



**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HIKINA WHAKATUTUKI

---

# **BONA FIDES:**

## **What they are and how we assess them**

---

Getting It Right



RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

# Introduction

This slideshow aims to clarify our understanding of what “*bona fide*” means and what is expected when we assess on *bona fide* criteria.

It also seeks to improve bona fide assessments by

- ✓ making it easier to apply **instructions** and
- ✓ developing a **holistic** or “big picture” approach

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT



# This is how [www.immigration.govt.nz](http://www.immigration.govt.nz) explains bona fide to John and Jane Doe



LOG IN



MENU

## What genuine intentions are

When you travel to New Zealand on a temporary visa you must have genuine reasons for visiting that match what you tell us in your application.

We use all the information we have, including the information you give us in your application to confirm that you:

- plan to stay in New Zealand temporarily
- are coming for the reason you gave in your visa application, arrival card or traveller declaration
- will comply with the conditions of your visa
- will not stay in New Zealand without a valid visa, and
- can leave New Zealand at the end of your stay.

<https://www.immigration.govt.nz/new-zealand-visas/preparing-a-visa-application/character-and-identity/bona-fide>



MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT  
HIKINA WHAKATUTUKI

# What does *bona fide* mean?

How does a bona fide assessment differ from all the other parts of an application's assessment?

## E5.1 Definition of 'bona fide applicant'

A bona fide applicant for temporary entry is a person who:

- a. genuinely intends a temporary stay in New Zealand for a lawful purpose; and
- b. in the opinion of an immigration officer is not likely:
  - i. to remain in New Zealand unlawfully; or
  - ii. to breach the conditions of any visa granted; or
  - iii. to be unable to leave or be deported from New Zealand (see [E5.10](#)).

Immigration officers are asked for an OPINION. This is unlike other parts of an assessment.

# What does *bona fide* mean?

How do we form an opinion?

## Dictionary

Definitions from [Oxford Languages](#) · [Learn more](#)

Search for a word



### critical thinking

*noun*

the objective analysis and evaluation of an issue in order to form a judgement.

"professors often find it difficult to encourage critical thinking among their students"

Why?



# Immigration New Zealand

As trusted stewards of the immigration system, we facilitate and protect New Zealand's interests.

## Dictionary

Definitions from [Oxford Languages](#) · [Learn more](#)

*adjective*

genuine; real.

"she was a bona fide expert"

Similar:

authentic

genuine

real

true

actual

sterling

sound

legal



*adverb* **LAW**

without intention to deceive.

"the court will assume that they have acted bona fide"

We use 'bona fide' in the context of the law

**'Without intention to deceive'**



# Food for thought...

Do we all use the words '*bona fide*' in our daily language?

Do John and Jane Doe understand what we mean when we tell them we have concerns around their 'bona fides'?

## It's plain and simple - Plain Language Act 2022

[Home](#) > [News](#) > It's plain and simple - Plain Language Act 2022

On Friday, 21 April 2023, the Plain Language Act 2022 will come into effect for government organisations.

### Why we need to use plain language

By using plain language, we make sure that our services are accessible and easy to navigate. It also ensures the information we share is understandable to all New Zealanders.

### What plain language affects

The Act affects new written content, in both digital and print formats, from Friday 21 April 2023.

# Food for thought...

Do we all use the words '*bona fide*' in our daily language?

Do John and Jane Doe understand what we mean when we tell them we have concerns around their '*bona fides*'?

## Words to use and avoid

When writing for Immigration NZ products, make sure you use the correct words and spelling. This creates consistency across content. Use this table to find which words to avoid using in content, and find a suitable replacement.

Words to avoid	Words to use instead
advisor	adviser, immigration adviser
bona fide	genuine, legitimate
cellphone, mobile	mobile phone
child(ren)	child or children

# The INZ website also states the following:

## Provide good quality evidence

Include all the evidence that you want us to consider. We decide each case based on the information and evidence provided. If you do not provide enough evidence it may take us longer to process your application, or we may decline your application.

You must provide genuine evidence. If you provide counterfeit evidence or false information, we may decline your application.

If your evidence is not in English provide a translated copy, this will help us to process your application faster.

We remind them to provide good quality evidence so that we can make a well-informed decision. This is to ensure that we are deciding applications based on the [principles of fairness and natural justice](#).



