INZ was provided with complete and accurate information		
(if A5.25.5(b)/(c) applies) Whether Article 31 of the Convention Relating to the Status of Refugees		
(if A5.25.5(d) applies) the length of time since the applicant publicly expressed the views, or was a member or adherent of the group or organisation		
(if A5.25.5(d) applies) whether the applicant still holds the views or still belongs or adheres to the group or organisation, and any evidence of a change in		

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views		
(if A5.25.5(d) applies) the extent to which the applicant was involved in publishing or distributing the views, or the extent of involvement in the group or organisation		
(if A5.25.5(d) applies) the nature of the views, or the nature of the group or organisation		
Any other facts considered	<i>Use separate rows below for each fact; list the facts in this column</i>	
	<i>Fact 1</i>	
	<i>Fact 2</i>	

C: Overall Assessment

Are the circumstances sufficiently compelling so as to justify waiving the good character requirement? Explain your reason(s), including how you balanced the key positive and negative factors.

SECTION 6 - Decision

Character waiver [granted / granted by the fast track process / not granted]

Name:	
Designation/Title:	Technical Adviser (or Senior Immigration Officer)
Date:	

NB: Any grant of a character waiver does not guarantee a waiver for a future application.

IMPORTANT: After you have completed Part 2, delete this instruction and all of the instructions above that are highlighted.