



30 October 2019

Immigration New Zealand Instructions: Amendment Circular No. 2019/10

To: All Manual Holders

Amendments to the Immigration New Zealand Operational Manual

Introduction

This circular outlines changes to immigration and operational instructions. A copy of the amended instructions is attached.

All immigration officers dealing with immigration applications should read the amendments and operate in accordance with the amended instructions on and after their effective dates.

Note

The amendments described in this circular will be published in the Immigration New Zealand Operational Manual in due course.

Information about these changes is available on our website www.immigration.govt.nz.



Summary of contents

This amendment circular details changes to Immigration New Zealand's Operational Manual, and contains the following:

- The *Description of changes* section contains a summary of the changes to immigration and operational instructions.
- Appendix 1 contains amended immigration instructions effective on and after 30 October 2019.
- Appendix 2 contains changes to operational instructions.

Additions to the instructions have been highlighted for ease of reference. Deletions have not been highlighted.



Description of changes

Update to the Australian and New Zealand Standard Classification of Occupations

R5.7 Australian and New Zealand Standard Classification of Occupations (ANZSCO)

SM6.10 Skilled Employment

SM7.10 Requirements for skilled work experience

E7.7 Australian and New Zealand Standard Classification of Occupations (ANZSCO)

WK2.1 Lodging an Essential Skills work visa application

WK3.5 Acceptable employment

WK3.10 Determining the availability of New Zealand citizens or residents

Appendix 7 Occupations treated as exceptions

Statistics New Zealand and the Australian Bureau of Statistics have released version 1.3 of the Australian and New Zealand Standard Classification of Occupations (ANZSCO). Immigration instructions have been amended to specify that that Immigration New Zealand will continue to use version 1.2 of the ANZSCO in the assessment of visa applications. This is a transitional measure; it is anticipated that the new version of ANZSCO will be adopted from the middle of 2020.

Despite the continued use of ANZSCO version 1.2, occupations that have moved from a skill level 4-5 to a skill level 1-3 in ANZSCO version 1.3 will be treated as an exception in Essential Skills work instructions and the Skilled Migrant Category residence instructions. These instructions have new provisions to set out how these occupations should be assessed.

Appendix 7 contains the list of occupations treated as an exception.

Addition of Chief Executive delegated powers to the Operational Manual

A15 Immigration Officer Warrants and Delegations

A record of the delegation of powers by the Chief Executive of the Ministry of Business, Innovation and Employment has been added to the Operational Manual.



Appendix 1 - Amendments to immigration instructions effective on and after 30 October 2019

R5.7 Australian and New Zealand Standard Classification of Occupations (ANZSCO)

As a transitional measure, where immigration instructions refer to the Australian and New Zealand Standard Classification of Occupations (ANZSCO), immigration officers must make an assessment based on version 1.2 of the ANZSCO.



SM6.10 Skilled Employment

- a. Skilled employment is employment that meets a minimum remuneration threshold and requires specialist, technical or management expertise obtained through:
 - i. the completion of recognised relevant qualifications; or
 - ii. relevant work experience; or
 - iii. the completion of recognised relevant qualifications and/or work experience.
- b. Assessment of whether employment is skilled for the purposes of the Skilled Migrant Category is primarily based on the Australian and New Zealand Standard Classification of Occupations (ANZSCO) which associates skill levels with each occupation, and the level of remuneration for the employment (see R5.7).

Note: Version 1.2 of the ANZSCO is available at www.immigration.govt.nz/ANZSCO

SM6.10.5 Skilled employment in an occupation included in the ANZSCO

Current employment in New Zealand or an offer of employment in New Zealand will be assessed as skilled if:

- a. the occupation is described in the ANZSCO as:
 - i. a skill level 1, 2 or 3 occupation and the remuneration for that employment is \$25.00 per hour or above (or the equivalent annual salary); or
 - ii. a skill level 4 or 5 occupation and the remuneration for that employment is \$37.50 per hour or above (or the equivalent annual salary); or
 - iii. a skill level 4 or 5 occupation that is listed at Appendix 7 and the remuneration for that employment is \$25.00 per hour or above (or the annual equivalent salary); and
- b. the principal applicant can demonstrate that their employment substantially matches the description for that occupation as set out in the ANZSCO (see SM6.10.5.1); and
- c. the employment is full-time (employment is full-time if it amounts to, on average, 30 hours per week over an agreed pay period); and
- d. the applicant is suitably qualified by training and/or experience for that occupation, as set out in SM6.10.20 or SM6.10.25; and
- e. an immigration officer is satisfied that the employment is:
 - i. genuine; and
 - ii. ongoing; and
 - iii. sustainable by the employer at the specified level of remuneration (see [SM6.30.10](#)).

SM6.10.5.1 Assessment of 'substantial match'

- a. For the purpose of SM6.10.5 (b) above, assessment of 'substantial match' involves a determination of whether the applicant's employment is substantially consistent with the ANZSCO 'Occupation' (6-digit) level description for that occupation and with the tasks listed at the ANZSCO 'Unit Group' (4-digit) level description for that occupational group, excluding any tasks which are not relevant to the 'Occupation' description.
- b. To be considered a substantial match to an occupation, the tasks that are relevant to the applicant's employment role must comprise most of that role.

For example: An applicant's employment in the occupation 'Disabilities service officer' (411712) is not required to include the task set out at the ANZSCO Unit Group (4-digit) classification level for 'Welfare support workers' of "supervising offenders on probation and parole". Other listed tasks that are relevant to the role of a "Disabilities services officer" must comprise most of their role.

Note: Where no description is stated at the ANZSCO Occupation (6-digit) level, an immigration officer should refer to the ANZSCO Unit Group (4-digit) description or higher ANZSCO group (3-digit or 2-digit) level as necessary to determine a substantial match with the stated occupation. Similarly, where no ANZSCO core tasks are listed at the ANZSCO Unit Group (4-digit) level, an immigration officer should refer to a higher ANZSCO group (3-digit or 2-digit) level as necessary to locate core tasks ANZSCO associates with the stated occupation.

Note: Determining whether an applicant's employment substantially matches an ANZSCO occupation



description may require consideration of the scope and scale of the employer's organisation and operation (the size of the operation, the number of staff and managers, and whether management functions are centralised at a head office or undertaken by other managers).

SM6.10.15 Occupations not included in the ANZSCO

Where an immigration officer is satisfied that an applicant's employment has no corresponding description in the ANZSCO, the employment may be assessed as skilled if:

- a. the remuneration for that employment is \$37.50 per hour or above (or the equivalent annual salary); and
- b. the employment is full-time because it amounts to, on average, at least 30 hours per week over an agreed pay period; and
- c. the applicant is suitably qualified by training and/or experience for that occupation, as set out in SM6.10.25; and
- d. an immigration officer is satisfied that the employment is:
 - i. genuine; and
 - ii. ongoing; and
 - iii. sustainable by the employer at the specified level of remuneration (see [SM6.30.10](#)).

SM6.10.20 Suitably qualified by training and/or experience: skill level 1, 2 and 3 occupations

- a. Where the applicant's employment is in an occupation described in the ANZSCO as at skill level 1, 2 or 3 the applicant will be assessed as being suitably qualified by training and/or experience if:
 - i. they hold a relevant recognised qualification that is at, or above, the qualification level on the New Zealand Qualifications Framework (NZQF) (see [SM8.10](#)) that corresponds to the indicative skill level described for their skill level 1, 2 or 3 occupation in the ANZSCO; or
 - ii. they have the relevant work experience that the ANZSCO indicates may substitute for the required qualification; or
 - iii. the employment is in an occupation included on the Long Term Skill Shortage List (LTSSL) (see [Appendix 4](#)) and the applicant meets the relevant requirements specified in column three of the LTSSL for that occupation; or
 - iv. the employment is in an occupation that requires New Zealand registration by law to be undertaken and is included at [SM10.5](#) and the applicant holds evidence of full or provisional registration in that occupation in New Zealand.
- b. Despite (a) (ii) above, applicants in skill level 1 occupations may substitute the required qualification with five years of relevant work experience.
- c. Despite (a)(i) and (ii) and (b) above, applicants employed as 'Pharmacy technicians' (ANZSCO 311215) will only be awarded points for skilled employment in New Zealand in that occupation if they hold the required New Zealand qualification (a National Certificate in Pharmacy (Technician), or the New Zealand Certificate in Pharmacy (Pharmacy Technician) Level 4 or 5 or the New Zealand Certificate in Pharmacy (Specialist Technician) Level 6), as required by the Director-General of Health.

SM6.10.25 Suitably qualified by training and/or experience: other occupations

Where the applicant's employment is in an occupation described in the ANZSCO as a skill level 4 or 5 occupation ([including occupations listed at Appendix 7](#)), or their employment is assessed under the provisions of SM6.10.15, they will be assessed as being suitably qualified by training and/or experience if:

- a. they hold a relevant recognised qualification which is at, or above, the level of a NZQF Level 4 Certificate (see [SM8.10](#)); or
- b. they hold a relevant recognised NZQF level 3 qualification included on the List of Qualifications Exempt from Assessment (see [Appendix 3](#)); or
- c. they have three years of relevant work experience; or



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- d. the employment is in an occupation included on the LTSSL (see [Appendix 4](#)) and the applicant meets the relevant requirements specified in column three of the LTSSL for that occupation; or
 - e. the employment is in an occupation that requires New Zealand registration by law to be undertaken and is included at [SM10.5](#) and the applicant holds evidence of full or provisional registration in that occupation in New Zealand.



