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IMMIGRATION NEW ZEALAND

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INTERNAL ADMINISTRATION CIRCULAR NO: 23/01

To:	All Immigration New Zealand Staff	**Date:**	1 September 2023 Revised March 2026

False, misleading and withheld information – impact on visa applications

The guidance is effective from 25 September 2023 and accompanies changes to the Immigration New Zealand (INZ) Operational Manual contained in Amendment Circular 2023-26.

In March 2026, this guidance was updated to reflect recent minor instruction changes. Also paragraph 2 no longer refers to Visa Paks published in 2014, and paragraph 26 has had a minor edit to reflect the passage of time.

Purpose

1) The purpose of this Internal Administration Circular (IAC) is to provide guidance for identifying false or misleading information, or the withholding of relevant information in visa applications or expressions of interest (EOIs), and to provide decision-making guidance once false, misleading or withheld information is identified.

2) This advice is intended to support the assessment of visa applications in all offices processing temporary entry and residence class visas, whether the applicant is inside or outside New Zealand.

3) The remainder of this IAC covers:

   i) The obligation of applicants to be truthful

   ii) Overview of the legal provisions and the two stage process

   iii) When information is considered false, misleading or withheld

   iv) Ability to decline on the grounds of false, misleading or withheld information – without having to establish 'personal intent'

   v) Decline decisions should not be automatic (what to consider at the second stage of the process)

The obligation of applicants to be truthful

4) The New Zealand immigration system relies on factual information provided by 'applicants'[1] to determine in each particular case if the requirements allowing the grant of

[1] In this IAC, for the sake of simplicity, an 'applicant' can refer to an applicant for a visa, a variation of conditions or travel conditions, or to a person expressing interest in applying for a visa.

a visa are met. There is a strict obligation on applicants to truthfully inform INZ of all material facts, including when their circumstances change.

5) In support of this obligation on applicants to be truthful, section 58(6) of the Immigration Act 2009 allows an immigration officer to decline to grant a visa if the officer is satisfied that the person:

   a) *whether personally or through an agent, in applying for the visa submitted **false** or **misleading** information or **withheld** information that was potentially prejudicial to the grant of the visa; or*
   b) ***did not ensure** that an immigration officer was informed of any **material change in circumstances** to which subsection (3) applies between the time of making an application and the time of a decision on the application.*

6) This obligation extends to all applications (and EOIs[2]) an applicant may submit. For example, an applicant is still required to declare convictions on an application, even if they have declared them on a previous application.

Three legal provisions and two stage process to deal with false information

7) When an applicant is not truthful, several legal mechanisms are available to deal with the matter, depending on the circumstances; specifically, if the false, misleading or withheld information is…

   a) in the **current visa application** – then the legal mechanism to potentially decline the application is section 58(6) of the Act (paragraph 5 above), which is reproduced at A24 of the INZ Operational Manual (the Manual)

   b) in a **previous visa application or un-associated EOI[3]** – then INZ can use character instructions (A5.25/A5.45 of the Manual)

   c) **in an associated EOI** – then instructions SR3.5.5 or F4.5.15 are engaged.

8) In each instance, the Manual prescribes a two stage process to follow. The table below describes the key considerations for an immigration officer at each stage.

	Stage 1	**Stage 2**
What's the main question to ask at each stage?	CAN I use this provision?	Assuming I can, then SHOULD I use this provision to decline the application?
Secondary questions to help answer the main question	Does this provision apply? I.e. is it confirmed that the suspected false information is in fact false? Does it meet the threshold or, for example, is it just a trivial mistake?	What's a good outcome for NZ and (to an extent) for the applicant; are their circumstances compelling enough to allow a visa/waiver despite the false information?
What am I weighing?	Weighing evidence on whether or not there is false, misleading or withheld information	Weighing surrounding circumstances (both personal to the applicant & related to the incident of the false info)

[2] Section 93 of the Act, which is similar to section 58.

[3] ..that is, not associated to the current visa application.

Do I need to consider the intent of the applicant?	There is no need to establish intent for any of the provisions to be engaged	Intent or involvement is a factor to consider and weigh alongside the other circumstances

9) Paragraphs 10-26 below provide guidance with respect to the Stage 1 considerations and paragraphs 27 and following with respect to Stage 2.

When information is considered false, misleading or withheld

When is information false or misleading?