# Fairness and natural justice

Generally, the grant of temporary entry class visas is discretionary and it is essential that immigration officers apply the

*principles of fairness and natural justice*

(see A1.15)

- Giving the applicant a fair hearing (consider ALL the information)
- Avoiding bias



# IAC 13-09 Assessing 'bona fide applicant' criteria

## Temporary entry class visa applicants must be bona fide

A  
st

### How we make a decision

In  
ap

To decide if you have genuine intentions, we look at:

- the the information and evidence you provide with you visa application
- the information you provide on your arrival card or traveller declaration
- any information we have about your personal circumstances
- any information we have about your previous applications.



# Lawful purpose – a core instruction

- **V2.1.1 Definition of 'lawful purpose' for visitors**
- For the purposes of applying the 'lawful purpose' test in the provision relating to bona fide applicants (see E5.1), visitors are considered to be coming to New Zealand for a lawful purpose if they are coming for such purposes as:
  - holidaying;
  - sightseeing;
  - family and social visits;
  - amateur sport;
  - business consultation (see V3.5);
  - medical treatment (see V3.40);

E5.5.1 (a) describes 'lawful purpose' as a 'legitimate need'.

# Lawful purpose – a core instruction

However, IAC 19-01 provides advice to staff on assessing applications for people seeking to join a partner in New Zealand and they have not lived together for sufficient time to demonstrate the partnership is genuine and stable.



Applicant wishes to join a partner in NZ

Does not meet "living together" requirements

Meets all other criteria

Apply IAC 19-01 and consider a VVG

# Temporary entry class visa applicants must be bona fide

**E5.10** states that immigration officers must take into account:

- any evidence of genuine intent and lawful purpose submitted by the applicant
- the ability of the applicant to leave or be deported from New Zealand to their country of citizenship
- any relevant information held about previous applications, and
- the personal circumstances of the applicant.

overview

Weighing & balancing

Informed Opinion

Rationale



# Factors we can consider in our assessment of bona fides

## Evidence you are visiting family or friends

## If Evidence of your travel history

## Evidence of your home country circumstances

Provide evidence of your work, study and living arrangements. This will help us decide if you are likely to return to your home country at the end of your visit.

Depending on your circumstances, you could include:

- evidence of your employment, such as a letter from your employer approving your leave and confirming your return to work, and financial evidence of your employment.
- evidence showing you are a student in your home country, such as a letter or student identity card from your school or other education provider.
- evidence of your relationships with close relatives in your home country.
- evidence of assets you own in your home country, such as your home or a business.
- a retirement certificate or evidence you receive a pension.



# 'Lawful purpose' overlaps with the bona fide assessment

## Rule of thumb:

- If the purpose of the visit is clear but not acceptable; you can decline on it. There is no need to assess bona fides.  
*Example: music festival date has passed, no updated info.*
- If the purpose of the visit is vague; you can pull it into the bona fide assessment and decline on bona fides if the other bona fide criteria are also not met.  
*Example: 'I want to meet my cousin', no further info provided.*
- If the purpose of the visit is vague but the bona fides are strong, then the vague purpose is not an issue.  
*Example: '.....XXXXX.....', business woman with big bank account and good history with INZ.*



## The order of assessment – IAC 13-09

- All of the **criteria for the particular category** should be assessed **before** the bona fide criteria.
- If the applicant does not meet the criteria of the particular category, there is no need to assess bona fides.
- *Health and character requirements* should be **ASSESSED AFTER** the bona fide assessment.



## Factors to consider – an off-shore example

- any evidence of genuine intent and lawful purpose submitted by the applicant
- the ability of the applicant to leave or be deported from New Zealand to their country of citizenship
- any relevant information held about previous applications, and
- the personal circumstances of the applicant.

### Keep the big picture in mind!

For example, if an applicant declared that they wish to come to NZ to be with their partner and we see that the partnership is genuine and that they have a pathway to further Partnership visas, do they need to show strong evidence of ties to their home country?

## Factors to consider – an on-shore example

- any evidence of genuine intent and lawful purpose submitted by the applicant
- the ability of the applicant to leave or be deported from New Zealand to their country of citizenship
- any relevant information held about previous applications, and
- the personal circumstances of the applicant.

