

INZ Complaints and Feedback Process

Version 5 – December 2020

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A. Introduction to the Complaints and Feedback Process

A.1. Overview

- A.1.1 Immigration New Zealand (INZ) aims to provide an easily accessible complaint and feedback process regarding INZ’s instructions, procedures, or services. The document outlining INZ’s Complaints and Feedback Policy underpins the process outlined in this document, which is written primarily for frontline staff and management who deal regularly with complaints and feedback.
- A.1.2 This is a living document and may be reviewed and revised from time to time. Version 1 of the document was published in May 2017; version 2 was published in August 2017; version 3 was published in September 2018; version 4 was published in September 2019; and this version was published in December 2020.
- A.1.3 INZ’s Complaints and Feedback Process (from now on called ‘the Process’ in this document) replaces the Client Complaint Resolution Process (CCRP).
- A.1.4 Under the Process, all complaints received by INZ are channelled to the Central Feedback Team (CFT). The CFT’s primary tasks are to log, triage and assign complaints to an INZ branch or office, normally the office at which the matter or issue first arose.

A.2. Glossary

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|---|---|
| Central Feedback Team (CFT) | The CFT sits within INZ’s Assurance Branch and manages all incoming feedback and complaints, in terms of their registration and categorisation. The CFT acts as a filter, for example by redirecting a complainant if the complaint cannot be addressed by INZ or by determining that complaint cannot be accepted into the Process. See section B.2 for further details. |
| Client Complaint Resolution Process (CCRP) | INZ’s former complaint process. |
| Complaint | An expression of dissatisfaction or grievance made to or about INZ, related to our administrative processes, products and tools, staff or services, that is formally raised and where a response or resolution is expected. This is sometimes referred to as a ‘formal complaint’. |
| Complaint assessor | The staff member (or members) primarily responsible for investigating the complaint and drafting INZ’s response. In the event a complaint is directed toward the actions of an INZ staff member, the complaint assessor(s) must not be that individual. |

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| Complaints and Feedback System (CFS) | The IT system on which all complaints and feedback is recorded. |
| Compliment | Positive feedback, an expression of satisfaction with, or praise for, INZ's service delivery or performance. |
| Concern | A relatively minor matter which a customer wishes to raise without going through the formal complaint process. |
| Feedback | A generic term to cover complaints, suggestions, and compliments. |
| Level of complaint | Level of seriousness or complexity (low, medium, high) of a complaint (see section E.3). |
| Online feedback page (OFP) | The form on INZ's website which is the primary channel through which customers can provide feedback or submit a formal complaint. |
| Point person | Responding office staff member who manages incoming cases and assigns them to complaint assessors and signing managers. |
| Quality checker | Responding office staff member, other than the complaint assessor or signing manager, who quality assures a draft response before the manager signs the response. |
| Responding office | The office or team which is required to respond to a complaint. For example, this might be the visa processing office in Manukau or the Compliance team based in Porirua. The responding office is normally the office at which the matter or issue first arose, but on occasion may be a different office or team. |
| Signing manager | The manager who considers and signs the response to an assigned complaint and is responsible for the accuracy and quality. |
| Suggestion | A customer may make a suggestion to INZ on how its systems or policy/procedures could be improved, without necessarily being concerned about an individual case. Normally suggestions would be about systemic issues the customer would like INZ to take action on. Customers are given the option of being provided a response by INZ or not. |
| Target office | The office or team which is the subject of the feedback. For example, this might be the visa processing office in Manukau or the Compliance team based in Christchurch. |
| Unreasonable complainant conduct (UCC) | Defined by the Office of the Ombudsman as "behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint." See chapter F. |

A.3. Scope of the Process

- A.3.1 The scope of the Process¹ includes feedback and complaints about:
- service related issues (e.g. delays, advice or communication from INZ, staff attitude, etc)
 - alleged process failures in the context of, for example, an application assessment; however, see A.3.2
 - wording or content of Immigration instructions, internal administration circulars (IACs), or other published material.

- A.3.2 The scope of the Process does not include feedback and complaints about:
- the merits of an immigration decision (see section E.2)
 - process related matters in the context of an application or compliance decision, where the complainant wishes to overturn the decision and where appeal or reconsideration rights exist (also see E.2)
 - allegations of staff fraud, corruption, or dishonesty
 - New Zealand Government immigration policy
 - another immigration customer or a corrupt employer or educational institution
 - services contracted out by INZ (e.g visa application centres)
 - services provided by another Government agency.

However, although the above are not in scope, if the CFT receive correspondence on these matters, an appropriate response will be provided and the matter will either be forwarded to the relevant body or the complainant will be advised who they can contact. Further details are found later in this document.

- A.3.3 The table below summarises the different types of complaint, whether it should go the CFT to log, and the branch responsible for responding to the complaint.

| Type or topic of complaint | In scope of Process? | Give to CFT to log on CFS? | Responsible office or agency for response |
|--|----------------------|----------------------------|---|
| Concerns | Yes | No | Office where concern raised |
| Service or process | Yes (see chapter E) | Yes | INZ appropriate responding office |
| Content of immigration instructions or IAC | Yes | Yes | Operational Policy, Enablement or other appropriate responding office |
| Panel physicians Medical Assessors | Yes | Yes | Immigration Health, Enablement |
| Gov't immigration policy | No | No | Minister's Office (not part of INZ) |

¹ "Scope of the Process" in this context describes what complaints will and will not be accepted for an investigation and substantive response by INZ. Feedback and complaints within the scope of the Process, must be as specific as possible, and include supporting evidence (where relevant) in order for the grounds of the complaint to be identified. In cases where general statements or comments are made the complaint may be initially refused by the CFT and clarification requested.

| | | | |
|--|----|----|--|
| Fraud, corruption, or dishonesty allegations against INZ staff | No | No | Internal Investigations team, Risk and Assurance branch (in MBIE, not part of INZ) |
| Reporting on activity of third party individual or company | No | No | Verification and Compliance or other appropriate responding office |
| Immigration advisers | No | No | Immigration Advisers Authority (not part of INZ) |
| Visa Application Centres | No | No | VAC provider (VFS Global or TTServices) |

A.4. Primary channels for making a complaint or giving feedback

- A.4.1 The public can learn how to provide feedback by visiting the complaints webpage on the INZ website.² The page includes a link to an online feedback page (OFP).
- A.4.2 Customers and their representatives are encouraged to use the OFP, which is a direct channel to the CFT, and allows for efficiency gains as some fields on CFS in any particular instance will be pre-populated when the complaint reaches the team.
- A.4.3 Other primary channels are email, letter (posted to the CFT), and a downloadable complaint form.