10) False information is a purported fact or set of facts which is not true. In order for an immigration officer to consider whether information is false, it may be useful for the immigration officer to ask themselves if it contradicts other information which is more likely to be true. For example, an applicant states they have a bachelor's degree from the University of Auckland, and provides a certificate as evidence of this qualification. The University tells INZ however that according to their records, the applicant does not have a qualification. The statement by the applicant and the certificate can be considered to be false information if an immigration officer considers the statement from the University of Auckland more likely to be true.

11) Misleading information does not directly contradict other 'true' information, but suggests an interpretation of the person's situation that is untrue, or provides an incomplete picture of their situation. For example, an applicant submits a work experience reference detailing only the more skilled tasks that were required and omitting the majority of lesser skilled duties. While the work reference does not contradict the actual duties of the applicant, it misrepresents the skill required of the job by omitting information required to establish a complete understanding of their work experience.

What counts as withholding relevant information?

12) Information is withheld when an applicant, or their agent, knows about information relevant to their EOI or visa application and they or their agent fails to disclose it to an immigration officer. Information is relevant to an EOI or application when it is relevant to the assessment criteria of an application, irrespective of whether the information would have in fact changed the officer's decision.

13) For example, an applicant for a student visa is engaged to a person unlawfully in New Zealand. The applicant does not declare in their application they are engaged, nor do they name the person in the section of the application form that asks for the names of contacts in New Zealand. The applicant's relationship to the person unlawfully in New Zealand is relevant to their application because it relates to consideration of whether they are likely to remain in New Zealand unlawfully, and are therefore a bona fide applicant. Even if the applicant would still have been granted a visa had this relationship been known, it is still relevant to their application and withholding this information is sufficient to decline to grant a visa.

What counts as not informing INZ of a material change in circumstances?

14) After a person applies for a visa, they are obligated by section 58(3) of the Act[4] to inform INZ of a material change in circumstances, that is, a change that may affect the decision on the application, or (looking ahead) may affect a decision to grant entry permission in reliance on that visa the person has applied for. For example, if an applicant for a resident visa is charged with an offence after they submit their application, but fails to advise an immigration officer of this, it means that INZ has not been informed of a material change in circumstances, since their resident visa application would usually be deferred to await the outcome of the charge(s).

False documents vs. genuine documents which have false content or are misleading

15) Describing documents which are under suspicion should be done with care; it is not sufficient to simply record there is a 'false document'. Examples of more precise descriptions include:

Fake document with (mostly) genuine content	Employer letter stating that the applicant worked for them for 3 years. INZ verifies that the 3 year duration is correct (e.g. through tax records) but finds that the signature on the letter was forged by the applicant.
Genuine document with false information	Supporting letter from partner (genuine signature) saying that they have lived together for two years, when in fact it's only been one year. Original bank document altered by applicant, e.g. numbers altered to indicate a higher balance.
Genuine document fraudulently obtained	Overseas driver's license which was obtained simply through payment to the authority (no test passed when it was lawfully required). The document misleads the reader to think that the person genuinely obtained the license by properly taking the driving test.

When incorrect information should not be treated as 'false' in an immigration context

16) There are several instances where the information provided or claim made by an applicant could be considered 'incorrect' but not necessarily 'false' for immigration purposes.

17) First, an immigration officer should generally discount trivial mistakes or trivial omissions, for example an incorrect or missing date of birth for a sibling or parent in the family declaration section of the application (presuming that information is irrelevant). Immigration officers should consider the complexity of the EOI and application process and so generally disregard reasonable and inconsequential errors in entering information into paper or online application forms that might have been caused by language barriers or misunderstanding questions or immigration requirements.

18) Officers should consider the totality of the information provided by an applicant and the timing of that provision. For example, the applicant may tick 'no' when answering whether they have convictions, but at the **same time** provide an overseas police certificate showing they have several. In such a case, it would generally be inaccurate to say, when taking a

[4] The obligations of an EOI submitter during an EOI process are spelled out at section 93 of the Act, rather than section 58.

holistic view of the application as submitted at that point in time, that the applicant 'provided false information'.

19) Second, an immigration officer should generally disregard opinions or exaggerated claims provided by applicants, for example claims made about which ANZSCO occupation they believe their job most closely matches, or whether their relationship is likely to endure. However, opinions or exaggerated claims could potentially be counted as false or misleading where the claim is clearly implausible, based on false facts or documents, or where the applicant has no reasonable basis to make the claim or have the opinion.