SM7.10 Requirements for skilled work experience

SM7.10.1 Skilled work experience in an ANZSCO skill level 1, 2, or 3 occupation

Points are awarded for skilled work experience in a skill level 1, 2 or 3 occupation if an immigration officer is satisfied that:

- a. the work undertaken substantially matched (see SM7.10.5) the description for that occupation as set out in the Australia New Zealand Standard Classification of Occupations (ANZSCO) (**see R5.7**); and
- b. the applicant was suitably qualified (see SM7.10.10 and SM7.10.15) for that work prior to the work experience for which points are claimed.

SM7.10.5 Assessment of 'substantial match'

- a. For the purposes of SM7.10.1 (a) above, an immigration officer must be satisfied that the applicant's work experience for which they are claiming points was in employment that is substantially consistent with the ANZSCO Occupation (6-digit) level description for that occupation.
- b. If an immigration officer is unable to determine a claimed substantial match to an ANZSCO occupation, they may request evidence of the tasks associated with that employment to assess whether the previous employment displays the characteristics of that occupation in terms of the relevant ANZSCO 'Unit Group' (4-digit) level description of tasks for that role.

Note: Where no description is stated at the ANZSCO Occupation (6-digit) level, an immigration officer should refer to the ANZSCO Unit Group (4-digit) description or higher ANZSCO group (3-digit or 2-digit) level as necessary to determine a substantial match with the stated occupation. Similarly, where no ANZSCO core tasks are listed at the ANZSCO Unit Group (4-digit) level, an immigration officer should refer to a higher ANZSCO group (3-digit or 2-digit) level as necessary to locate core tasks ANZSCO associates with the stated occupation.

SM7.10.10 'Suitably qualified'

- a. An applicant will be assessed as suitably qualified in terms of SM7.10.1 (b) above if they hold a relevant qualification as specified in the ANZSCO for that occupation.
- b. For the purposes of this provision, a qualification is relevant to an applicant's employment in a skill level 1, 2 or 3 occupation for which they are claiming points for skilled work experience if:
 - i. the major subject area of the principal applicant's recognised qualification is directly applicable to the employment; or
 - ii. an immigration officer is satisfied that the qualification was a key factor in the employer's decision to employ the principal applicant in that position.

Note: For the purposes of this provision, 'qualifications' must meet the requirements for recognition set out in SM8 but are not required to be the same qualification(s) that qualifies for points under the 'Recognised Qualifications' part of these instructions (see SM8).

SM7.10.15 'Suitably qualified' through prior work experience

- a. An applicant may also be assessed as qualified through relevant prior work experience, in terms of [SM6.10.20 \(a\) \(ii\)](#) or [SM6.10.20 \(b\)](#).
- b. For the purposes of this provision, prior work experience is relevant to the employment for which an applicant is claiming points if:
 - i. an immigration officer is satisfied that it was directly applicable to, or in a closely related field to, the employment for which work experience points are claimed; or
 - ii. the experience was a key factor in the employer's decision to employ the principal applicant in that position.

Note: 'Prior work experience' is work experience completed before the work experience for which points are claimed. Prior work experience does not have to be 'skilled work experience'

- c. Where an applicant is claiming points for relevant work experience in related occupations that demonstrate career progression, they are only required to show that they were adequately qualified by prior work experience for the first of the related roles for which points are claimed.



Examples:

An applicant who does not have a relevant recognised qualification and has worked for a total of 10 years in the related occupations of:

Software Tester (skill level 1) for three years, followed by
Database Administrator (skill level 1) for three years, followed by
Analyst Programmer (skill level 1) for four years

is not required to show five years prior relevant work experience for each of these roles.

The three years as a Software Tester and two of the three years as a Database Administrator are sufficient to demonstrate that they are adequately qualified (as per ANZSCO requirements) to claim 20 points for a total of five years of skilled work experience – one year as a Database Administrator and four years as an Analyst Programmer.

An applicant who does not have a relevant recognised qualification and has worked for a total of seven years in the related occupations of:

Waiter (skill level 4) for two years, followed by
Maitre d' (skill level 4) for one year, followed by
Restaurant Manager (skill level 2) for four years

is qualified (as per ANZSCO requirements) by three years of relevant prior work experience to claim 20 points for four years of skilled work experience in the skill level 2 role of Restaurant Manager.

SM7.10.20 Recognition of work experience: other occupations

Points will only be awarded for work experience that is not in an ANZSCO skill level 1, 2 or 3 occupation, or listed at Appendix 7 if:

- a. the applicant qualifies for points for skilled employment in terms of [SM6.10.5 \(a\)\(ii\)](#), [SM6.10.5 \(a\)\(iii\)](#) or [SM6.10.15](#); and
- b. an immigration officer is satisfied that the work experience for which points are claimed was undertaken in the same occupation; and
- c. the applicant was suitably qualified by training and/or experience for that work in terms of [SM6.10.25](#); and
- d. that qualification or work experience was completed prior to the work experience for which points are claimed.



E7.7 Australian and New Zealand Standard Classification of Occupations (ANZSCO)

As a transitional measure, where immigration instructions refer to the Australian and New Zealand Standard Classification of Occupations (ANZSCO), immigration officers must make an assessment based on version 1.2 of the ANZSCO.



WK2.1 Lodging an Essential Skills work visa application

- a. Applications for Essential Skills work visas must be lodged in the prescribed manner (see [E4.50](#)) and include an Employer Supplementary Form (INZ 1113) completed by the employer.
- b. Applicants who hold a work visa with remuneration as a condition of that visa (see [WK4.5\(d\)](#)), must include evidence of their remuneration payment, such as Inland Revenue income summaries and bank statements.
- c. Applicants must provide:
 - i. a copy of the proposed employment agreement; and
 - ii. a copy of the signed offer of employment (see [W2.10.10](#)).
- d. Applications made on the basis of an offer of employment in an ANZSCO skill level 4 or 5 occupation (see [E7.7](#)) must include a valid Skills Match Report prepared by Work and Income, unless:
 - i. the employer holds valid approval in principle for the role identified; or
 - ii. the role is on an Essential Skills in Demand list and the applicant meets the qualification and/or experience requirements; or
 - iii. Work and Income have advised Immigration New Zealand of a regional absolute labour shortage ([WK3.10.1\(e\)\(i\)](#)); or
 - iv. the role is included in a list of occupations published by Work and Income that are exempt from the Skills Match Report process, and meets any additional requirements of that list (e.g. region of employment).

Note: A Skills Match Report may be used to support more than one work visa application, as long as it remains valid. A copy of the Skills Match Report should be included with each visa application.



WK3.5 Acceptable employment

- a. To grant an Essential Skills work visa, an immigration officer must be satisfied that:
 - i. the offer of employment meets the requirements set out at [W2.10.10](#); and
 - ii. the employment offered is genuine, sustainable and full-time for the duration of the employment period specified in the employment agreement; and
 - iii. payment is by wages, or salary; and
 - iv. the rate of pay is not less than the market rate for New Zealand workers in that occupation (regardless of whether the occupation is on one of the Essential Skills in Demand Lists).
- b. An immigration officer will assess the employment offered to determine the skill-band of that employment (WK3.5.1) based on the remuneration and the skill level of the occupation as set out in the Australian and New Zealand Standard Classification of Occupations (ANZSCO) (see [E7.7](#)).
- c. Applications for visas under Essential Skills instructions for self-employment must be declined.
- d. Applications for visas under Essential Skills instructions related to planting, maintaining, harvesting or packing crops in the horticulture or viticulture industries must be declined.

Note: Applications for work visas to plant, maintain, harvest or pack crops in the horticulture or viticulture industries must be made under the Recognised Seasonal Employer (RSE) Instructions (see [WH1](#)) or the Supplementary Seasonal Employment Instructions (see [WH3](#)).

WK3.5.1 Determining the skill-band of employment

- a. Employment will be assessed as higher-skilled where the remuneration offered is \$37.50 per hour or above, regardless of the ANZSCO occupation.
- b. Employment will be assessed as mid-skilled where:
 - i. the remuneration offered is between \$21.25 per hour and \$37.49 per hour (inclusive); and
 - ii. the employment substantially matches the description for a skill level 1, 2 or 3 occupation as set out in the ANZSCO.
- c. Employment will be assessed as lower-skilled where:
 - i. the remuneration offered is less than \$21.25 per hour, regardless of the ANZSCO occupation; or
 - ii. the remuneration offered is less than \$37.50 per hour and the employment substantially matches the description for a skill level 4 or 5 occupation as set out in the ANZSCO.
- d. Despite (b) and (c) above, employment will be assessed as mid-skilled if the occupation is listed at Appendix 7 and the remuneration for that employment is between \$25.00 per hour and \$37.49 per hour (inclusive).

WK3.5.5 Calculating remuneration

- a. Remuneration will be calculated on the basis of payment per hour.
- b. Remuneration will be calculated according to the hours of work stated in the employment agreement.
- c. If the employment agreement specifies payment by salary, the payment per hour will be calculated by dividing the annual salary by 52 weeks, followed by the number of hours that will be worked each week.
- d. If the employment agreement specifies payment other than by hour (including payment by salary), and the hours of work are variable, an immigration officer may request evidence of the range of hours to be worked in order to calculate the remuneration and determine the skill-band of the employment.
- e. Hours of work per week will be considered variable where the employment agreement contains a provision allowing the employer to request or require the employee to work additional hours from time to time.
- f. Where evidence of the range of hours is provided in terms of (e) above or where the employment agreement specifies a range of hours, the maximum hours will be used to calculate the remuneration.
- g. Each hour of work must be paid at or above the remuneration threshold for a particular skill-band, for employment to be assessed as within that skill-band.