A.5. Secondary feedback channels

- A.5.1 If a customer wishes to make a verbal complaint by phoning the Immigration Contact Centre (ICC) or an immigration officer or manager, they are not precluded from doing so, and in many cases that may be preferable if the customer believes it is a relatively minor issue they wish to raise and which may be resolved quickly (as a 'concern', see C.1.1). However, if it becomes clear the matter is more serious and the complainant wishes to have a formal response to their complaint, the contact centre, immigration officer or manager should normally direct them to one of the primary channels noted above.
- A.5.2 *Embedded complaints* - If a complaint is 'embedded' in a piece of correspondence where the primary purpose of the writer is other than to complain (e.g. a customer writing a letter in response to potentially prejudicial information put to them, or a letter asking for a visa to be granted under section 61 of the Immigration Act 2009 (the Act)), the immigration officer, manager or resolutions analyst should consult with CFT for the most appropriate action.

² <https://www.immigration.govt.nz/contact/complaints/complaint-about-inz>

B. Feedback channels and complaints management structure

B.1. Immigration New Zealand: internal structure and related institutions

B.1.1 Immigration New Zealand is divided into eight branches, as outlined in the table below. Because of the volume of decisions on individual cases, Border and Visa Operations (BVO) are the recipient of the vast majority of feedback and complaints.

| Branch | Offices of significance within the branch with respect to complaints |
|---|--|
| Strategy, Engagement and Education (SEE) | Treated as a standalone office for the purposes of the Process. |
| Border and Visa Operations (BVO) | Visa decision-making offices Border Privacy Team Section 61 Team Operations Support Health Assessment |
| Enablement (Enable) | Immigration Resolutions Operational Policy Information & Communication Technology Immigration Health Business Change |
| Verification and Compliance (VC) | Compliance Enforcement Investigations Prosecutions Risk and Verification |
| Refugee and Migrant Services (RMS) | Refugee Status Refugee Quota Refugee and Migrant Support Pacific Labour Mobility Civil Detention and Welfare |
| Operations, Tasking and Improvement (OTI) | Incident Response |
| Intelligence, Data and Insights (IDI) | Intelligence Identity Services Reporting |
| Assurance (Assurance) | Central Feedback Team Statutory Complaints Team |
| Market Services | ICC |

B.1.2 For the purposes of this guidance, it is also important to understand the distinction between the Immigration Policy team (responsible for developing overarching recommendations to Government on immigration *policy* and legislation) and the Operational Policy team (whose role in part is to prepare draft immigration

instructions for Ministerial certification which put into effect the *policy* settings set by Government). Operational Policy is part of INZ's Enablement branch, while Immigration Policy is part of the Labour and Immigration Policy branch in the Labour Science and Enterprise Group. They report to different Deputy Chief Executives within MBIE. Operational Policy deals with a relatively small number of complaints annually. Immigration Policy does not generally directly respond to *policy* complaints from the public, but does provide guidance to MBIE's Ministerial Service staff who advise the Minister on responses to this correspondence.

- B.1.3 The Minister of Immigration is responsible for the statutory functions of the Minister under the Immigration Act 2009. His or her main roles include proposing policy changes to Cabinet for agreement, and then putting forward any consequential legislative change, and similarly submitting regulations for approval, gazetting any necessary notices, certifying immigration instructions, and approving written immigration policy. He or she is formally responsible for matters relating to Vote Immigration. Under the Act the Minister has certain discretionary decision making powers that sit outside the day to day operation of the immigration system. The majority of these are exercised by the Associate Minister of Immigration or by certain senior Ministry decision makers with appropriate delegated authority. While the Minister has responsibility for the administration of the Act, the Chief Executive of the Ministry is responsible to the Minister for the performance of the functions and duties and exercise of powers under the Act. The Minister is therefore not directly responsible for the day to day operations of INZ. As such, complaints received at the Minister's office about INZ are normally transferred to the CFT for action as appropriate. The Minister will respond to complaints relating to immigration legislation or *policy* as described in the previous paragraph.
- B.1.4 MBIE's Integrity team in the Corporate, Governance and Information Group is responsible for investigating all allegations or incidents of fraud, corruption, or dishonesty against INZ staff.

B.2. Central Feedback Team (CFT)

- B.2.1 The CFT, through which all complaints are channelled in the first instance, sits within INZ's Assurance branch and has been created with the express purpose of managing all incoming complaints and feedback, in terms of their registration and categorisation on CFS. The CFT acts as a filter, for example by redirecting a complainant if the complaint cannot be addressed by INZ, or by determining that complaint cannot be accepted for a substantive response, e.g. where a complaint is a general statement or comment.
- B.2.2 It is not the CFT's role to engage with complainants or their representatives on the substance of their complaints. The CFT will, however, directly engage in the following situations:
- to acknowledge complaints which are received by email or post

- to advise where a matter has been re-directed or who else the complainant should contact (e.g. if it is not a complaint about INZ)
- to advise the complainant that their complaint will not be accepted into the process
- to address concerns raised about the team itself or the Process. Formal complaints about these issues are responded to by the Manager, Complaints or the General Manager, Assurance.

B.2.3 The CFT aims to engage with the complainant within three working days. The expected timeframe for the CFT to respond to formal complaints, however, will be the same as described in chapter D.

B.2.4 The CFT is also tasked with providing support and guidance for INZ staff in dealing with complaints, for quality assurance of some complaint responses, generating monthly reports to INZ senior management, conducting high level analysis of the complaint data, and for providing data to the Intelligence, Data and Insights branch for their analysis.

B.3. Target and responding office

B.3.1 Once the CFT has identified the target office (the office or team which is the subject of the feedback), the CFT then considers the appropriate responding office. In most cases, the target office will be the responding office, but from time to time, to ensure that the guidance at E2.14 and E4.2 is met, the target office will not be allocated as the responding office.

B.3.2 Once each complaint is received at the responding office from the CFT, it is the responsibility of the office's point person (or people) to ensure a complaint assessor and signing manager is assigned to manage the complaint. The complaint assessor normally drafts the response for a signing manager's signature, subject to any check by the quality checker in applicable cases. The signing manager is responsible for the quality and accuracy of the response.

B.4. Management responsibility

B.4.1 All managers are responsible for ensuring their staff are trained appropriately in dealing with complaints and for, in coordination with the CFT, fostering a culture where complaints are considered to be opportunities for learning rather than an add-on to business as usual.

B.4.2 All formal complaint responses must be considered and signed by a manager who is responsible for the quality and accuracy of that response. The minimum management level required in any particular complaint depends on the responding office to which the complaint is directed and the level of the complaint. The chart at E.3.1 provides general guidance in this regard.

B.4.3 Although the complaint assessor drafts the response, the signing manager of each complaint response is ultimately responsible for its accuracy and quality.