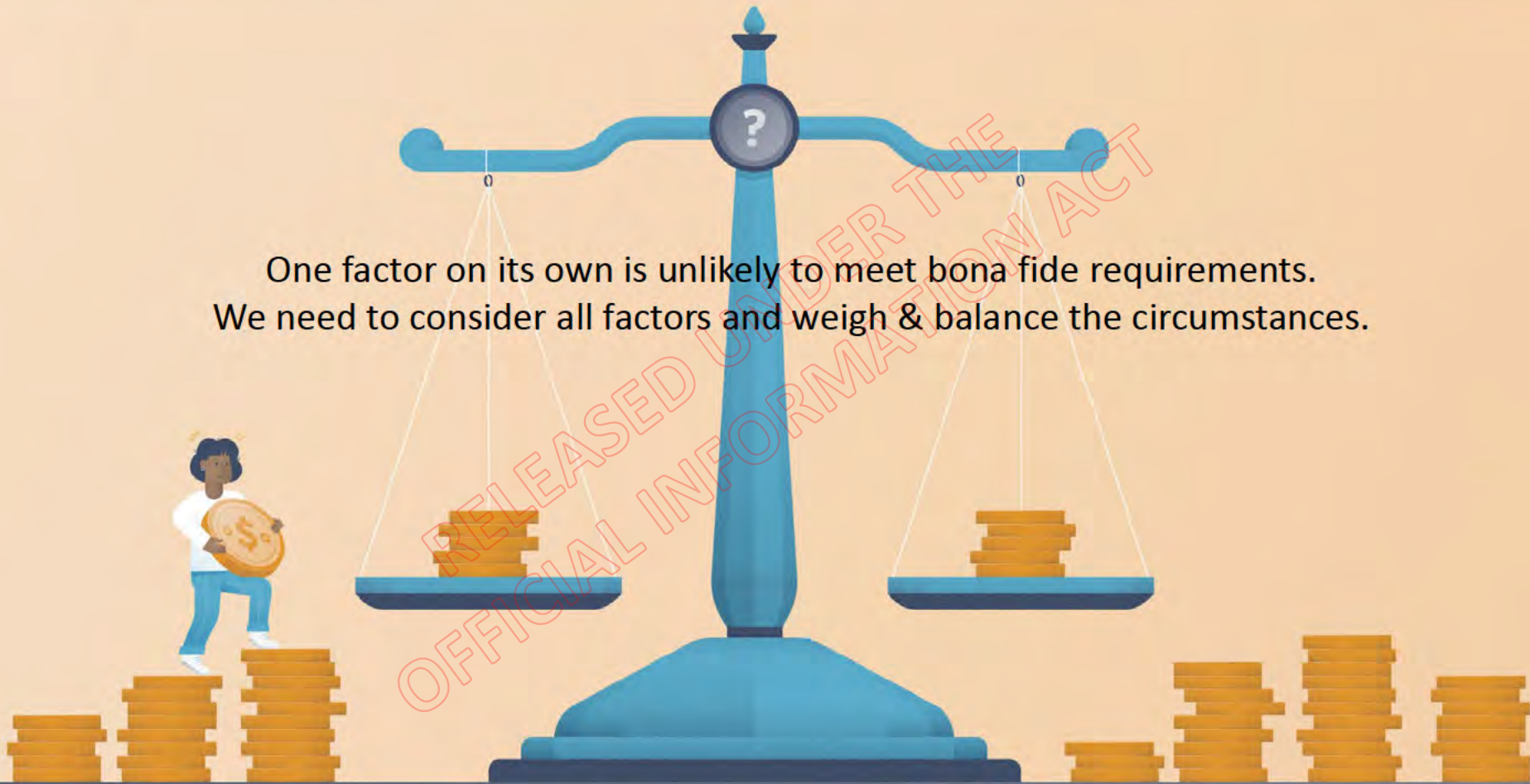
### Keep the big picture in mind!

For example, if an on-shore applicant declared that they wish to extend their stay in NZ with 2 months because they also want to attend the birthday of their grandmother, they have an eligible sponsor, but we see that they overstayed their visa previously and that they have no pathway to a visa in another category, can we mitigate their bona fides without a PPI?



# Weighing & Balancing: a holistic approach

One factor on its own is unlikely to meet bona fide requirements.  
We need to consider all factors and weigh & balance the circumstances.



# Weighing & Balancing: a holistic approach

## Possible Positive Factors

- travelling in a group with a legit travel agency
- s 6(c)
- has a family member with NZ RV
- has partner and children in the home country
- has a stable job in the home country
- has a reputable contact in NZ
- Has sufficient, traceable and accessible funds
- s 6(c)
- has complied previously when granted a visa to NZ
- has a potential pathway to a visa in a different category
- has a clear and confirmed purpose to travel
- has itinerary with confirmed bookings



# Weighing & Balancing: a holistic approach

## Possible Positive Factors

- travelling in a group with a legit travel agency
- M5 travel history (Australia, Canada, NZ, UK, USA)
- has a family member with NZ RV
- has partner and children in the home country
- has a stable job in the home country
- has a reputable contact in NZ
- Has sufficient, traceable and accessible funds
- had a Schengen visa from previous travel (27 European countries)
- has complied previously when granted a visa to NZ
- has a potential pathway to a visa in a different category
- has a clear and confirmed purpose to travel
- has itinerary with confirmed bookings

## Possible Negative Factors

- is living in a third country – no clarity obtained about the visa status there
- intended purpose to travel is vague
- has had declined visas in other countries
- has character issues
- is single and young
- no information about previous overseas travel history
- no information about employment
- has previously breached visa conditions
- bank statements with untraceable deposits
- internal conflict in the home country
- is a newcomer
- home country is known for high level of corruption
- has an unlawful family member in NZ

# EXAMPLES



# Example 1

How would you approach holistically?