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- h. For the purposes of WK3.5.5, remuneration includes:
 - i. the agreed value of any reasonable deduction from the applicant's salary or wages for goods or services; and
 - ii. in the case of accommodation provided in connection to the employment:
 - o the agreed value of any reasonable deduction from the applicant's salary or wages for that accommodation; or
 - o if accommodation is provided by the employer, and there is no deduction from the applicant's salary or wages for that accommodation, the market rental value of the accommodation provided; or
 - o if an accommodation allowance is provided, the amount of that allowance.

Note: In relation to WK3.5.5(h)(ii) above, the meaning of accommodation, and the value of accommodation that is included in the definition of 'remuneration', reflects the definition of accommodation and the value of accommodation that forms part of a person's income under section CE 1 of the Income Tax Act 2007.

- i. For the purposes of WK3.5.5, remuneration excludes other employment-related allowances (for example tool, or uniform allowances), and bonuses which are dependent on performance.
- j. The remuneration requirements set out in WK3.5.1 will be updated in November each year based on New Zealand income data.

WK3.5.10 Assessment that employment substantially matches an ANZSCO occupation

- a. When assessing whether an offer of employment substantially matches a particular occupation in the ANZSCO, an immigration officer must be satisfied that the applicant's duties and responsibilities match the description of that occupation as set out in the ANZSCO.
- b. Where related occupations are described by the same task list in the ANZSCO, an immigration officer may disregard tasks not relevant to the occupation that most closely matches that of the applicant.



WK3.10 Determining the availability of New Zealand citizens or residents

- a. New Zealand citizens or residence class visa holder workers are considered to be 'available' if, as a result of a labour market test (see WK3.10.1), an immigration officer establishes that there are:
 - i. suitable New Zealand citizens or residence class visa holder workers who can take up the work on offer (see WK3.10.10); or
 - ii. suitable New Zealand citizens or residence class visa holder workers who can readily be trained to do the work on offer (see WK3.10.15).
- b. Immigration officers will accept that no suitably qualified New Zealand citizens or residence class visa holders are available where an occupation is included on the current Long Term Skill Shortage List, Regional Skill Shortage List or Construction and Infrastructure Skill Shortage List and the applicant's qualification and/or work experience meets the requirements on the list.
- c. It is not relevant to the determination of availability of New Zealand citizens or residence class visa holder workers whether those New Zealand citizen or residence class visa holder workers are prepared to do the work on the terms and conditions proposed by the employer.

Note: The Essential Skills in Demand Lists are published on the immigration website at <http://skillshortages.immigration.govt.nz/>.

WK3.10.1 Labour market tests

- a. When conducting a labour market test an immigration officer must be satisfied that:
 - i. the employer has made a genuine attempt to attract and recruit suitable New Zealand citizens or residence class visa holder workers (see WK3.10.5); and
 - ii. New Zealand citizens or residence class visa holder workers are not available (WK3.10).
- b. Matters an immigration officer may take into account when determining whether or not a labour market test is satisfied include but are not limited to:
 - i. the employer's case in support of an individual worker's application; and
 - ii. evidence of a genuine attempt (see WK3.10.5) on the part of the employer to recruit New Zealand workers by way of advertising and/or use of other appropriate avenues of recruitment likely to attract New Zealand workers; and
 - iii. advice from Work and Income about the availability of New Zealand citizens or residence class visa holder workers to do the work offered; and
 - iv. advice from relevant stakeholders within the particular industry, including unions.
- c. In any particular case an immigration officer may decide to:
 - i. determine the labour market test is satisfied by one or more of the above; or
 - ii. determine that the labour market test is not satisfied by one or more of the above; or
 - iii. make other inquiries.
- d. Despite (c) above, but subject to (e) below, when determining whether there are New Zealand citizen or residence class visa holder workers available to undertake work in an ANZSCO Skill Level 4 or 5 occupation (see E7.7), immigration officers must consider advice from Work and Income about the availability of New Zealand citizens or residence class visa holder workers to do the work offered.
- e. The requirement in (d) above does not apply:
 - i. for any period of time where Work and Income has advised INZ of a regional absolute labour shortage for a specified occupation or industry, and the work offered is both for that occupation or industry, and in the region specified; or
 - ii. where the role is included in a list of occupations published by Work and Income that are exempt from the Skills Match Report process, and meets any additional requirements of that list (e.g. region of employment); or
 - iii. where the role is for an occupation listed in Appendix 7.

WK3.10.5 Definition of 'genuine attempts'

- a. For the purpose of these instructions an employer is considered to have made genuine attempts to recruit suitable New Zealand citizens or residence class visa holder workers if:



- i. any specifications or requirements stipulated in a job description and/or ideal person specification are restricted to those specifications or requirements necessary to perform the work on offer; and
 - ii. the terms and conditions specified for the work on offer are not less than those of the New Zealand market, including payment at the New Zealand market rate; and
 - iii. the extent and nature of advertising or use of other appropriate means of recruitment is such that any suitable New Zealand workers would apply or be likely to apply for the position(s), for example:
 - o listing the vacancy with Work and Income;
 - o advertising the vacancy in a national newspaper and/or website;
 - o contracting a recruitment company appropriate to the industry.
- b. For the purposes of these instructions an employer is not considered to have made genuine attempts to recruit suitable New Zealand citizens or residence class visa holders if:
- i. the employer has advertised the work in such a way that no New Zealand citizen or residence class visa holder will or is likely to apply (e.g. making foreign language skills a requirement when it is not necessary for the performance of the work); or
 - ii. an employer has advertised the work at terms and conditions that are less than terms and conditions New Zealand citizens or residence class visa holders typically receive for equivalent work; or
 - iii. a Skills Match Report is required by [WK2.1\(d\)](#) and an immigration officer is satisfied the employer has not considered available New Zealand citizens or residence class visa holders referred by Work and Income.

WK3.10.10 Definition of 'suitable New Zealand citizens or residence class visa holder workers who can take up the work on offer'

For the purpose of these instructions a 'suitable New Zealand citizen or residence class visa holder worker who can take up the work on offer' is a New Zealand citizen or residence class visa holder worker who:

- a. has the relevant recognised qualification which is at, or above, the qualification that corresponds to the indicative skill level described for that occupation in the ANZSCO or has the relevant recognised work experience that the ANZSCO indicates may substitute the required qualification; and
- b. has qualifications, work experience or skills identified by the employer as being necessary to perform the role, but which are not listed in the indicative skill level described for that occupation in the ANZSCO, that are determined by an immigration officer to be reasonable; and
- c. has other competencies identified by the employer as necessary for the performance of the work that are determined by an immigration officer to be reasonable including (but not limited to):
 - i. having a driver licence or ability to get one, or
 - ii. being fit enough to do the work or not have any medical or other reasons why they cannot perform the work, especially for physical work, or
 - iii. being able to pass health, drug and criminal checks if required; and
- d. is located in the local region, or is willing and able to move to that region; and
- e. can practically make it to the workplace by having a suitable mode of transport; and
- f. is available for work at the hours required by the employer, noting that the position must be for full-time employment (see [W2.2.10](#)).

Notes:

- Local region is defined based on the regions used by Work and Income.
- At ANZSCO skill level 5, work experience and qualifications are not relevant.
- Where other prerequisites are needed to perform the role an employer must explain why and demonstrate that the remuneration offered reflects those requirements.

WK3.10.15 Definition of 'suitable New Zealand citizens or residence class visa holder workers who can readily be trained to do the work on offer'

For the purpose of these instructions a 'suitable New Zealand citizen or residence class visa holder worker who can readily be trained to do the work on offer' is a New Zealand citizen or residence class visa holder worker who:



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- a. with on the job training could do the work on offer, despite not having:
 - i. the relevant recognised qualification which is at, or above, the qualification that corresponds to the indicative skill level described for that occupation in the ANZSCO or the relevant recognised work experience that the ANZSCO indicates may substitute the required qualification; and
 - ii. the qualifications, work experience or skills identified by the employer as being necessary to perform the role, but which are not listed in the indicative skill level described for that occupation in the ANZSCO, that are determined by Immigration New Zealand to be reasonable; and
 - b. has other competencies identified by the employer as necessary for the performance of the work that are determined by an immigration officer to be reasonable including (but not limited to):
 - i. having a driver licence or ability to get one, or
 - ii. being fit enough to do the work or not have any medical or other reasons why they cannot perform the work, especially for physical work, or
 - iii. being able to pass health, drug and criminal checks if required; and
 - c. is located in the local region, or is willing and able to move to that region; and
 - d. can practically make it to the workplace by having a suitable mode of transport; and
 - e. is available for work at the hours required by the employer, noting that the position must be for full-time employment (see [W2.2.10](#)).
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Notes:

- Local region is defined based on the regions used by Work and Income.
- All positions at ANZSCO skill level 5 are positions which New Zealand citizens and residence class visa holder workers are considered able to 'readily be trained to do the work on offer'



Appendix 7 – Occupations treated as exceptions

The occupations listed below may be eligible for points for skilled employment (see SM6.10.5(b)) and may be assessed as mid-skilled (see WK3.5.1(d)).