C. Types of complaints and other feedback

C.1. Concerns, complaints, compliments and suggestions

Concerns

- C.1.1 A 'concern' is a relatively minor matter which a complainant wishes to raise quickly without going through a formal process. The complainant may believe a readily fixable mistake was made by INZ, or wishes to express dissatisfaction about the service provided.
- C.1.2 Most concerns will be raised by a customer over the phone with the ICC or with an officer or manager with whom the customer or agent has an existing relationship. Staff are encouraged to be responsive to any such concerns and attempt to answer customer queries or address concerns as quickly as possible.
- C.1.3 If a concern is addressed quickly and easily and the customer seems satisfied, there is no need to pass the matter on to the CFT to raise as a formal complaint. A brief note of the interaction should be put on a customer's Application Management System (AMS) client notes (if the customer has an AMS record) (see IAC 17-01 for further guidance on entering AMS notes); however, there is no need to record the matter in CFS, though an informal register of these concerns can be kept at each responding office, if the responding office manager deems it appropriate or useful.
- C.1.4 If the concern cannot be addressed quickly³ or easily, the customer should be advised how to make a formal complaint, preferably via the OFP. Alternatively, if agreed to by the customer, the responding office manager may forward the complaint to the CFT.

Complaints

- C.1.5 A 'complaint' is "an expression of dissatisfaction or grievance made to or about INZ, related to our administrative processes, products and tools, staff or the handling of a complaint, that is formally raised and where a response or resolution is expected." This is taken to mean a formal response, apology, etc, i.e. something usually in writing.
- C.1.6 For the purposes of the Process, a 'complaint' is treated as a single entity (e.g. a letter from an immigration lawyer, or an online submission, etc), which may or may not have more than one 'ground'.
- C.1.7 Further guidance on directing certain types of complaints is found in the next sections of this chapter.

³ This does not necessarily mean that a complaint should be formally raised if the matter cannot be resolved in a few minutes. For example, if a customer points out that there is a broken link on the INZ website, it may take a few hours or days to resolve, but it is a relatively minor matter which is easily fixed and should normally not be logged as a complaint.

- C.1.8 Examples of how to tell when a concern crosses the threshold to become a complaint are provided in the Appendix 1.

Suggestions

- C.1.9 A customer may make a suggestion to INZ on how its systems or policy/procedures could be improved, without necessarily being concerned about an individual case. Normally suggestions would be about systemic issues the customer would like INZ to take action on.
- C.1.10 On the OFP, customers are given the option of being provided a response to their suggestion or not.

Compliments

- C.1.11 A compliment is only recorded on CFS if it received directly through the OFP. While emails, letters, or verbal expressions of appreciation can be received and acknowledged by a local office, compliments via these channels are not recorded on CFS. Customers who ask an INZ staff member how to compliment INZ can be pointed toward the OFP, but they should not feel forced to use that method if they prefer to simply write an email.

C.2. Service related feedback (staff, IT issues, systems/infrastructure)

- C.2.1 Customers can provide feedback about the services INZ provides. The issues can include comments about staff attitude, online services or application forms, that a proper process was not followed, and so on. Further details on how service complaints should be managed are in chapter E.
- C.2.2 Complaints about panel physicians can be sent to the CFT, who will log it as a normal complaint and forward the matter on to the Immigration Health Team for action as appropriate.

C.3. Non-Service related feedback (Immigration instructions, IACs, etc, other correspondence)

- C.3.1 Feedback about material published by INZ (such as immigration instructions, other content found in the Operational Manual, IACs or other guidance) will normally be referred to Operational Policy or Operations Support for assessment and (if applicable) response.
- C.3.2 Customers are welcome to provide suggestions about any other matter where they see INZ could improve, either locally or with respect to broader systemic view.
- C.3.3 Correspondence may also be received where the matter is more appropriately dealt with by other agencies, for example the police, Work and Income, etc. If an immigration office receives such correspondence and is unsure how to advise the

complainant, the office should seek advice from the CFT on how and where the matter could be referred.

D. General complaint processes and expected response times

D.1. Introduction

- D.1.1 Some general principles apply to the handling of all categories of complaint⁴ within the scope of the Process. For further details on how service complaints should be handled, please see chapter E of this guidance.

D.2. Initial triaging and assigning duties of the CFT

- D.2.1 Complainants and their representatives are encouraged to use the OFP on the INZ website. This is a direct channel to the CFT and automatically raises a CFS case number.
- D.2.2 Complainants can also email the CFT directly at INZComplaintsandFeedback@mbie.govt.nz or post a letter to the team at CFT, INZ Assurance, MBIE, PO Box 1473, Wellington 6140.
- D.2.3 If any INZ office or team receives a complaint email from a complainant and the matter cannot be handled as a 'concern', the email can be forwarded to the CFT with permission from the complainant, or their representative.
- D.2.4 Once the CFT reads the correspondence, the team consults (if appropriate) the complainant's AMS record to identify the person, and may contact the complainant if necessary to obtain further information or clarification.
- D.2.5 The next step for the team, based on the above information gathering, is to determine whether the complaint is in scope of the Process.
- D.2.6 If it is determined the matter is not in scope, the complainant is advised as such normally within three working days and is advised either where they can take the matter further, or to where the team has forwarded their correspondence. The CFT puts a record of this interaction into the complainant's AMS client notes.

⁴ For the purposes of this and the next chapter, a 'complaint' can also mean a suggestion where the person submitting it requests a response from INZ.

- D.2.7 If the matter purports to be a service complaint, the CFT determines whether the complainant is simply arguing about the merits of an INZ decision and not pointing to any specific process shortcoming or service issue. If this is the case, the complainant is advised that the complaint will not be accepted for an investigation. (See next chapter for more details.)
- D.2.8 If the matter is in scope, the CFT determines the level of the complaint (see E.3), which office of INZ should be responsible for responding to the complaint, and enters other pertinent data on the CFS. The CFT will also raise an AMS warning (including the CFS case number) so that the rest of INZ knows there is a complaint in progress. **(Important: unlike under the CCRP, no complaint ‘application’ is raised in AMS.)**
- D.2.9 Responding offices can contact the complainant to clarify the details of a complaint; there is also nothing preventing a quick resolution over the phone if appropriate, though if this takes place a follow up email or letter should be sent to the complainant so there is a paper trail of the resolution.
- D.2.10 *Embedded complaints* – As noted in A.5.2, when a complaint is embedded in a piece of correspondence (primarily for another purpose besides complaining, such as a letter to support an application, or an OIA or Privacy Act request), the CFT should be consulted on the most appropriate course of action regarding the complaint portion. If the decision is made that the complaint portion should be dealt with as a formal complaint, the CFT will create a new case in CFS and the complaint process will proceed in parallel with any other application or request process.

D.3. Expected response times

- D.3.1 Where the CFT needs to engage with the complainant directly at the initial stages of processing a complaint (see B.2.2 for details), the expected timeframe for such engagement is within three working days.
- D.3.2 Once the CFT assigns the matter to a responding office, complaints should be responded to as soon as possible. The timeliness standard for offices to provide a substantive response to the complainant is within 25 working days of the receipt of the matter at CFT.⁵
- D.3.3 If there is going to be a delay in the response, the complaint assessor should contact the complainant as soon as possible, and before the original 25 days expires, to advise them of this. Advice must be included as to when it is intended that a substantive response will be provided.

