



20 December 2024

Jiahao Ye

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DOIA 0006773

Tēnā koe Jiahao

Thank you for your email of 22 November 2024 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following information:

I am writing to request clear guidance and a Standard Operating Procedure (SOP) related to the character waiver process, particularly for assessments involving criminal records.

Specifically, I would appreciate clarification on the following:

- 1. How does Immigration New Zealand (INZ) conduct a public interest assessment?*
- 2. Are there particular offenses that automatically raise red flags with INZ? For example, in cases involving lower-end sentences, does the nature of the offense alone lead to a character waiver being declined? Or does INZ also take into account the specific circumstances surrounding the conviction?*
- 3. In instances where a conviction is of a serious nature but involves a one-off incident with a lower-end sentence, under what circumstances would INZ determine that granting the waiver is not contrary to New Zealand's public interest?*

On 4 December 2024, we asked you to clarify what you meant by 'public interest'. On the same day, you responded with "In the character waiver access process, the immigration officer will assess whether the applicant coming to New Zealand would be against the public interest, I would like to know how INZ determine whether the applicant will put New Zealand's public interest at risk."

Our Response

Question

I am writing to request clear guidance and a Standard Operating Procedure (SOP) related to the character waiver process, particularly for assessments involving criminal records.

Please refer to appendix A, B and C for the information you have requested. Please note that some information has been withheld under sections 6(c) of the Act, as making it available would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

Question

How does Immigration New Zealand (INZ) conduct a public interest assessment?

Your request is refused under section 18(g) of the Act, as the information requested is not held by MBIE and is not believed to be held by any other department or agency.

Please note that Immigration New Zealand conducts a Public Interest test in-line with the information available on the Ombudsman website here: [Public interest A guide to the public interest test.pdf](#)

Public interest can cover a wide range of values and principles relating to the public good, or what is in the best interest of society when assessing for character waiver purposes. All factors, evidence and information provided are weighed and balanced before a decision is determined on whether to grant a character waiver.

Question

Are there particular offenses that automatically raise red flags with INZ? For example, in cases involving lower-end sentences, does the nature of the offense alone lead to a character waiver being declined? Or does INZ also take into account the specific circumstances surrounding the conviction?

In instances where a conviction is of a serious nature but involves a one-off incident with a lower-end sentence, under what circumstances would INZ determine that granting the waiver is not contrary to New Zealand's public interest?

Your request is refused under section 18(g) of the Act, as the information requested is not held by MBIE and is not believed to be held by any other department or agency.

Applicants who are applying for a visa to enter New Zealand will require a character waiver if they are captured by certain provisions laid out in immigration instructions. Sections A5.25 and A5.45 are the relevant sections of the Operational Manual which detail the convictions, false information and other matters which may cause applicants not to meet the character requirements for residence or temporary entry. If an applicant is captured by any of the provisions laid out in immigration character instructions, they will require a character waiver to be assessed and granted in order to be approved a visa. All character waivers are assessed on a case-by-case basis against their own merits.

In the consideration of a character waiver, an immigration officer must consider the surrounding circumstances of the application to decide whether they are compelling enough to justify the grant of a character waiver. Sections A5.25.10 and A5.45.10 of the Operational Manual detail the circumstances that are taken into consideration for both residence and temporary entry. These circumstances can include the nature and seriousness of the criminal offences committed by the applicant, considering the time elapsed since the offence occurred, and any steps taken since the offence occurred.

More information on sections A5.25, A5.25.10, A5.45 and A5.45.10 can be found on the INZ website here: [Operational Manual - Immigration New Zealand. Issue Date: 14 December 2024](#)[Operational Manual - Immigration New Zealand. Issue Date: 22 August 2016](#)

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
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Immigration New Zealand
Ministry of Business, Innovation & Employment