- 421111 Child Care Worker
- 421112 Family Day Care Worker
- 421114 Out of School Hours Care Worker
- 422116 Teachers' Aide
- 423411 Child or Youth Residential Care Assistant
- 423413 Refuge Worker
- 451111 Beauty Therapist
- 451412 Tour Guide
- 451612 Travel Consultant
- 451811 Civil Celebrant
- 452211 Bungy Jump Master
- 452212 Fishing Guide
- 452213 Hunting Guide
- 452214 Mountain or Glacier Guide
- 452215 Outdoor Adventure Instructor
- 452216 Trekking Guide
- 452217 Whitewater Rafting Guide
- 452299 Outdoor Adventure Guides nec
- 551211 Bookkeeper
- 552111 Bank Worker
- 552211 Credit or Loans Officer
- 711211 Industrial Spraypainter
- 711311 Paper Products Machine Operator
- 711313 Sawmilling Operator
- 711611 Sewing Machinist
- 711711 Footwear Production Machine Operator
- 711712 Hide and Skin Processing Machine Operator
- 711713 Knitting Machine Operator
- 711714 Textile Dyeing and Finishing Machine Operator
- 711715 Weaving Machine Operator
- 711716 Yarn Carding and Spinning Machine Operator
- 711799 Textile and Footwear Production Machine Operators nec
- 712111 Crane, Hoist or Lift Operator
- 712916 Paper and Pulp Mill Operator
- 712921 Waste Water or Water Plant Operator
- 721112 Logging Plant Operator
- 721913 Paving Plant Operator



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- 731311 Train Driver
 - 821711 Construction Rigger
 - 423313 Personal Care Assistant
 - 452311 Diving Instructor (Open Water)
 - 591212 Import-Export Clerk
 - 599611 Insurance Investigator
 - 599612 Insurance Loss Adjuster



Appendix 2 - Amendments to operational instructions

A15.1 Making decisions in terms of the Immigration Act

See also Immigration Act 2009 ss 154-162, 172, 175-177, 380(1), 388(1) and (6), 390, 391

- a. All references to the Immigration Act within this chapter refer to the Immigration Act 2009.
- b. To make immigration decisions under the Immigration Act a person must be designated by the chief executive as an immigration officer (see A15.1.10) or a refugee and protection officer (see A15.1.25).
- c. In addition, from time to time the Minister of Immigration may delegate some of **her or his** powers under the Immigration Act to immigration officers. These delegations are listed in schedules (see A15.5). Some delegations are for a whole class of officers (for example for all technical advisors); some can only be exercised by officers in particular roles, and are not related to a position in the hierarchy. Further, delegations may effectively act as an administrative constraint on the exercise of statutory decision-making powers.
- d. Where a person has not been designated as an immigration officer or a refugee and protection officer, they cannot make any immigration decisions. In addition, the Minister may not delegate any other powers to a person who is not an immigration officer.
- e. A person who is designated as a refugee and protection officer cannot also be designated as an immigration officer, and vice versa.
- f. To be able to:
 - i. sign or cancel a deportation order, or
 - ii. consider or cancel a person's liability for deportationan immigration officer must be specifically authorised by the chief executive as having the power to do so.
- g. The chief executive of the Ministry of Business, Innovation and Employment may at any time revoke a designation (see A15.1.30).

A15.1.5 Designations

See also Immigration Act 2009 ss 388, 390

- a. An immigration officer:
 - i. is the chief executive, and every person who has been designated by the chief executive as an immigration officer;
 - ii. includes any Customs officer designated by the chief executive as an immigration officer, whether individually or by class or position for the purposes of Parts 3 and 4 and sections 279, 280, 282-285, 366 and 367 of the Immigration Act 2009, and regulation 34 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010;
 - iii. includes any person designated by the chief executive as an immigration officer, whether individually or by class or position, who:
 - is a head of mission or head of post; or
 - is a member of staff at a New Zealand overseas mission or post who is authorised by the head of mission or head of post to exercise consular functions; or
 - is a member of staff of an overseas branch of the Ministry of Business, Innovation and Employment; or
 - is in the service of the Government of another country;
 - iv. includes any other person, including a person employed in the service of the Government of another country, who acts as an agent for the Government of New Zealand in the performance of consular functions, either pursuant to an agreement between the Government of another country and the Government of New Zealand or pursuant to a request by an immigration officer employed in the service of the Government of New Zealand.



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- b. The chief executive must specify which functions and powers an immigration officer is authorised to exercise under this Act. An officer may not perform any functions or exercise any powers under this Act unless specifically authorised by the chief executive.
 - c. A person who has been designated by the chief executive as a refugee and protection officer may perform all the functions and exercise all the powers of a refugee and protection officer.

A15.1.10 Process for being designated as an immigration officer

See also Immigration Act 2009 ss 388, 391(3)

- a. To be designated as an immigration officer a person must:
 - i. complete a training schedule (coordinated by the Ministry of Business, Innovation and Employment technical trainers); and
 - ii. demonstrate competence in a number of specified areas; and
 - iii. be deemed competent to carry out the functions of an immigration officer.
- b. However, the chief executive may otherwise designate an individual as an immigration officer as he or she sees fit.

Note: the chief executive need not be issued with a warrant of designation, and may perform or exercise all the powers and functions of an immigration officer under this Act.

- c. The manager should make a request to the chief executive, using the appropriate form, that a person be designated as an immigration officer when the person's manager is satisfied that the person:
 - i. has completed the required training; and
 - ii. can demonstrate competence in a number of specified areas; and
 - iii. should be designated as an immigration officer.
- d. If the chief executive decides to designate the person as an immigration officer, a letter will be sent to the person detailing any relevant delegated powers the person may exercise.
- e. Any such designation or authorisation:
 - i. continues in force according to its tenor until it is revoked, even if the chief executive who made it has ceased to hold office, and continues to have effect as if made by the successor in office of that chief executive;
 - ii. is subject to such restrictions or conditions as the chief executive specifies in writing in the warrant of designation.

A15.1.10.1 Transitional provisions regarding immigration officers

See also Immigration Act 2009 s 462

From commencement of the Immigration Act 2009:

- a. immigration officers, including customs officers, designated under the Immigration Act 1987 must be treated as immigration officers designated under the Immigration Act 2009 who are authorised to exercise visa and entry permission decision-making powers; and
- b. visa officers designated under the Immigration Act 1987 must be treated as immigration officers designated under the Immigration Act 2009 who are authorised to make decisions relating to visas outside New Zealand.

A15.1.15 Immigration officers' functions and powers

See also Immigration Act 2009 ss 389(1), 389(2)

- a. An immigration officer may be authorised to perform or exercise individual functions and powers, or functions and powers of one or more classes.
- b. Functions and powers may be classified as follows:



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- i. visa decision-making;
 - ii. entry permission decision-making;
 - iii. compliance and enforcement;
 - iv. the power of detention.

A15.1.20 Warrant of designation

See also Immigration Act 2009 ss 388(3), 388(4), 388(7), 388(8), 388(9)

- a. An immigration officer authorised to exercise one or more of the following powers must be issued with a warrant of designation, signed by the chief executive, specifying which of those powers the officer may exercise:
 - i. the power to deport a person under section 178;
 - ii. the power of entry and inspection under sections 276, 277, 277A and 278;
 - iii. the powers under sections 279, 280, 281, 281A and 281B to require information or documents for the purpose of ensuring compliance with this Act;
 - iv. the powers under sections 282, 283, 284, 285 and 285A at a border;
 - v. the power of entry and search under section 286;
 - vi. the power to require biometric information, special biometric information, or both under section 288;
 - vii. the power to detain a person under section 312.
- b. A warrant is sufficient evidence of an officer's designation as an immigration officer and the officer's authorisation to perform the functions and exercise the powers specified in it.
- c. To be issued with a warrant, the immigration officer must have received suitable training.
- d. Whenever an immigration officer (including a constable exercising the powers of an immigration officer):
 - i. seeks entry to any premises, building, or craft in the course of exercising a power; or
 - ii. exercises a power of detentionthe officer must produce their warrant of designation and, if requested, state the provision or provisions of the Act under which they are acting.
- e. An immigration officer (including a constable exercising the powers of an immigration officer) who, in exercising a power described in (a) above, orally makes a request, requirement, or demand of a person must also produce his or her warrant of designation if called upon to do so by the person.
- f. A constable exercising the powers of an immigration officer can meet the requirement to produce his or her warrant of designation by being in uniform or by producing their badge or other evidence of being a constable.
- g. Notwithstanding (a) above immigration officers who are not authorised to exercise any of those powers may also be issued with a warrant of designation.
- h. The warrant of designation must be:
 - i. in a secure place when not in use; and
 - ii. used only by the officer to whom it is issued; and
 - iii. produced in circumstances where production is required by law (as described in (d) and (e) above); and
 - iv. returned to the chief executive of the Ministry of Business, Innovation and Employment when the officer leaves the Ministry or moves to a position which does not require them to exercise the functions of an immigration officer.

A15.1.25 Process for being designated as a refugee and protection officer

See also Immigration Act 2009 s 390

To be designated as a refugee and protection officer a person must:

- a. complete a training schedule (coordinated by Immigration New Zealand trainers); and



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- b. demonstrate competence in a number of specified areas; and
 - c. be deemed competent to carry out the functions of a refugee and protection officer.