⁵ Note the 25 working days is for the first substantive response to the complaint; the 25 days does not include the time it may take for the customer to respond to an offer of a remedy or any other follow up correspondence.

D.4. Third party complaints

- D.4.1 Legal representatives, sponsors or others (e.g. family members or even casual observers) may complain on behalf of someone else. Care must be taken before disclosure of any personal or case information to these third parties is contemplated. For example, if the person who made the complaint does not have the authority to act on behalf of the complainant in question or legal responsibility for them it may not be appropriate to conduct an investigation. In these cases the CFT should send an acknowledgement and explain that the complaint cannot be investigated without written confirmation from the complainant that the third party may act for them with regard to the complaint.
- D.4.2 Authority to act on behalf of another person or organisation (for example a friend, family member, licensed immigration adviser or lawyer) is demonstrated by submitting a document to INZ authorising that person to communicate with INZ on their behalf about the complaint. This can be in the form of either: a completed INZ1160 Immigration Adviser Details form, or a signed statement which contains the representative's full name, contact details, and their relationship to the complainant. In both instances the complainant must identify that the authority to act relates to the complaint. Any other authority to act, for example one that related to a previous, finalised visa application, is not transferable without written confirmation from the complainant, unless the complaint relates to an application currently being assessed for which an authority to act for that application has been accepted. This process is intended to ensure that the complainant is aware that choosing to have someone act on their behalf allows that person to advocate on their behalf, and to access and discuss relevant personal information about them held by INZ, which may include information such as the person's medical records, immigration history, and so on.
- D.4.3 Where fraud, corruption, or dishonesty has been alleged against INZ staff, the case must be referred (regardless of whether or not the allegation is made by someone authorised to act) to the integrity team, within the MBIE Corporate, Governance and Information Group who can be contacted on Integrity@mbie.govt.nz.
- D.4.4 If in doubt about a privacy matter, the immigration manager of the Privacy team, or the technical specialist in Assurance who deals with complaints from the Office of the Privacy Commissioner, may be consulted.

E. Service or process related complaints

E.1. Introduction

- E.1.1 Service or process complaints are related to the way that INZ serves its customers, whether through its systems or its staff. Although historically most service complaints are about actions taken, particularly around a decision not to grant a visa (by BVO), or a compliance action (by VC), service complaints can also be about,

for example, unclear or incorrect guidance provided by any INZ staff member or publication, or inconveniences experienced online.

- E.1.2 That being said, this chapter is written with BVO and VC service issues primarily in mind.
- E.1.3 Service or process complaints can include those about:
- delay (e.g. in delivery of a service)
 - administrative error
 - poor communication (e.g. failure to keep customers informed, failure to answer correspondence, unclear emails or letters, etc)
 - provision of misleading, inadequate, or incorrect advice
 - incorrect information in a decision record⁶
 - lost documents
 - poor staff behaviour (e.g. rudeness, inattentiveness, being unhelpful)
 - infrastructure (e.g. uncomfortable waiting rooms, broken webpages, etc)
 - privacy breaches
 - unwarranted withholding of information (private or otherwise)
 - poor complaint handling (did not meet the standards outlined herein).

Please note that this is not an exhaustive list.

E.2. Deciding whether to accept a complaint for investigation

Service/Process vs. Merits

- E.2.1 One of the main purposes of the Process is to ensure INZ is providing professional services to its customers. It is not a forum to argue the merits of an INZ decision. As such, the CFT should only accept, for investigation, complaints related to the service INZ provides, or where there has been a poor process followed.
- E.2.2 The CFT should not accept complaints where the customer seeks to have an application decision overturned and where they have (or have had) a legal right of reconsideration or appeal,⁷.
- E.2.3 A complaint may raise issues relating to the decision making aspects of an INZ decision, that is, the “merits” of a decision. Examples include:
- the complainant says that irrelevant factors were taken into account, or that relevant factors were ignored
 - the complainant argues about the extent of weight put on one or more factors

⁶ This may also be a privacy matter - Principle 7 of the Privacy Act 2020 relating to correcting personal information may apply.

⁷ This is to encourage potential complainants to exercise their right of appeal in line with Parliament’s intent. The CFT will accept for investigation any matters raised which would not have had an impact on the decision outcome.

- the complainant submits the decision was not fair given his or her circumstances (e.g. their family connections in New Zealand)
- the complainant or agent says that immigration instructions were misinterpreted by the deciding officer.

- E.2.4 If a complaint raises merits issues **only**, and does not include any service or process related grounds, the complaint should not be accepted for investigation.
- E.2.5 While it could be argued that a visa or other decision affecting one’s immigration status is a “service” matter, INZ’s position is that looking at the merits of a decision is equivalent to a review or appeal of the decision. Parliament, in passing the Immigration Act, stipulated that certain types of applications do have a right of review or appeal attached to them, while others (such as a temporary visa application lodged offshore) do not.⁸ Therefore, including a merits review of INZ decisions in the Process would be at cross purposes with what Parliament intended and may create an avenue of appeal or review when one does not exist under the legislation or an alternative/duplicate right of appeal/review in other instances.
- E.2.6 Merits-only complaints, however, must still be logged and categorised in CFS by the CFT, primarily so that INZ can identify any trends or lessons from the data which may help to improve INZ’s decision making.
- E.2.7 If a complaint raises a mixture of service/process and merits issues, the complaint should be accepted by the CFT (with the caveat described at E.2.2) and sent to the local office to deal with the service/process issues only.
- E.2.8 *Example 1:* An immigration officer assessing a visitor visa application was provided with and sighted pay slips which showed a consistent employment income, but then recorded that the applicant had provided no proof of his income. This would be an error in the process the immigration officer is supposed to follow (recording information provided), and so a complaint which submits this incident occurred should be accepted as a complaint and investigated.
- E.2.9 *Example 2:* The same as above, except that the officer correctly records all of the evidence and information provided by the applicant, weighs up the factors which are part of assessing whether someone will be a bone fide visitor, and declines the application on bona fide grounds. A complainant may argue that the officer put too much weight on one of those factors and not enough on another. A complaint about the mental reasoning of the officer is not (for the purposes of this Process) about a service issue and the complaint (presuming no service or process issues are also raised) should not be accepted for investigation and the CFT would need to advise the complainant accordingly.

⁸ See, for example, section 186 of the Act.

