

23 March 2009

**IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular
No. 2009/03**

To: *All Manual Holders*

**AMENDMENTS TO THE IMMIGRATION NEW ZEALAND (INZ) OPERATIONAL
MANUAL – PRESERVATION OF STATUS OF COMPLAINANTS TO THE OMBUDSMAN**

Introduction

This circular outlines a change to the administration section of the INZ Operational Manual. A copy of the amended policy is attached to this circular at Appendix 1.

All visa and immigration officers dealing with immigration applications should read the amendment and operate in accordance with the amended policy effective on and after 23 March 2009.

Note

The amendment described in this circular will be published in the INZ Operational Manual on 4 May 2009.

Any enquiries about these amendments should be directed to the Immigration Contact Centre on 0508 558 855 or 09 914 4100 (Auckland only).

Changes to the administration section

A9.20 Immigration status of complaints to be preserved

This policy has been amended to clarify that INZ may continue the removal process in situations where a client does not hold a permit and has a complaint against INZ being investigated by the Office of the Ombudsman.

Appendix 1: Amended Policy

A9.20 Immigration status of complainants to be preserved

Where the Office of the Ombudsmen notifies INZ that an investigation is being made into a complaint against INZ, the complainant's immigration status will be preserved pending the outcome of the investigation and in particular:

- a. if the complainant is the holder of a temporary permit, INZ will grant a further temporary permit of the same type (subject to receipt of formal application and payment of the appropriate fee);
- b. if the complainant is not the holder of a temporary permit and has not already been served with a removal order, INZ will not serve one before the investigation has been completed, (and then only if appropriate);
- c. if the complainant has already been served with a removal order, INZ will not complete removal action before the investigation has been completed (and then only if appropriate), unless the complainant is in Police custody pending removal, in which case removal processes may continue.

Nothing in (b) or (c) prevents INZ from proceeding to assemble appropriate travel documentation and make contingent travel arrangements.