**FACT**

**EVIDENCE**



- The applicant wishes to visit NZ with his friends to travel around the North Island for 1 month.
- An itinerary with confirmed bookings has been provided.
- \$1,000 (nzd) is available in his personal bank account.
- Evidence of visas to other countries has been provided.
- He has a stable job in his home country and a letter from employer confirming 1 month leave has been provided.



# Example 1 continued...

- The applicant wishes to visit NZ with his friends to travel around the North Island for 1 month.
- An itinerary with confirmed bookings has been provided.
- \$1,000 (nzd) is available in his personal bank account.
- Evidence of visas to other countries has been provided.
- He has a stable job in his home country and a letter from employer confirming 1 month leave has been provided.
- The applicant has a history of overstaying in NZ for 2 weeks 10 years ago when he came for work.
- Some of his friends' visas have been declined on bona fides as they have no strong ties to their home country.
- The applicant has been working for this employer for over 5 years but has low income.



## Example 2 How would you approach holistically?

**FACT**

**EVIDENCE**



- The applicant is onshore and stayed for 6 months. Her purpose for extending the stay in NZ is to stay with her brother's family for additional 3 months.
- The applicant's brother, a NZ resident wrote a supporting letter and is an acceptable sponsor.
- Evidence of income; bank statements and payslips of the applicant from home country has been provided.
- Evidence of return flight has been provided.
- An employer letter confirming sufficient leave has been provided.
- The applicant has 2 children in the home country.



## Example 2 continued...

- The applicant is onshore and stayed for 6 months. Her purpose for extending the stay in NZ is to stay with her brother's family for additional 3 months.
- The applicant's brother, a NZ resident wrote a supporting letter and is an acceptable sponsor.
- Evidence of income; bank statements and payslips of the applicant from home country has been provided.
- Evidence of return flight has been provided.
- An employer letter confirming sufficient leave has been provided.
- The applicant has 2 children in the home country.
  - The applicant's husband is working in Australia but the applicant's Australian VV was declined recently on bona fides.
  - The applicant's children are minors and they are looked after by their grandparents while the applicant is in NZ.
  - The applicant's brother owns and operates a company in NZ.
  - An allegation has been received that the applicant is working in her brother's company for cash.
  - The applicant has low income however has remittances from her husband demonstrating funds in her home country.
  - The applicant's sister-in-law recently gave birth and needs to be looked after.



## Example 3 How would you approach holistically?

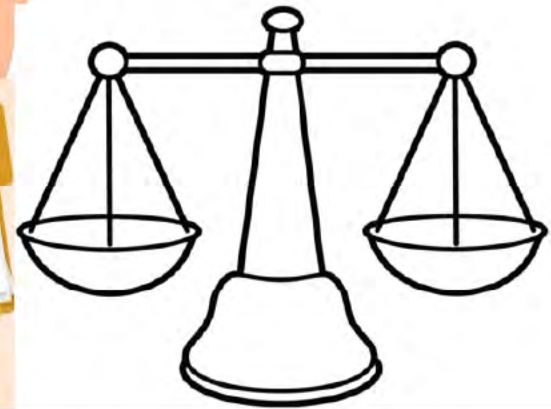
- The applicant is single and is a registered doctor in his home country.
- The applicant has provided translated bank statements only that show regular income and sufficient funds.
- Leave approval letter has a typo and states that the leave has been approved for Canada.
- The applicant claims that he is from a wealthy family and provided evidence of property ownership under his parents' name.
- The applicant wants to travel around New Zealand and provided a detailed itinerary with booked accommodation with a reputable travel agency.
- The applicant has a Visitor Visa approved to Australia and has travelled to other countries previously.



# BONA FIDES

- ✓ Bona fide assessments need your opinion as an Immigration Officer.
- ✓ All Positive and Negative factors to be considered for a holistic approach.
- ✓ Stay logical when weighing and balancing all factors.

**FACTS**



# Questions?