A15.1.30 Revocation or lapsing of designations

See also Immigration Act 2009 s 391

- a. Every designation by the chief executive of a person as an immigration officer or a refugee and protection officer, or for any other purpose under this Act, is revocable in writing at will.
- b. Every authorisation of an immigration officer to exercise a power or perform a function is revocable in writing at will.
- c. A designation lapses when the person leaves the Ministry or the service or employment in respect of which the person was designated.
- d. A person whose designation has lapsed or been revoked must immediately surrender the warrant of designation to the chief executive.

A15.1.35 Powers and functions delegated by the Chief Executive

See also State Sector Act 1988 s 41

- a. In addition to powers delegated by the Minister of Immigration (see A15.1 (c) above), from time to time the Chief Executive (CE) of MBIE may delegate some of her or his powers and functions under the Immigration Act or other legislation, to people working in the Public Service. The CE may allow sub-delegation of all or certain delegated powers. These delegations and sub-delegations have been reproduced in A15.20 and A15.25.

Note: For the avoidance of doubt, and despite A15.1 (b) and (d) above, a person who is not designated as an immigration officer may exercise powers and functions delegated by the CE (including those sub-delegated).



A15.5 Delegation of Powers: Minister of Immigration to the Ministry of Business, Innovation and Employment – Immigration New Zealand

PURSUANT to section 380 of the Immigration Act 2009 (the Act) and effective from **1 July 2019**, I
Iain Lees-Galloway, Minister of Immigration:

1. REVOKE the Instrument of Delegation dated 11th day of September 2017 previously made under that section;
2. DELEGATE, to each immigration officer who is the holder (or is acting as the holder) from time to time of any office or position specified in each of the Schedules to this Instrument, and is suitably trained and qualified, the powers under the Immigration Act 2009 specified in relation to that office or position in the relevant Schedule, but subject to any conditions listed in those Schedules; and
3. DELEGATE to every immigration officer the power to take the practical steps necessary under that Act to implement a decision taken by another immigration officer pursuant to this Instrument of Delegation. Any person who exercises any power pursuant to this Instrument of Delegation shall do so in accordance with the Government policy and Departmental instructions that are current at the time, as set out from time to time in the Immigration New Zealand Operational Manual and circular instructions on Immigration.

Dated at Wellington this 27th day of June 2019

Iain Francis Lees-Galloway

Minister of Immigration

Schedule 1

Office or Position:

1. Chief Executive, Ministry of Business, Innovation and Employment
2. Deputy Chief Executive – Immigration New Zealand, Ministry of Business, Innovation and Employment

Powers Delegated:

1. All those powers set out in Schedules 2, 3 and 4 of this Instrument of Delegation without limitation or subject to any conditions;



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2. Specifying an international organisation under s4, by notice in the Gazette, as an organisation whose travel documents will be accepted as certificates of identity.

Schedule 2

Office or Position:

1. 3rd Tier Manager - Immigration New Zealand, Ministry of Business, Innovation and Employment
2. 4th Tier Manager - Immigration New Zealand, Ministry of Business, Innovation and Employment
3. 5th Tier Manager - Immigration New Zealand, Ministry of Business, Innovation and Employment
4. 6th Tier Manager - Immigration New Zealand, Ministry of Business, Innovation and Employment
5. Immigration Manager - Immigration New Zealand, Ministry of Business, Innovation and Employment

Powers Delegated:

1. All those powers set out in Schedules 3 and 4 of this Instrument of Delegation;
2. Giving a special direction under s17(1)(a) of the Act authorising a residence class visa to be granted to a person to whom s15 or s16 applies;
3. The power under s79(5) of the Act to grant a temporary visa to a person prohibited from applying for a temporary visa under s79(4);
4. The power under s180(3) of the Act to reduce or waive any debt due by a person under s180(1) (this power is delegated to managers in the Compliance, Risk and Intelligence Services Branch only);
5. Providing by special direction under s395(2) of the Act for an exemption from or refund of any prescribed fee or charge in whole or in part;
6. Providing by special direction under s396(9) of the Act for an exemption from or refund of any bond, in whole or in part;
7. The power under s398(1) and (3) of the Act to provide funds for the costs of deportation or repatriation from New Zealand (this power is delegated to managers in the Compliance, Risk and Intelligence Services Branch only);
8. Giving a special direction under s412(2) of the Act, relating to existing applications for visas and permits, that s412(1) not apply;



9. The power conferred by regulation 26(5) (where applicable pursuant to s399(8) of the Act and pursuant to the transitional provision of Schedule 1AA of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010) of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 to waive (by way of special direction) the requirement to pay the migrant levy;
10. The power conferred by regulation 34(1)(a) and (f) of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 to waive, by special direction:
 - a. one or more of the requirements for applying for a visa (whether at an immigration control area or otherwise);
 - b. any matter relating to an endorsement of New Zealand citizenship in a New Zealand citizen's foreign passport;
11. The power to give a special direction under s51(3) of the Act to vary the conditions of a resident visa, as an exception to instructions;
12. The power under s72(3) of the Act to grant a second or subsequent resident visa as an exception to instructions;
13. The power under s72(3) of the Act to grant a permanent resident visa as an exception to instructions;
14. The power under s399(3A) of the Act to provide by special direction for an exemption from or refund of any immigration levy, in whole or in part;
15. The power under s399A(4) of the Act to provide by special direction for an exemption from or refund of the international visitor conservation and tourism levy, in whole or in part;
16. The power conferred by regulation 26AAC of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 to accept cash payment of prescribed fees.

Schedule 3

Office or Position:

1. Immigration officer, technical advisor
2. Immigration officer

Powers Delegated:

1. Any of the powers set out below which have been assigned to an individual by the Chief Executive;



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2. Giving a special direction under s17(1)(a) of the Act authorising:
 - a. a temporary entry class visa and/or entry permission; or
 - b. a transit visa

to be granted to a person to whom s15 or s16 of the Act applies;
 3. The power under s50(3) of the Act to do either of the things in subsection (2)(b), that is to vary or cancel conditions on a resident visa, by agreement with the visa holder;
 4. The power under s61 of the Act to grant or refuse a visa of any type to a person who is unlawfully in New Zealand and is not a person in respect of whom a deportation order is in force;
 5. The power under s69(2)(d) of the Act to suspend, in any individual case, a waiver of the requirement to hold a visa permitting travel to New Zealand;
 6. The power conferred by regulation 23(2) of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 to require, by special direction, that regulations apply to applications for visas not otherwise provided on the approved form;
 7. The power conferred by regulation 34(1)(a) of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 to waive, by special direction, the requirements in regulation 5(2)(d)(iii), to the extent that it relates to immigration instruction requirements to produce a police or similar certificate;
 8. The power conferred by regulation 34(1)(a) of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 to waive, by special direction, requirements specified in regulation 5(2) in relation to residence class visa applications lodged:
 - a. under the Refugee Family Support category;
 - b. under the victims of domestic violence category;
 - c. by persons recognised as refugees and protected persons in New Zealand.

This delegation only applies to the extent specified by immigration instructions;
 9. The power conferred by regulation 34(1)(a) of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 to waive, by special direction, requirements specified in regulation 5(2) in relation to residence class visa applications lodged under the Skilled Migrant Category;
 10. The power conferred by regulation 34(1)(a) of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 to waive, by special direction, the requirements in regulation 10(2)(e) for particular documents, information and /or evidence to be tendered with the approved application form, in respect of applications made for temporary entry class visas;



11. The power conferred by regulation 34(1)(a) of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 to waive, by special direction, requirements specified in regulations 10(2), in relation to temporary entry class visa applications lodged:
 - a. under Special work visas for victims of domestic violence category;
 - b. by persons recognised as refugees and protected persons in New Zealand.

This delegation only applies to the extent specified by immigration instructions;
12. The power conferred by regulation 34(1)(b), (c) and (d) of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 to waive, by special direction, one or more of the requirements for:
 - a. applying for a second or subsequent resident visa;
 - b. varying conditions of travel for a resident visa;
 - c. notifying an expression of interest in applying for a residence class visa.

Schedule 4

Office or Position:

1. Immigration officer at an immigration control area, as defined under s382, or any other port of entry
2. Immigration officer who holds the position of compliance officer

Powers Delegated:

1. Any of the powers set out below which have been assigned to an individual by the Chief Executive;
2. The power to make decisions under s16 of the Act that certain persons are not entitled to the grant of a visa and/or entry permission;
3. Giving a special direction under s17(1)(a) of the Act authorising a residence class visa to be granted to a person who applies for a residence class visa on arrival, and to whom s15 or s16 applies;
4. The power under s69(2)(c) of the Act to waive, in any individual case, the requirement to hold a visa permitting travel to New Zealand;
5. The power to give a special direction under s101(4) of the Act in relation to the responsibilities of carriers and persons in charge of craft en route to or arriving in New Zealand;



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6. The power to give a special direction under s103(1) of the Act in relation to persons arriving in New Zealand;
 7. The power to give a special direction under s108(4)(b) or (5)(b) of the Act to impose, vary or cancel the conditions of a resident visa granted outside New Zealand;
 8. The power to give a special direction under s119(1) of the Act in relation to persons leaving New Zealand.
 9. Determining under s156(1)(b) of the Act that a person holds a temporary entry class visa under a false identity;
 10. Determining under s157(1) of the Act that there is sufficient reason to deport a temporary entry class visa holder;
 11. Determining under s157(3) of the Act that a person is an excluded person for the purpose of section 157(2);
 12. The power under s172 of the Act , with due regard to submissions (if applicable), to cancel liability for deportation for a temporary entry class visa holder;
 13. The power under s182(1) of the Act to reduce or remove a non-permanent period of prohibition on entry in relation to a person in regards to their application for visa or entry permission;
 14. The power conferred by regulation 34(1)(a), (b) and (e) of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 to waive, by special direction, one or more of the requirements for applying for:
 - a. a visa or for entry permission, to the extent specified by immigration instructions;
 - b. a second or subsequent resident visa at an immigration control area.



