



File Ref: SDE-32

**WORKFORCE (IMMIGRATION NEW ZEALAND)
INTERNAL ADMINISTRATION CIRCULAR NO: 09-01**

To:

Date: 11 February 2009

**PLACING STAMPS IN AN APPLICANT'S PASSPORT WHEN AN
APPLICATION IS DECLINED**

Please **READ** this information and ensure all staff members who may be affected are aware of what is required of them.

Purpose

1. The purpose of this Internal Administration Circular (IAC) is to provide guidance for staff in offshore INZ branches and at MFAT posts in relation to decline decisions.

Background

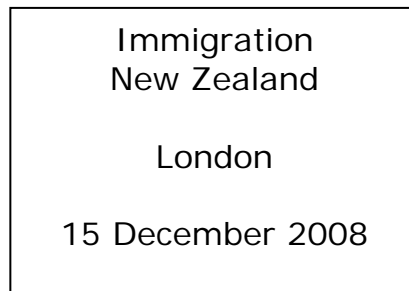
2. Immigration New Zealand has received an Ombudsman's complaint concerning the practice of stamping passports when an application has been declined. In the case in question it appears the visa application was declined because the person did not meet policy, rather than because there was an element of fraud or deception.
3. It is accepted that some branches find such stamps to be useful as indicators of an application being declined, either because the stamp states "declined", or because the stamp shows an application was lodged, but there is no visa in the passport.
4. In the interests of fairness and natural justice it has been decided that such stamps are to be placed in a passport only where a person's application has been declined for not meeting character requirements. Please refer to policies A5.20, A5.25 and A5.26 (residence), A5.35, A5.40 and A5.45 (temporary). Such reasons could include the following (this should not be considered an exhaustive list):
 - false or misleading documentation (including false documentation relating to identity) provided with the application
 - involvement in illegal immigration activity, for instance people smuggling
 - not meeting character requirements by virtue of section 7 of the Immigration Act 1987.

5. The application must be declined in AMS on character grounds and the applicant must be informed their application has been declined for not meeting character requirements.

Procedure

6. Where an application is declined as a result of not meeting character requirements, a stamp showing the branch/post name and the date may be placed in the back of the passport.

Example:



7. Those branches and posts which use stamps which include information other than the branch/post name and date will need to change their stamp. Under no circumstances should the stamp say "declined", "rejected" or similar.
8. Applicants will be alerted to the possibility of this occurring by way of a note on our application forms, which will say "if your application is declined for character reasons, INZ may place a notation in your passport indicating that you applied for a visa for New Zealand". The note will be added to application forms as and when they are updated.
9. The Ombudsman's Office and the Privacy Commissioner have both been advised of this course of action.
10. If this IAC is inconsistent with any previous IAC, the instructions contained here prevail.