- E.2.10 *Example 3:* During a work visa application based on a partnership, INZ interviews the couple separately and declines the application in part on the basis of perceived discrepancies between their answers during the interview. Following the decline decision, the applicant complains that neither the letter which put INZ's concerns to the applicant⁹, nor the final decline letter, articulated its concerns about the discrepancies in sufficient detail. The complainant submits that the couple were therefore unsure how best to respond to the PPI letter. This complaint would be accepted for investigation as it has to do with alleged poor communication, a matter of process.
- E.2.11 *Example 4:* A similar situation to example 3, except that this time, the PPI and decline letters do go into sufficient detail about the discrepancies in the respective interviews. However, the applicant or his/her agent complains that the immigration officer made unwarranted inferences from the interviews, coming to the conclusion that the couple were not in a genuine relationship and so declined the application. Such a complaint would not be accepted for investigation because it goes to mental reasoning of the officer.

Out of time complaints

- E.2.12 Complaints about service delivery must be made within six months of the date when the incident complained about happened.¹⁰ INZ will, however, investigate an out of time complaint (subject to any other reason not to accept it) where there are, in INZ's view, extenuating circumstances. The CFT's decision on whether to accept an out of time complaint in any particular case will be final.

Customer not satisfied with complaint response

- E.2.13 If a complainant is not satisfied with a complaint response they can submit a further complaint, though it will not automatically be accepted for investigation. The CFT only does so if it agrees the first response was not adequate. If a complaint is accepted on these grounds, the CFT shares its views with the responding office about the first response and provides guidance (and offer oversight if thought necessary) on how the second response should be approached.
- E.2.14 In this situation, the complaint assessor and signing manager who dealt with the first response must not be involved in preparing the second response.

Other reasons a complaint may not be accepted for investigation

- E.2.15 Reasons a complaint may not be accepted also include:
- if there is no authority to act
 - when the CFT cannot identify the complainant

⁹ Known as a PPI (potentially prejudicial information) letter.

¹⁰ Complaints about staff fraud, corruption, or dishonesty are not time bound as described in this Process and should follow the process as outlined in chapter G.

- if the matter is only a concern or query
- where the matter should be redirected to another agency
- if the complaint is not written in or translated to English.

Administering an unaccepted complaint

E.2.16 If a complaint is not accepted for any of the reasons described in this section, the CFT will advise the complainant usually within three working days. The matter is, however, logged on CFS and categorised as normal.

E.3. Level of complaint

E.3.1 Once the CFT accepts a complaint into the Process, the team assigns a level to it in accordance with the following criteria:

| Level | Type of complaint | Signed by | Quality Assurance (see E.5) |
|--------|---|---|---|
| Low | <ul style="list-style-type: none"> • Unresolved concern • Regarding a single office • Straightforward grounds | Immigration manager, team leader, Compliance or Investigations manager, Border manager | Office conducts regular random second person quality checks (pre response) Regular random quality assurance by CFT (post response) |
| Medium | <ul style="list-style-type: none"> • Not satisfied at the low level¹¹ • Complex grounds of complaint | Visa operations manager, practice lead, branch manager, Compliance/ Investigations National manager | Office conducts regular random second person quality checks (pre response) Regular random quality assurance by CFT (post response) |
| High | <ul style="list-style-type: none"> • Legal review required • Unreasonable complainant conduct • Potentially significant negative impact on complainant, INZ, or New Zealand's reputation | Head of Operations, National Manager, General Manager, DCE – Immigration, or CE – MBIE. | Checked by Manager, Complaints and/or General Manager Assurance (pre response) |

¹¹ This presupposes that the CFT has determined that the low level response did not sufficiently address the complainant's concerns. See E2.13 for further details.

- E.3.2 The level and office assigned the matter need to be entered into CFS by the CFT.

E.4. Assessing the complaint and drafting a response

- E.4.1 The responding office should act as quickly as possible to resolve a complaint. Resolving minor issues promptly benefits the complainant, the officer (if applicable) against whom the complaint was made, as well as INZ in general.
- E.4.2 Neither the complaint assessor nor signing manager at the responding office for any particular complaint should have been involved in the incident which led to the complaint. The CFT may allocate complaints to another office if required.
- E.4.3 If the complaint lacks specific details, a telephone conversation with the complainant may help to clarify issues and lead to faster resolution and a more succinct targeted response.
- E.4.4 Local resolution should be proportionate to the complaint. Complaint assessors and/or signing managers will (where possible) need to talk with the staff member the complaint was about, and should be pragmatic and recognise that in many cases the issue might be a matter of perception or feeling.
- E.4.5 For example, an officer may feel they have acted in an appropriately assertive manner when speaking to a complainant. The complainant may feel that the officer's tone was rude or aggressive. There is no objective way to prove or judge the officer's tone of voice and so the complainant's feelings must be accepted as valid. It would be appropriate for an apology to be given to the complainant for any unintentional offence caused by the officer, even if the officer believes they were not rude and states they did not intend to be.
- E.4.6 Where the complaint is resolved verbally, notes of all contact with the complainant and actions taken should be entered into CFS. A brief letter confirming the main points of the conversation should also be sent to the complainant and saved in CFS.
- E.4.7 If a more formal approach to the matter is needed, the complaint assessor should make an initial assessment within five working days of receiving the complaint. They should review the relevant AMS, EOI or other electronic files and, if reasonable and as far as possible, retrieve relevant historical physical files. The fact that retrieval of files can take time is one reason an initial assessment should be done as soon as possible; the primary reason is it is good customer service.
- E.4.8 The complaint assessor will normally need to discuss the complaint with the staff member involved in the original decision and their line manager, for any further information and to obtain their viewpoint of the situation.
- E.4.9 The complaint assessor should at all stages endeavour to recover a positive view of INZ by turning a negative, or potentially negative, experience into a positive one.

This is done by quick acknowledgement and (if possible) swift resolution of the issue. Where a swift resolution is not possible, a thorough, reasonable investigation with a fair outcome should be the aim.

E.4.10 Other ways in which staff may manage a complaint to achieve a positive experience are:

- being non-defensive—recognising and acknowledging a complainant’s concerns
- being prepared to apologise to a complainant for the impact the issue has had on them
- keeping a complainant well-informed about the progress of their complaint
- keeping your word, while not over-promising
- not taking a complainant’s anger or frustration personally
- escalating a decision quickly if you do not have authority to decide an issue
- thinking of a complaint as a learning opportunity for yourself and INZ, and as part of INZ’s core business, rather than a chore distracting you from other work.

E.4.11 The complaint assessor, quality checker (when applicable, see E.6), and the signing manager must remain impartial, resisting the temptation to automatically jump to the defence of INZ colleagues.

E.4.12 The complaint assessor may consider the following, depending on the circumstances of the issues at hand:

- have there been instances of misunderstanding between the complainant and INZ?
- does the complaint reveal a current complainant misunderstanding about, for example, their immigration history or status, and may that be contributing to the complaint?
- has INZ been clear, unambiguous, and accurate in its correspondence with the complainant (for example, in the context of a visa application)?
- have there been previous information requests by the complainant or their representative; how much do they currently know about their application and immigration history?

E.4.13 For the purposes of this Process, only the core service or process issues need to be addressed in the response; INZ is under no obligation to engage in any merits issues raised in the complaint letter as part of any substantive response.