**A15.20 Delegation of powers: Chief Executive to Deputy Chief Executive –
Immigration New Zealand**

Instrument of Delegation

Delegation by	The holder for the time being of Chief Executive of the Ministry of Business, Innovation and Employment ("Delegator")
Delegation to	The holder for the time being of the office of Deputy Chief Executive of Immigration New Zealand ("Delegate")
Source of delegated powers and functions	Listed in Schedule One
Authority for Delegation	State Sector Act 1988 ("SSA", section 41)

1. I, the Delegator, delegate to you, the Delegate the powers and functions specified in Schedule One of this Instrument.
2. The powers and functions may be exercised subject to any general or specific conditions I may give from time to time. General conditions may be included in any policy on statutory delegations put in place by the Ministry from time to time.
3. I approve the sub-delegation of the powers and functions (SSA, s 41(2)).
4. This delegation is intended to be a standing delegation –
 - a) From any person holding the office of, or acting as, the Delegator (SSA, s 42(2)); and
 - b) To any person holding the office of, or acting as, the Delegate (SSA, s 41(6)).
5. This delegation applies in respect of the powers and functions in Schedule One, as those powers and functions are amended from time to time.
6. I revoke, effective 30 September 2019, any previous delegations by the holder of the office of Chief Executive of powers and functions under the provisions of the enactments described and referenced in Schedule One to this instrument where they have been amended or removed from these Schedules (SSA, s 42). All other current and previous delegations of powers and functions under the provisions of the enactments described and referenced in Schedule One to this instrument are confirmed.

Dated at Wellington this **26** day of September 2019


Carolyn Tremain

Chief Executive of the Ministry of Business, Innovation and Employment



Schedule One: Delegated powers and functions (CE to DCE)

Legislative reference	Description of delegated power or function
<i>Immigration Act 2009</i>	
Section 4	To approve a system, including an electronic system, for the purpose of: <ul style="list-style-type: none">• Providing information to the Chief Executive under section 96 (advance passenger processing)• Giving notice under section 97(2) of a decision made under section 97(1) (decisions given to carriers, or persons in charge of carriers, of a commercial craft) about person boarding for purpose of travelling to New Zealand)• Giving notice under section 97A(3) of a decision made under section 97A(1) (decisions given to carriers, or persons in charge of carriers, of a commercial craft) about person boarding for purpose of travelling from New Zealand)
26(4) and (5)	To give general instructions to refugee and protection officers on the order and manner of processing any claim, or specified classes of claim, having regard to any matters the Chief Executive thinks fit.
26(4) and (5)	To give general instructions to immigration officers on the order and manner of processing any applications, or specified classes of application, having regard to any matters the Chief Executive thinks fit.
26(8)	To make arrangements for providing assistance to refugee and protection officers in processing claims.
26(8)	To make arrangements for providing assistance to the Minister and immigration officers in processing applications.
29	To predetermine the criteria by which an automated electronic system analyses information (if any) about a person that is held by the chief executive or delegated official, and to which the chief executive or delegated official has access - the automatic electronic analysis of which may result in a decision in accordance with section 97 of the Immigration Act 2009.
29A	To predetermine the criteria to be applied by an automated electronic system that may be used to confirm a person's status as a New Zealand citizen
48	To approve the form of a written undertaking that may be required to be provided by the sponsor of a visa applicant
62(1)	To determine the manner in which a visa record is entered and retained in the records (electronic or physical) of the Department
62(2)(f)	To require or approve any matters other than those listed in s62(2) that must be specified, as appropriate, in a visa entry
96(1)	To notify a carrier, and a person in charge of a commercial craft of their obligations under s96(2) and 96(3).
96(2)	To receive, by means of an approved system, the information prescribed for the purposes of this subsection.



Legislative reference	Description of delegated power or function
96(3)	To, in writing, exempt a carrier or a person to whom this section applies from complying with some or all of the carrier's or the person's responsibilities under this section in all or any specified circumstances
97(1)	To make a decision about a person boarding a craft for the purpose of travelling to New Zealand under section 97(1), including specifying conditions which must be complied with before a person boards a craft for travel to New Zealand
97(2)	To determine the means by which any decision made under section 97(1) is to be notified to a carrier or person in charge of commercial craft to whom section 96 applies, including, but not limited to by means of an approved system, and in any manner he or she thinks appropriate, including, but not limited to, by means of automatic electronic notification.
97A(1) and (2)	To make a decision about a person boarding a craft for the purpose of travelling from New Zealand under section 97A(1), including specifying conditions which must be complied with before a person boards a craft for travel from New Zealand, including first determining as necessary that there is reason to believe a person is attempting to travel on a passport or certificate of identity described in section 97A(2)
97A(3)	To determine the means by which any decision made under section 97A(1) is to be notified to a carrier or person in charge of commercial craft to whom section 96 applies, including, but not limited to by means of an approved system, and in any manner he or she thinks appropriate, including, but not limited to, by means of automatic electronic notification.
100	To decide that a person who fails to allow biometric information to be collected: (a) may not board a craft, or (b) may board the craft only if the person complies with any conditions specified by the chief executive or his or her delegated authority.
102	To request, access and retain prescribed information about a person who intended to board a craft for the purpose of travelling to New Zealand, whether or not he or she did in fact board the craft (including, but not limited to, if he or she did not board the craft as a result of a decision made by the chief executive or his or her delegated official under section 97).
109A	To determine the manner in which entry permission is entered and retained in the records (electronic or physical) of the Department
151	Where in relation to a claim or particulars of a claim it is determined there is no serious possibility that the safety of the claimant or any other person would be endangered by the disclosure of the information and having had regard to the matters in s151(3): <ul style="list-style-type: none">• to determine whether it is in the public interest to publish, and if so,• to publish a decision of a refugee and protection officer in relation to a claim
294	To make arrangements with the department of the State responsible for the time being responsible for the administration of the Corrections Act 2004, for the disclosure and comparison of information in order to identify the immigration status of a person sentenced to imprisonment or a community-based sentence, and to determine the frequency, form and method in which the information may be supplied.



Legislative reference	Description of delegated power or function
295(2)	To provide to the chief executive of the department of State for the time being responsible for the enforcement of fines, any identifying information about a person who is in serious default in the payment of a fine
295(3)	To determine by agreement of the department of State for the time being responsible for the enforcement of fines, for the purposes of section 295 of the Immigration Act 2009, the frequency, form and method by which information may be supplied.
298	To make arrangements with the department of State for the time being responsible for the administration of the Social Security Act 1964, for the disclosure and comparison of information in order to identify the immigration status of a person who has applied to receive, is receiving, or has received a benefit, and to determine the frequency, form and method in which the information may be supplied.
299	To make arrangements with the department of State for the time being responsible for the administration of the Social Security Act 1964 (the responsible department), for the disclosure and comparison of information to enable recovery from a sponsor (as defined in section 48 of the Immigration Act 2009) the costs of any benefit paid to a person that are recoverable under an undertaking given by the sponsor under that section and in accordance with section 55, and to determine the frequency, form and method in which the information may be supplied; and to authorise who can receive information from the Chief Executive of the responsible department.
300	To make arrangements for the disclosure and comparison of information in order to determine a person's eligibility for access to, and/or liability to pay for, publicly funded health and disability support services, and to determine the frequency, form and method in which the information may be supplied.
301(2) and (3)	To disclose information to a provider of any publicly funded service in order to determine a person's eligibility for access to, and /or liability to pay for, a publicly funded service
301(4)	To make arrangements for the disclosure of information with service providers, in order to determine a person's eligibility for access to, and/or liability to pay for a publicly funded service.
302(2)	To provide information to specified agencies about persons as set out in that section.
302(6)	To consult with the Privacy Commissioner on the making of an agreement, and to report to the Privacy Commissioner on the agreement and the arrangements for disclosure under it.
302(8)	To authorise who can receive information from the Chief Executive of the specified agency.
303	For the purpose of enabling specified agencies to establish or verify identity and check matters relating to a person's character, the Chief Executive may: receive and compare identifying information about certain persons in the specified circumstances and, if any specified information is held about that person, supply that information to authorised officers of specified agencies in accordance with a section 303C agreement
303A	For the purpose of extending time to identify a person of interest intending to travel from New Zealand and to perform or exercise law enforcement, counter-terrorism, and security functions or powers, the Chief Executive may: receive and compare personal information about certain persons and, if specified information is held about that person, supply certain information to the Chief Executive of a specified agency in accordance with a section 303C agreement