20) Third, there may be instances where an applicant's understanding or interpretation of a word, a situation, or requirement differs from how an immigration officer understands the matter. Immigration officers should also realise that language can be imprecise and should not necessarily hold it against an applicant if they say something that may be technically incorrect but sufficiently accurate in everyday language. For example, in a cover letter an applicant may in passing state they have no dependent children, but INZ happens to know they have a 22 year old unmarried, childless and jobless child living at home. While it may be true that the applicant's statement is 'incorrect' in terms of INZ jargon (i.e. what INZ understands as the technical definition of a 'dependent child'), it should normally not be considered as false or misleading.

Applications containing 'unverifiable' information

21) If an immigration officer is not able to verify that the information provided with an application is true or false (including instances where a verification result is inconclusive), it does not necessarily follow that the application should be declined for the provision of false information. This is because in order to make a decision that, for example, section 58(6) or character instructions are engaged, an immigration officer must be satisfied[5] that false or misleading information has been provided, or relevant information withheld.

22) If evidence or information that is necessary to assess an application cannot be verified, an immigration officer must determine that application based on the information available. If an immigration officer is not satisfied that sufficient evidence has been provided to demonstrate that the relevant immigration instructions have been met, that application may be declined on that basis.

Ability to decline on the grounds of false, misleading or withheld information – without having to establish 'personal intent'

23) An application can be declined on the basis of false, misleading or withheld information, regardless of whether or not the applicant personally intended to provide or withhold that information, or to deceive INZ by their actions or inaction. Any false or misleading information does not need to have been *created* by the applicant or their agent, but must have been *submitted* by either of them in the context of an EOI or application.

24) Further, by definition the actions and representations of an agent are generally regarded as those of the person or people they represent. As such, applicants must make every reasonable effort to ensure that agents provide accurate and complete information to Immigration New Zealand.

25) An agent is any person or organisation who is acting on behalf of the applicant with respect to the visa application or EOI and may include licensed immigration advisers, lawyers, travel

[5] In general, being 'satisfied' in this context means that an immigration officer has made a determination that something is more likely than not to be true, or more likely than not to have occurred.

agents or family members. Where there are multiple applicants in an application, the principal applicant (or their agent) is considered the agent representing the non-principal applicants.

26) This approach to false, misleading or withheld information (i.e. the absence of a need for INZ to establish an applicant's intent, and the responsibility of applicants for information provided or withheld by agents) was clarified in the Manual in September 2023 and aligns with section 58(6) of the Act[6].

Decline decisions should not be automatic

27) If it is determined that false or misleading information has been provided (or relevant information withheld), then the application should normally be declined. However, an immigration officer must consider whether it is reasonable to decline a visa application due to the false, misleading or withheld information. This consideration step is set out in the part of the Manual relevant to the situation to hand:

Situation	**Consideration step is described at…**
False, misleading or withheld information in a **previous visa application or un-associated EOI**	A5.25.10 Assessment of character waiver A5.45.10 Assessment of character waiver (temporary entry)
False, misleading or withheld information discovered in the **current visa application**	A24.10 Deciding whether to decline an application for temporary entry under section 58(6) A24.15 Assessing and deciding whether to decline a residence class visa application in instances of false, misleading or withheld information[7]
False, misleading or withheld information in an **associated EOI** (where the false information is not repeated in the application)	SR3.5.5.1 Deciding whether to decline a Skilled Migrant Category (SR) application for false, misleading or withheld information in the associated Expression of Interest F4.5.16 Deciding whether to decline a Parent Category application for false, misleading or withheld information in the associated Expression of Interest

Considering false, misleading or withheld information provided in a previous application or un-associated EOI

28) If false or misleading information has been provided with a previous application, or relevant information withheld from a previous application, an immigration officer must consider a character waiver that takes into account the surrounding circumstances of the application before making a decision. Immigration instructions set out factors to be considered as part

[6] It also aligns, by extension, with sections 157 and 158 of the Act, which allow for the deportation of visa holders for false information even if they did not personally intend to deceive INZ.

[7] A24.15, a certified residence instruction, took effect on 23 March 2026.

of any character waiver decision at A5.45.10(a)-(b) for temporary entry applications and A5.25.10(a)-(c) for residence applications.

29) In both temporary entry and residence applications, where false, misleading or withheld information in a previous application is the issue, the immigration officer must consider:

    i) the significance of the information provided, or withheld, with respect to the outcome of the application;

    ii) the nature and extent of the applicant's intentions and involvement in the provision of, or in the withholding of, relevant information;

    iii) the extent to which the applicant exercised reasonable diligence in ensuring that INZ was provided with complete and accurate information.