E.4.14 Each piece of correspondence regarding a complaint, both internal and external, needs to be placed on CFS, if not catered for automatically by CFS in any particular instance.

- E.4.15 If the complaint is going to take more than 25 days to respond to, complainants must be advised of this as soon as possible and before the original 25 days expires. Any such extension must be approved by the signing manager, and the manager's approval must be recorded in CFS.
- E.4.16 If, during the investigation, the responding office discovers processing errors or other issues which were not raised by the complainant, the office should:
- consult with CFT to determine whether to enter an "INZ-raised ground" in CFS, and if yes:
 - acknowledge the issue(s) in the response letter and if appropriate offer an apology
 - if the issue(s) may have led to a different outcome of a previous INZ decision, consider what if any remedy might be appropriate, e.g. the invitation of a new application with a fee waiver.
- E.4.17 If new information is provided by the complainant in support of a reversal of a prior INZ decision, this should not be engaged with. The complainant should be advised to provide the information with their next application. This general principle does not preclude INZ staff or managers from intervening when an obvious error has occurred, or reconsider a decision (if possible) (e.g. not to cancel a deportation order) if the new information is especially compelling.
- E.4.18 Some principles for drafting a response include:
- use clear simple English and avoid as much as possible technical language or INZ jargon. On the other hand, avoid overly informal language.
 - focus the response on the central points of the complaint. You do not need to address every single item raised in the complaint letter, particularly if the letter is more than several pages in length.
 - be concise and avoid extraneous comment e.g about why the complainant did not and does not qualify for a visa. The complaints process is about addressing the service matters raised; it is not a forum for re-litigating any INZ decision. Extraneous writing in response letters may only invite a further complaint.
 - consider carefully what an appropriate remedy might be, if any part of the complaint is upheld. (See next section.) Sometimes it may not be sufficient to only apologise.
- E.4.19 The response should advise the complainant of any next steps if they wish to take the matter further.
- E.4.20 The outcome of each of the grounds raised by the customer or INZ must be recorded in CFS. CFS also prompts the complaint assessor to record whether a remedy was offered and (if so) why.

E.5. Remedies

- E.5.1 Where INZ's service has been found, as the outcome of a complaint or in other instances, to be wanting, INZ should consider what remedy would be appropriate. It may be an apology, an undertaking to fix a systemic issue which was uncovered, a fee waiver for any new application the person may wish to make, or a combination of the above.
- E.5.2 Apologies should be provided in all instances where a complaint, or any ground of a complaint, has been upheld. INZ must own its mistakes.
- E.5.3 Complaint responses in such circumstances should also acknowledge any claimed inconvenience or distress INZ's poor service has caused.
- E.5.4 If a prior immigration decision might have been affected by the poor service, then efforts should be made to revisit that decision, but such an action must occur within the legal framework of the Immigration Act and immigration instructions.
- E.5.5 In the event a visa application was affected, one remedy might be to invite a further application and offer a fee waiver (not considered a 'financial remedy' for the purposes of this policy). Fee waivers can be made by appropriately delegated immigration officers and managers.
- E.5.6 Refunds, in the strict technical sense of the word, are authorised as a matter of course by the Immigration Act and immigration instructions in very rare circumstances.¹²
- E.5.7 Non-obligatory refunds can be made via a special direction under section 395 of the Act, by an appropriately delegated immigration officer.¹³ As it is a special direction power, the decision will be one of absolute discretion, which means any request for a special direction to provide a refund does not have to be considered, and if it is considered reasons do not legally need to be provided to the customer for the decision to grant or not grant a refund.
- E.5.8 INZ may initiate consideration of a refund grant when, "errors on the part of INZ in the delivery of service have resulted in the customer being unfairly disadvantaged and a fee refund is an appropriate way to mitigate that disadvantage." See Internal Administration Circular (IAC) 15-04. Other circumstances as to when a refund may be

¹² See section 24 of the Act and regulation 22 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010.

¹³ Currently a Schedule 2 officer (immigration manager or above) – refer to the Instrument of Ministerial Delegation replicated at A15.5 of the *Immigration New Zealand Operational Manual*.

appropriate, and detailed administrative instructions on how refunds are processed are outlined in the IAC.

E.6. Quality checking and managerial signoff of service complaint responses

- E.6.1 There should be regular random second person checks, in at least 10% of each office's caseload, of draft responses for low and medium level service complaints within the local office, and all high level complaints must be second person checked by the Manager, Complaints or General Manager, Assurance. These checks are to occur before a response is sent. (The quality checker should not only review the response, but also ensure the CFS record is complete and accurate; for example, has the outcome of each ground been recorded, has the remedy field been completed even if there is no remedy).
- E.6.2 At the stage a case is assigned to a local office, the CFT flags in CFS whether it is subject to a 'mandatory' quality check (i.e. whether it is one of the 10%). However, if the case is not subject to a mandatory check, there is nothing preventing a signing manager from asking for a voluntary check. The CFS allows for the signing manager to so indicate.
- E.6.3 For randomly selected low and medium level complaints, the CFT checks that the response follows the template (see Appendix 2) as closely as possible and is in line with the general principles outlined above in section E.4. The CFT will also conduct a substantive review of the complaint issues, and check that the response letter is reasonable in the circumstances. These checks are to be done at regular intervals for responses already sent.
- E.6.4 It is open to the responding office to ask the CFT for assistance in regards to complaint responses on any particular case, even for low level complaints.
- E.6.5 The signing manager (and quality checker, if a second person check is undertaken) should judge the letter against grammar and spelling standards and the principles outlined above; in addition, the reviewer should, particularly if an INZ decision was potentially impacted, study the original decision and confirm the accuracy and reasonableness of the response in the circumstances. If further work is needed, it should be returned to the drafter for action.
- E.6.6 In applicable cases, the quality checker must record in CFS that the quality stage has been completed, only when any revision work has taken place to his or her satisfaction.
- E.6.7 The signing manager should sign the response only if satisfied it appropriately addresses the key issues of the complaint.
- E.6.8 Once the signing manager sends the response, it must be saved into CFS.

E.7. Final administrative steps post-response

- E.7.1 For the purposes of this Process, a complaint is considered “closed” when INZ’s response is sent to the complainant. On CFS, the case is closed by clicking ‘Finish’ and then ‘Resolve.’ This formally ‘deactivates’ the case in CFS.
- E.7.2 A copy of the response must be placed into the AMS information warning which had been created by the CFT.
- E.7.3 If a resolution is reached which affects the complainant’s immigration status or next application, the responding office must also enter clear notes to this effect in the warning. If there is no such impact on the complainant’s status or next application, the information warning should be deleted.
- E.7.4 Any negotiation of a resolution post-response should take place between the responding office and the complainant (or their representative). The CFT should not be involved, though it can be contacted for advice. Notes and/or correspondence relating to the resolution can and should be entered into the CFS complaint record, even though the case has been ‘deactivated’ for administrative purposes.