Legislative reference	Description of delegated power or function
303B	For the purpose of section 303A, the Chief Executive may: allow the Chief Executive of a specified agency direct access to the database of Advance Passenger Processing information, subject to first entering into, and then acting in accordance with, a section 303C agreement for direct access
303C	For agreements entered into under section 303, 303A or 303B: <ul style="list-style-type: none">• before entering into or varying any agreement ,consult with the Privacy Commissioner• sign the agreement or any variation
305(1)	To disclose any information specified in section 306 to an overseas agency, body, or person whose functions include: <ul style="list-style-type: none">(a) the prevention, detection, investigation, prosecution or punishment of immigration or other offences; or(b) the processing of international passengers; or(c) border security
305(2)(a), (3) and (4)	The power to enter into an agreement with certain agencies, bodies or persons to disclose certain information to help prevent, identify, or respond to: <ul style="list-style-type: none">• violations of New Zealand law or law of the receiving country; or• the kinds of actions that the agency or body has a function of preventing, identifying, or responding to.
305(2)(b) and (7)	To disclose certain information to certain overseas agencies, bodies or persons if the information relates to a suspected: <ul style="list-style-type: none">• violation of New Zealand law, or the law of the receiving country; or• action of a kind that the agency or body has a function of preventing, identifying or responding to
367(e)	To sign a certificate stating that a particular place is or was an immigration control area.
381(1)	To approve and issue application forms and any other forms that he or she considered necessary for the purposes of the Immigration Act 2009, not being forms prescribed or to be prescribed by the regulations made under the Immigration Act 2009.
382(1)	To designate the following places as immigration control areas: <ul style="list-style-type: none">(a) all or any part of the area of a port(b) any other place that the chief executive or delegated official considers appropriate for processing people arriving in and departing from New Zealand.
382(2)	The power to give written notice of a designation under this section to: <ul style="list-style-type: none">(a) the operator of an airport or port concerned; or(b) the person otherwise in control of the place (being an owner, occupier, lessee, or sub lessee).
383(1)	To: <ul style="list-style-type: none">(a) designate places outside New Zealand (for example, ports, airports, or offices of the Department that are overseas) where an immigration officer may grant entry permission to a person before that person travels to New Zealand; and(b) determine the class or classes of persons that may be granted entry permission at a designated place.



Legislative reference	Description of delegated power or function
384(1)	To make an endorsement in relation to a passport (other than a New Zealand passport).
384(2)	To determine the manner in which an endorsement is made and entered and retained in the records (whether electronic or physical) of the Department.
385(1)	To determine the operating areas, accommodation, facilities, buildings, equipment and storage in an airport or port subject to a designation under section 382 that are reasonably necessary and suitable for carrying out immigration functions in relation to people arriving in and departing from New Zealand.
388(1)	<p>To designate as immigration officers:</p> <p>(a) the person the chief executive or delegated official considers are:</p> <p>i. necessary for the purposes of this Act; and</p> <p>ii. suitably qualified and trained; and</p> <p>(b) such other agents or persons in the service of the Government of New Zealand, or persons in the service of the government of another country, as the chief executive or delegated official determines, whether designated individually or by class or position.</p>
388(2)	To specify which functions and powers an immigration officer is authorised under this Act.
388(3)	To sign a warrant of designation, specifying which of the powers in s388(3) may be exercised by an authorised immigration officer.
390	To designate as refugee and protection officers the persons employed in the Department that the Chief Executive considers necessary for the purposes of this Act.
391	To revoke a designation issued under this Act.
393	To determine the method of determining the amount of fee payable at any time in currency other than New Zealand dollars.
<i>Immigration Advisers Licensing Act 2007</i>	
Section 91	Waive, in whole or in part, any fee payable on a further immigration application or request by a person whose earlier application or request has not been accepted because it contravened section 9
<i>Immigration (Refugee and Protection Status Processing) Regulations 2010</i>	
Reg 4(1), 7(3)(a), 8(2)(a), 9(3)(a), 10(3)(a), 14(1)	Approval of forms for various purposes
Reg 23AA(1)	Require certain visa applications to be made online
<i>Births, Deaths, Marriages, and Relationships Registration Act 1995</i>	



Legislative reference	Description of delegated power or function
Section 78A	Enter into and vary agreements to receive: <ul style="list-style-type: none">• birth and name change information for verification purposes (citizenship, entitlement to reside, to update and verify immigration records)• marriage information and civil union information to verify the marriage or civil union of a person to a New Zealand citizen• death information to identify deceased holders of temporary entry class visas
Citizenship Act 1977	
Section 26A	To enter into and vary an agreement with the Secretary for Internal Affairs under which citizenship information may be disclosed for the purposes of: <ul style="list-style-type: none">• verifying a person's citizenship status;• verifying a person's entitlement to reside in New Zealand
26B(1) and (2)	To enter into and vary an agreement with the Secretary for Internal Affairs under which the Secretary for Internal Affairs, or designated officers of the Department of Internal Affairs, may access information held by the Chief Executive where the information is needed for or relevant to: <ul style="list-style-type: none">• citizenship investigations and assessing grant of citizenship applications;• determining whether a person is a New Zealand citizen by birth
26B(3)	To jointly consult (with the Secretary) with the Privacy Commissioner prior to entering into or varying a section 26B agreement
26B(4)	If required, to jointly review (with the Secretary) a section 26B agreement and report to the Privacy Commissioner
Electoral Act 1993	
Section 87(2)	To disclose information to the Chief Registrar concerning: <ul style="list-style-type: none">(a) any person the chief executive believes is unlawfully in New Zealand; or(b) any person who is lawfully in New Zealand but only by virtue of being the holder of a temporary entry class visa of any type.
87(3)	To authorise an officer or employee or agent to supply immigration information to the Chief Registrar.
Victims' Rights Act 2002	
Section 39(2)(a) and (b)	To advise each specified person (as defined in subsection 4) that the Minister is considering suspending or cancelling the liability for deportation of the criminal offender; or that the criminal offender has appealed against his or her liability for deportation to the Immigration and Protection Tribunal and request the specified person provide an address for the victim of the offence or their representative
39(5)(a)	If the victim's address is given to the Chief Executive under subsection (2), give the victim notice that the Minister is considering cancelling or suspending the deportation liability of the offender under section 172 of the Immigration Act 2009.
39(5)(b)	If a deportation liability notice has been served and is being appealed, give the victim's address to the Immigration and Protection Tribunal so they can give prior notice of the appeal hearing.



A15.25 Delegation of powers: DCE to delegates

Instrument of Sub-delegation

Delegation by	The holder for the time being of Deputy Chief Executive - Immigration New Zealand ("Delegator")
Delegation to	Listed in Schedule One ("Delegate")
Source of delegated powers and functions	Listed in Schedule One
Authority for Delegation	State Sector Act 1988 ("SSA", section 41)

1. I, the Delegator, delegate to you, the Delegate, effective from and on 30 September 2019 the powers and functions specified in the Schedule One of this Instrument.
2. The powers and functions may be exercised subject to any general or specific conditions I may give from time to time. General conditions may be included in any policy on statutory delegations put in place by the Ministry from time to time.
3. For the avoidance of doubt, the powers and functions listed in Schedule One may not be sub-delegated.
4. For the avoidance of doubt, a delegation to a specified position also includes senior ranks of that position (for example Compliance Officers also means Senior Compliance Officers).
5. This delegation is intended to be a standing sub-delegation –
 - a) From any person holding the office of, or acting as, the Delegator (SSA, s 42(2)); and
 - b) To any person holding the office of, or acting as, the Delegate (SSA, s 41(6)).
6. This sub-delegation applies in respect of the powers and functions in Schedule One, as those powers and functions are amended from time to time.

Dated at Wellington this 27 day of September 2019

Greg Patchell

Deputy Chief Executive – Immigration New Zealand

Schedule One: Sub-delegated powers and functions (DCE to Delegates)

Legislative Reference	Description of delegated power or function	Sub-delegation
<i>Immigration Act 2009</i>		
26(4) and (5)	To give general instructions to refugee and protection officers on the order and manner of processing any claim, or specified classes of claim, having regard to any matters the Chief Executive thinks fit.	<ul style="list-style-type: none"> • General Manager, Refugee and Migrant Services
26(4) and (5)	To give general instructions to immigration officers on the order and manner of processing any applications, or specified classes of application, having regard to any matters the Chief Executive thinks fit.	<ul style="list-style-type: none"> • General Manager, Border and Visa Operations
26(8)	To make arrangements for providing assistance to refugee and protection officers in processing claims.	<ul style="list-style-type: none"> • General Manager, Refugee and Migrant Services
26(8)	To make arrangements for providing assistance to the Minister and immigration officers in processing applications.	<ul style="list-style-type: none"> • General Manager, Border and Visa Operations
29	To predetermine the criteria by which an automated electronic system analyses information (if any) about a person that is held by the chief executive or delegated official, and to which the chief executive or delegated official has access - the automatic electronic analysis of which may result in a decision in accordance with section 97 of the Immigration Act 2009.	<ul style="list-style-type: none"> • General Manager, Border and Visa Operations • National Manager, Border • Operations Manager, Border • Border Manager • Technical Specialist - Border • Immigration Officers undertaking duties at an Immigration Control Area
96(1)	To notify a carrier, and a person in charge of a commercial craft of their obligations under s96 (2) and 96 (3).	<ul style="list-style-type: none"> • General Manager, Border and Visa Operations • National Manager, Border • Operations Manager, Border • Border Manager
96(2)	To receive, by means of an approved system, the information prescribed for the purposes of this subsection.	<ul style="list-style-type: none"> • General Manager, Border and Visa Operations • National Manager, Border • Operations Manager, Border • Immigration Officers undertaking duties at an Immigration Control Area • Border Manager • Technical Specialist, Border • Immigration Officers undertaking duties at an Immigration Control Area
96(3)	To, in writing, exempt a carrier or a person to whom this section applies from complying with some or all of the carrier's or the person's responsibilities under this section in all or any specified circumstances.	<ul style="list-style-type: none"> • General Manager, Border and Visa Operations • National Manager, Border • Operations Manager, Border
97(1)	To make a decision about a person boarding a craft for the purpose of travelling to New Zealand under section 97(1), including specifying conditions which must be complied with before a person boards a craft for travel to New Zealand.	<ul style="list-style-type: none"> • General Manager, Border and Visa Operations • National Manager, Border • Operations Manager, Border • Border Manager • Technical Specialist, Border • Immigration Officers undertaking duties at an Immigration Control Area

