

25 September 2018

Matthew Adair

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Ref: DOIA 1819-0342

Dear Mr Adair,

I refer to your official information request, which was received by the Ministry of Business, Innovation & Employment on 1 September 2018. You requested, under the Official Information Act 1982, the following information:

*1. What training (if any) is provided to Immigration Officers in regards to assessing WI7.5 (c) which is provided below: "WI7.5 Evidence of domestic violence Evidence of domestic violence means: "a complaint of domestic violence against the New Zealand citizen or residence class visa holder partner, or someone with whom the applicant is living in a domestic relationship investigated by the New Zealand Police where the New Zealand Police are satisfied that such domestic violence has occurred; " 1A) eg. are there any procedures in place for Immigration Officers in terms of contacting NZ Police to verify a Police investigation and/or Police are satisfied Domestic Violence has occurred? 1B) Do INZ Officers receive any training internally (or training from NZ Police) to recognise and understand Police or Court Documents that would suggest A) an investigation is ongoing B) Domestic violence has occurred. For example training on "NZ Police Summary of Facts", "Witness statements" 2) Do IO's processing these applications receive any training in relation to understanding the court processes - eg. charges, court summons for offenders, time involved. 3) Do specialized IO's receive any training on how to sensitively deal with victims of crime / domestic violence (for example in a manner that does not re-victimise them)? 4) This last aspect may take some time to compile - according to MBIE media fact sheet on these visa's - 19 work visa applications (2016/2017) and 11 work visa applications (2017/2018) were declined by INZ (30 in total) <https://www.immigration.govt.nz/documents/about-us/media-factsheets/victims-of-domestic-violence-factsheet.pdf> Of these can you please provide numbers of how many had an adviser / exempt community advocate representing them vs no representative. And break down by decline decision (can either reference policy or reason eg. no evidence of DV, not genuine relationship etc.).*

#### **Our response**

##### *Question 1A*

As verification of information is a core skill of immigration officers, it is not trained in this context. Processing offices have contacts with NZ Police to check the status/findings of an investigation.

##### *Question 1B*

Should any information provided be ambiguous, immigration officers have as a core skill the ability to either refer the information back to the applicant for clarification, or to check directly with NZ Police.

##### *Question 2*

(As above)

**Question 3**

Other than that immigration officers are advised to check the applicant is comfortable with the gender of the officer carrying out any interview that is required, they are not specifically trained on this. The role of the officer is not to determine if domestic violence occurred, so the violence will not normally be discussed with the applicant. Instead, the focus is on the ability of the applicant to return to their home country, and as with all immigration processing, this is expected to be done in a professional manner, taking into account the circumstances known to the processing officer. It is the nature of these applications that it will not be possible in every circumstance for this process to avoid causing some distress for the applicant. Clearly, that is not the intention of the processing officer, but rather a consequence of the need for information in order for the officer to make a decision.

**Question 4**

Please see the tables below.

**Number of declined victims of domestic violence work visa applications with and without a licensed or exempt adviser**

	Adviser	No adviser
2016/17	15	4
2017/18	10	1

**Reasons for victims of domestic violence work visa application decline decisions, by immigration instruction not met**

	A5.1	W17 (not further specified)	W17.1(a)	W17.1(b)	W17.1(c)	W17.1(d)	W17.5	W17.10	Max time allowed by W17.1	(Withdrawn)
2016/17	2	1	2	2	1	2	4	0	3	4
2017/18	0	0	0	2	1	1	3	1	2	4

**Note:** Because some applications were declined on multiple grounds, the totals above add up to more than the number of declined applications.

If you wish to discuss any aspect of your request or this response, please contact Fraser Stretton at [fraser.stretton@mbie.govt.nz](mailto:fraser.stretton@mbie.govt.nz).

Yours sincerely



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