E.8. Withdrawn complaints

- E.8.1 If a complainant decides to withdraw their complaint efforts should be made to establish the reason for withdrawal. The fact that a complaint is withdrawn does not necessarily mean that there is no issue to address. If the complaint raises serious issues, consideration should be given to continuing an investigation into the complaint in the usual way. In either event, the CFS record of the complaint should not be deleted. Any requests to withdraw a complaint should be forwarded to the CFT to administer.

E.9. Follow up correspondence

- E.9.1 Aside from negotiating any remedy, the complainant may reply to the formal complaint response by either:
 - a) acknowledging it and thanking INZ for its consideration
 - b) asking a question to clarify an issue or issues referred to in the response
 - c) continuing to argue or complain regarding one or more of the issues
 - d) introducing new issues of complaint, or
 - e) doing a combination of the above.
- E.9.2 In the event of (a), the correspondence can be simply entered into CFS and no INZ reply is necessary, though the responding office can do so at its discretion.
- E.9.3 In the event of (b), the complaint assessor or signing manager of the responding office should normally respond quickly to any such query, especially if it is a relatively simple question. Again, the correspondence should be entered into CFS.

- E.9.4 In the event of (c) or (d), the matter should immediately be referred to the CFT, with permission from the complainant, the CFT will take action as appropriate. This may or may not include raising a new complaint in CFS.

E.10. Complaints when a person is unlawfully in New Zealand

- E.10.1 A person who is unlawfully in New Zealand is under an obligation to depart New Zealand. The deportation process is not automatically suspended by a complaint.
- E.10.2 However, unless a person is in immigration custody pending deportation, it is an accepted non-binding practice that any planned deportation action is suspended until such time a matter of complaint is resolved. Deportation can continue, however, where circumstances exist to justify continuation (e.g. high risk individual, serious criminal offender, national security threat) even though the complaint has yet to be resolved. The decision to proceed in such circumstances must be made by a 4th tier or higher tier manager in VC. In the event of a high level complaint, the manager should consult with the Manager, Complaints or General Manager, Assurance before making the decision to proceed.
- E.10.3 If the individual is not in custody and VC identifies an AMS warning showing the existence of a complaint, the VC staff member should contact the responding office to advise of VC's interest in the complainant.

E.11. Supporting staff involved in complaints

- E.11.1 Where a complaint involves a staff member, the complaint assessor must give the involved staff member a reasonable opportunity to respond to any aspect of the complaint that specifically relates to them.
- E.11.2 The immediate manager of any staff member involved in a complaint shall ensure the involved staff member is appropriately supported and has access to the employee assistance programme, and is not inappropriately or unreasonably disadvantaged during the investigation of the complaint.

E.12. Responding office storage of complaints

- E.12.1 Given that all complaint correspondence will be held in CFS, there will normally be no need to keep paper records of a given complaint on a long term basis, though naturally a temporary paper file can be created if this assists the complaint assessor.

E.13. Reporting and analysis

- E.13.1 Complaints may indicate areas where INZ can 'learn lessons' and make improvements. This may be through the nature of individual complaints, the volume of complaints being received, or an increase in the number of complaints being received in a particular area or about a particular issue.
- E.13.2 As such, complaint data is included in regular reporting to senior management.

F. Unreasonable complainant conduct (UCC)

F.1. Definition and principles

- F.1.1 Unreasonable complainant conduct (UCC) is defined by the Office of the Ombudsman as “behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint”.
- F.1.2 UCC can entail frequent, frivolous or vexatious complaints, which may hinder effective and efficient consideration of not only of the complainant’s complaint, but also other people’s complaints.
- F.1.3 More serious UCC includes behaviour that is threatening, abusive or offensive. INZ does not expect staff to tolerate this behaviour from complainants. This principle extends to written as well as verbal communications.
- F.1.4 Effective UCC management ensures, according to the Ombudsman’s guidance, that:
- those of us who are not mental health professionals, counsellors or social workers are able to confidently manage UCC without being experts in psychoanalysis or behavioural psychology
 - we can take a more focused approach to dealing with UCC by responding directly to the things and behaviours we observe, rather than the things we assume or suspect
 - a complainant’s behaviour does not negatively affect their complaint (if valid) or the level of attention that we give to it
 - we manage UCC and its impacts in ways that are transparent, reasonable and fair.

F.2. Process to deal with UCC

- F.2.1 When a complainant’s behaviour is considered unacceptable they will be told why their behaviour is unacceptable and they will be asked to change it. If the unacceptable behaviour continues action will be taken to restrict the complainant’s contact with the business.
- F.2.2 Where behaviour is so extreme that it appears to threaten the immediate safety and welfare of staff, the appropriate reporting of this matter will be undertaken as a health and safety, and potentially a security, matter. Consideration will be given to other options, which may include, for example, reporting the matter to the police or taking legal action. In such cases prior warning of that action will be given to the complainant.
- F.2.3 Correspondence that includes profanities or offensive language may be blocked, quarantined and/or automatically deleted. In these cases, the complainant will not receive acknowledgement from the CFT.

- F.2.4 A decision to restrict access to INZ is taken by the National Manager (NM) or General Manager (GM) working in the particular area of the business with which the complainant has been in contact. Any restrictions imposed should be appropriate and proportionate to the circumstances.
- F.2.5 The options to be considered will be:
- requiring contact in a particular form (e.g. letters, emails)
 - requiring contact to take place with a named officer only
 - restricting telephone calls to specified days and times
 - asking the complainant to enter into an agreement about their conduct and/or future contacts with INZ.
- F.2.6 In all cases it will be explained to the complainant in writing by the NM or GM why their behaviour is considered unacceptable, what action will be taken, and the duration of that action.
- F.2.7 Where a complainant continues to behave in a way which is unacceptable, it may be decided to terminate contact with that complainant and (if applicable) discontinue any investigation into any pending or future complaints. The complainant is to be informed of this decision in writing.
- F.2.8 Any correspondence from the complainant following such a decision can simply be logged by the CFT with no acknowledgement, though the CFT should still read the correspondence. The CFT, in such circumstances, has the residual discretion to raise the possibility of opening and investigating a new complaint, and/or restoring contact with the complainant, with the NM or GM if the correspondence includes significantly new information.

F.3. Adviser and lawyer complainants

- F.3.1 The principles above also applies to immigration advisers and lawyers who behave inappropriately, or who (in the view of INZ) continually and deliberately raise unfounded service and process issues in cynical efforts to have the merits of INZ's decisions reviewed.
- F.3.2 In the event an adviser or lawyer comes under contact restrictions and this has an impact on their clients' ability to complain, they will be asked to advise their clients to either approach INZ directly or to engage another agent.