30) In the assessment of ii) and iii) above, an immigration officer should take into account whether a person who acted on behalf of the applicant in making the application deceived or misled the applicant about the information and documents being provided to INZ on their behalf. An immigration officer who is satisfied this has occurred may regard it as a consideration in the applicant's favour, though the outcome of the waiver and application will depend on the assessment of all of the waiver factors.

Considering false, misleading or withheld information provided in the current application

31) An immigration officer must consider the circumstances of the application before declining an application where false, misleading or withheld information is an issue. Section 58 of the Immigration Act does not set out any particular factors to be considered. However, it may be appropriate, to consider some or all of the same factors that have to be considered as part of a character waiver.

32) In considering whether to grant a visa where the application contains false, misleading or withheld information, an immigration officer should keep in mind the role of section 58(6) of the Act (reproduced at A24.1 of the Manual) in protecting the integrity of the immigration system, which relies on people providing full and truthful information. Section 58(6) ensures that immigration officers are not having to spend undue time considering applications which contain false or misleading information, as well as providing a deterrent to the submission of applications that include incomplete or false information from people seeking a visa for which they are not eligible.

33) The integrity of the immigration system is also relevant when considering applications which contain false, misleading or withheld information where the person who submitted the application has deceived or misled the applicant. Declining such applications can support the integrity of the system because it removes incentives for applicants to rely on dishonest agents and encourages people who are acting on behalf of others to do so honestly. This is especially relevant where the application has been submitted by a person acting as an immigration adviser who is not licensed to provide immigration advice, nor is exempt from the requirement to be licensed, since this practice also undermines the licensing framework set out in the Immigration Advisers Licensing Act.

34) In general, immigration officers may be more likely to make a decline decision for false, misleading or withheld information in a current application, compared to when they are considering a character waiver for information provided or withheld in a previous application. This approach reflects the relevant roles of the relevant provisions of the Act and Manual; one set of provisions is about the application, while the other set is about the applicant.

Considering false, misleading or withheld information provided in an associated EOI

35) Similarly, with regard to instructions dealing with false information in an EOI being discovered at the application stage, the Immigration and Protection Tribunal (IPT) stated in 2018:

> *One of the key purposes of SM3.5[8] is to assist Immigration New Zealand to streamline the application process by providing it with the discretion to decline an application at an early stage where an applicant has failed to declare relevant information; see FD (Skilled Migrant) [2011] NZIPT 200449 at [35] and [36].[9]*

The 2011 IPT decision referred to above says this:

> *[35] The Skilled Migrant category of residence instructions comprises a two stage process; the Expression of Interest and, following an Invitation to Apply issued by Immigration New Zealand, the application for residence. This two-stage approach is an attempt to streamline the application approval process, enabling Immigration New Zealand to do a less in-depth assessment at the Expression of Interest stage and to "fast-track", to the Invitation to Apply stage, those applicants whose Expression of Interest, on the basis of that preliminary assessment, meets the criteria. The integrity and success of that approach relies, as does the entire immigration process, on the truthfulness of applicants. The provision at SM3.5 and section 187(2)(d)(ii), for the immediate decline of an application and denial of appeal right for those who have failed to inform Immigration New Zealand in a timely fashion of any material change in circumstances, is a part of that process and reflects the seriousness with which a failure to inform is viewed.*
>
> *[36] Such applicants in effect lose their "place in the queue", and are not entitled to the more complex good character policy assessment processes, with the associated possibility of a character waiver, that would be afforded to someone assessed as not meeting the good character requirements of policy. Those caught by SM3.5 are not, of course, prevented from lodging a fresh Expression of Interest*

36) It will usually be appropriate, therefore, to decline an application using section 58(6) (or SR3.5.5.1, or F4.5.16 as the case may be) where a forged document is provided, unless there is something very compelling about the applicant's circumstances which might justify not declining the application.

[8] SM3.5 was the location of the instructions which allowed the decline of a Skilled Migrant Category application if there was false information in the preceding EOI. In August 2017, the location changed to SM3.10.1. Similar instructions were added to the Family Parent Category in July 2012 when the EOI system was introduced to the category.

[9] NZIPT 204811 – paragraph [29]

Conclusion

37) If this IAC is inconsistent with any previous IAC, visa pak or other staff guidance, the advice contained here prevails.

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Disclaimer
Every care has been taken to ensure the information in this circular is accurate and current as at the date of this circular. The information on this circular is to assist you; however, applications will be assessed by Immigration New Zealand according to the published Government immigration and Government residence instructions as set out in the Operational Manual. This circular is not a substitute for that policy.