Legislative Reference	Description of delegated power or function	Sub-delegation
97(2)	To determine the means by which any decision made under section 97(1) is to be notified to a carrier or person in charge of commercial craft to whom section 96 applies, including, but not limited to by means of an approved system, and in any manner he or she thinks appropriate, including, but not limited to, by means of automatic electronic notification.	<ul style="list-style-type: none"> • General Manager, Border and Visa Operations • National Manager Border • Operations Manager Border • Border Manager • Technical Specialist, Border • Immigration Officers undertaking duties at an Immigration Control Area
100	<p>To decide that a person who fails to allow biometric information to be collected:</p> <p>(a) may not board a craft, or (b) may board the craft only if the person complies with any conditions specified by the chief executive or his or her delegated authority.</p>	<ul style="list-style-type: none"> • General Manager, Border and Visa Operations • National Manager Border • Operations Manager Border • Border Manager • Technical Specialist, Border • Immigration Officers undertaking duties at an Immigration Control Area
102	To request, access and retain prescribed information about a person who intended to board a craft for the purpose of travelling to New Zealand, whether or not he or she did in fact board the craft (including, but not limited to, if he or she did not board the craft as a result of a decision made by the chief executive or his or her delegated official under section 97).	<ul style="list-style-type: none"> • General Manager, Border and Visa Operations • National Manager Border • Operations Manager Border • Border Manager • Technical Specialist, Border • Immigration Officers undertaking duties at an Immigration Control Area
295(2)	To provide to the chief executive of the department of State for the time being responsible for the enforcement of fines, any identifying information about a person who is in serious default in the payment of a fine.	<ul style="list-style-type: none"> • General Manager Border and Visa Operations • National Manager, Border • Operations Manager, Border • Heads of Operations • Visa Operations Manager • Practice Leads • Technical Advisors • Immigration Manager
301(2) and (3)	To disclose information to a provider of any publicly funded service in order to determine a person's eligibility for access to, and /or liability to pay for, a publicly funded service.	<ul style="list-style-type: none"> • General Manager Border and Visa Operations • National Manager, Border • Heads of Operations • Visa Operations Manager • Practice Leads • Technical Advisors • Operations Manager, Border • Border Manager • Technical Specialist, Border • General Manager, Verification and Compliance • National Manager, Compliance • Compliance Manager • National Manager, Investigations • Investigations Manager • Compliance Officers
302(2)	To provide information to specified agencies about persons as set out in that section.	<ul style="list-style-type: none"> • General Manager Border and Visa Operations • Heads of Operations • Visa Operations Manager • Practice Leads • Technical Advisors • National Manager, Border • Operations Manager, Border • Border Manager • Technical Specialist, Border • General Manager, Verification and Compliance • National Manager, Compliance • Compliance Manager • National Manager, Investigations • Investigations Manager • Compliance Officers

Legislative Reference	Description of delegated power or function	Sub-delegation
303	<p>For the purpose of enabling specified agencies to establish or verify identity and check matters relating to a person's character, the Chief Executive may: receive and compare identifying information about certain persons in the specified circumstances and, if any specified information is held about that person, supply that information to authorised officers of specified agencies in accordance with a section 303C agreement</p>	<ul style="list-style-type: none"> • General Manager Border and Visa Operations • National Manager, Border • Heads of Operations • Visa Operations Manager • Practice Leads • Technical Advisors • Operations Manager, Border • Border Manager • Technical Specialist, Border • General Manager, Verification and Compliance • National Manager, Compliance • Manager Compliance • National Manager, Investigations • Manager Investigations • Compliance Officers • National Manager, Identity Services • Manager Identity Resolution • Team Leader Identity Resolution • Manager Data Sharing and Development • Data Sharing Analysts
305(1)	<p>To disclose any information specified in section 306 to an overseas agency, body, or person whose functions include:</p> <ul style="list-style-type: none"> (a) the prevention, detection, investigation, prosecution or punishment of immigration or other offences; or (b) the processing of international passengers; or (c) border security 	<ul style="list-style-type: none"> • General Manager, Border and Visa Operations • National Manager, Border • Operations Manager, Border • Immigration Manager, Border • Border Manager • Technical Specialist, Border • Immigration Officers undertaking duties at an Immigration Control Area • General Manager, Verification and Compliance • National Manager, Compliance • Compliance Manager • Compliance Officer • National Manager, Investigations • Investigations Manager • General Manager, Intelligence, Data and Insights • National Manager, Identity • Manager Identity Resolution • Team Leader Identity Resolution • Manager Data Sharing and Development • Data Sharing Analysts • General Manager, Intelligence, Data and Insights, • National Manager, Intelligence • Intelligence Managers • Principal Intelligence Analysts • Senior Intelligence Analysts • Intelligence Analysts • Intelligence Support Officers • Intelligence Targeting Analysts • National Manager, Risk and Verification • Onshore Risk and Verification Manager • Manager Offshore Risk • Manager Risk Assessment • Risk and Verification Managers

Legislative Reference	Description of delegated power or function	Sub-delegation
305(2)(a), (3) and (4)	<p>The power to enter into an agreement with certain agencies, bodies or persons to disclose certain information to help prevent, identify, or respond to:</p> <ul style="list-style-type: none"> • violations of New Zealand law or law of the receiving country; or • the kinds of actions that the agency or body has a function of preventing, identifying, or responding to. 	<ul style="list-style-type: none"> • General Manager, Border and Visa Operations • General Manager, Verification and Compliance • General Manager, Intelligence, Data and Insights
305(2)(b) and (7)	<p>To disclose certain information to certain overseas agencies, bodies or persons if the information relates to a suspected:</p> <ul style="list-style-type: none"> • violation of New Zealand law, or the law of the receiving country; or • action of a kind that the agency or body has a function of preventing, identifying or responding to 	<ul style="list-style-type: none"> • General Manager, Border and Visa Operations • National Manager, Border and Visa Operations • National Manager, Transition • National Manager, Border • National Manager Education and Tourism • National Manager, Business And Specialist • Operations Manager, Border • Immigration Manager, Border • Technical Specialist, Border • Immigration Officers undertaking duties at an Immigration Control Area • General Manager, Verification and Compliance • National Manager, Compliance • Compliance Manager • National Manager, Investigations • Investigations Manager • National Manager, Risk and Verification • Manager Risk Assessment Team • General Manager, Intelligence, Data and Insights • Regional Liaison Officer • National Manager, Intelligence • Intelligence Manager • Principal Intelligence Analysts • National Manager, Identity • Manager Identity Resolution • Team Leader Identity Resolution • Manager Data Sharing and Development • Data Sharing Analysts • Border Manager • Airline Liaison Officer • Intelligence Targeting Analysts
384(1)	<p>To make an endorsement in relation to a passport (other than a New Zealand passport).</p>	<ul style="list-style-type: none"> • Immigration Officers
388(2)	<p>To specify which functions and powers an immigration officer is authorised under this Act.</p>	<ul style="list-style-type: none"> • General Manager, Border and Visa Operations • National Manager, Border and Visa Operations • National Manager, Transition • National Manager, Border • National Manager, Education and Tourism • National Manager Business And Specialist • Heads of Operations • Operations Manager, Border • General Manager, Verification and Compliance • National Manager, Investigations • National Manager, Compliance

Legislative Reference	Description of delegated power or function	Sub-delegation
393	To determine the method of determining the amount of fee payable at any time in currency other than New Zealand dollars.	<ul style="list-style-type: none"> General Manager, Border and Visa Operations
Victims' Rights Act 2002		
39(2)(a)	To advise each specified person (as defined in subsection 4) that the Minister is considering suspending or cancelling the liability for deportation of the criminal offender; or that the criminal offender has appealed against his or her liability for deportation to the Immigration and Protection Tribunal.	<ul style="list-style-type: none"> Technical Specialist in the Resolutions Team Resolutions Analyst in the Resolutions Team Compliance Officers holding a warrant of designation (under section 388(3) of the Immigration Act 2009)
39(2)(b)	To request the specified person to provide the Chief Executive the address of the victim of the offence, or of the victim's representative.	<ul style="list-style-type: none"> Liaison Officer in the Resolutions Team Compliance Officers holding a warrant of designation (under section 388(3) of the Immigration Act 2009)
39(5)(a)	If the victim's address is given to the Chief Executive under subsection (2), give the victim notice that the Minister is considering cancelling or suspending the deportation liability of the offender under section 172 of the Immigration Act 2009.	<ul style="list-style-type: none"> Compliance Officers holding a warrant of designation (under section 388(3) of the Immigration Act 2009)
39(5)(b)	If a deportation liability notice has been served and is being appealed, give the victim's address to the Immigration and Protection Tribunal so they can give prior notice of the appeal hearing.	<ul style="list-style-type: none"> Liaison Officer in the Resolutions Team Compliance Officers holding a warrant of designation (under section 388(3) of the Immigration Act 2009)