G. Allegations about staff fraud, etc

- G.1.1 MBIE's Integrity team (part of the Corporate Governance and Information Group) is responsible for investigating allegations or incidents of fraud, corruption, or dishonesty involving MBIE staff in line with MBIE's Addressing Fraud, Corruption and Dishonesty (AFCD) Policy and Procedure.

- G.1.2 The following definitions apply:
- **Fraud** - Deliberate action intended to gain improper advantage for the staff member.
 - **Corruption** - Dishonest activity in which staff abuse/misuses his or her position of power, authority or trust, in order to achieve some personal gain or advantage for him or herself or for another person or entity.
 - **Dishonesty** - Dishonest behaviour, deceit, or acting without authority in their role and acting contrary to the interests of MBIE, and includes fraud and corruption as defined above.
- G.1.3 Allegations made by members of the public may be made at any time through the OFP, directly to any INZ office, or by email to integrity@mbie.govt.nz.
- G.1.4 Any frontline INZ staff member who is approached by a member of the public wishing to make a complaint along these lines can either advise the complainant to submit an allegation via the OFP or relay the complainant's allegation to the CFT.
- G.1.5 The CFT will liaise with the Integrity team to confirm if the matter reaches the threshold to begin an investigation. If it does not, it will be referred back to CFT by the Integrity team to deal with it as a normal service complaint. If it does meet the threshold the Integrity team will conduct the investigation in accordance with the AFCD Policy and Procedure.
- G.1.6 If Integrity team finds wrongdoing by an INZ staff member which may have affected the complainant's immigration status, INZ will consider offering an appropriate remedy.

Appendix 1 – Concern vs. Complaint

| Concern | Complaint |
|--|--|
| <p>Customer complains to an officer at the counter about the waiting room being cold, the seats being uncomfortable, or the long wait. Officer offers a verbal apology and customer accepts. [Even if it is only grudging acceptance, the matter does not need to be escalated as a complaint.]</p> | <p>Same customer does not accept apology and asks to speak to manager. Officer says manager not available. Customer still not happy. [Officer should guide the customer to the OFP if customer does not let matter go.]</p> |
| <p>Customer rings ICC about a broken webpage; ICC promises to look into it; problem fixed within an hour.</p> | <p>Same customer claims he has missed a deadline or incurred a financial loss because of broken webpage. Wants a formal apology or compensation.</p> |
| <p>Customer writes an email soon after a decline decision, asking how INZ could say there was not enough evidence of his income when he provided a number of bank statements. [There would be an element of complaint here, but he is essentially asking a question, not ‘complaining’ as such; the officer/manager should simply answer the question with no need to raise as a complaint.]</p> | <p>Same customer, upon getting a response, is not satisfied with the answer and (for example) says that INZ should have provided him with more detail up front about what was required, OR maintains what he provided was sufficient, OR claims the decision was unfair, etc. [Customer should be referred to OFP, though this does not mean CFT will necessarily accept it into the Process.]</p> |
| <p>During a visa application process, customer continually emails case officer asking for an update on the application, which on the face of it is not urgent.</p> | <p>Same customer, in (for example) the 4th or 5th such email, asks, “I don’t see why it’s taking so long” [Officer can answer the question, but should also provide advice to customer that they can use the online feedback page to make a formal complaint, or that the email can be forwarded to CFT.]</p> |

Appendix 2 - General template for a complaint response

(Note this is primarily for BVO or VC complaints)

Dear <Name>,

Regarding: <Name> - <CFS number>

I am writing in response to your feedback which was sent by [email/post/online feedback page] and received by Immigration New Zealand (INZ) on <Date>. Your feedback has been referred to me as [e.g. Immigration Manager of xx Office] and, having reviewed your correspondence and the file concerned, I am now in a position to respond on behalf of INZ.

I understand the principal grounds of your complaint to be the following:

1. Describe Ground 1
2. Describe Ground 2
3. Describe Ground 3
4. Continue to insert Grounds until all are listed

Request for reconsideration [delete if not applicable]

I also note that you have requested a review of the decision INZ made on [date], with respect to your [application/request for a cancellation of your deportation liability, etc], and [if applicable] you have requested a [visitor/work/student/resident] visa.

INZ's response to service or process related grounds

I have identified grounds [X and X] of your complaint as service or process related grounds. I will respond to each in the order raised.

[Discuss your findings here. You are obligated only to deal with service or process related complaints; for example, if only grounds 2 and 3 are service/process related, then you may start with ground 2; you don't need to repeat the ground below]

Ground X: [Your response]

Ground X: [Your response]

Continue to insert Grounds until all are listed

[For any service or process related failings an apology should be made at a minimum. If any of these failings, if corrected, could also have led to a different decision outcome in the original matter, then a remedy can be considered...see 'Remedy' section below]

INZ's response to merits related grounds [delete if not applicable]

Complaints are considered 'merits-based' where a specific system or process issue or shortcoming is not identified - for example, claiming that an individual visa decision was 'unfair' or that the weighing and balancing of factors in an individual visa decision was flawed. I have identified ground X as a merit related ground of your complaint.

[You are under no obligation to consider these. However, if during your review something stands out as having gone wrong, you are free to offer a remedy if one is legally available and it is appropriate (keeping in mind that the Act provides for appeal, review and reconsideration rights in some cases and explicitly does not provide them in other instances). If you do so, discuss your findings here and respond to each ground in the order raised. You should not discuss merit related issues in this response if you find nothing apparently wrong with INZ's decision.]

[If you choose not to review merits]

Please note the purpose of INZ's complaints and feedback process does not include addressing merits related grounds of a complaint. I will therefore not be responding to you regarding **[this matter/these matters]**.

Other findings **[delete if not applicable]**

[If your office's investigation has found anything else related to this person's case where there have been errors or shortcomings, discuss here. Ensure an INZ raised ground, or more if there is more than one, has been entered into the Complaint and Feedback System (CFS). If nothing has been found, delete the heading and move on to the next applicable section.]

Remedy **[delete if not applicable]**

Having found INZ, I am prepared to offer.....

Other matters **[if, for example, the person has also requested a visa]** **[delete if not applicable]**

[if offshore or here lawfully and asking for a visa]

With respect to your request for a visa, you may lodge another application with INZ. You are welcome to submit any additional information with that application which you believe supports the grant of a visa to you. Any further visa application will be assessed against immigration instructions current at the time the application is lodged and therefore no guarantee of the outcome can be given.

[if onshore unlawfully]

I note that you are in New Zealand unlawfully. You should therefore depart New Zealand. Please note as well that the longer you remain in New Zealand unlawfully, the greater you risk deportation and a period of prohibition from re-entering New Zealand.

[Here answer any other queries the customer has made]

Thank you for writing and raising these issues with INZ. **[If applicable]** **[I trust that you will find our proposed remedy an acceptable resolution to your complaint.]** If you have any further enquiries please do not hesitate to contact me at **[email and/or phone]**.

Yours sincerely,

[Signing Manager]
[Job title]