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**WORKFORCE (IMMIGRATION NEW ZEALAND)  
INTERNAL ADMINISTRATION CIRCULAR (IAC) NO: 11/01**

To:	Immigration New Zealand, all Managers	Date: 28 January 2011
	Immigration New Zealand, all Staff	
	MFAT Posts	

**INTERIM VISA PROCESSING: IMMIGRATION ACT 2009**

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

**Part A – Introduction**

1. The purpose of this IAC is to give guidance to staff and managers on the processing of interim visas. It includes the following sections:

**Part A – Introduction**

- Background
- Who is not eligible for an interim visa

**Part B – Processing interim visas**

- Automatic and manual assessments
- Receiving interim visa assessments
- Allocating interim visa assessments
- Rights of clients being assessed
- Manual assessments
- Recording a decision
- Correspondence about interim visa decisions
- Deciding temporary visa applications before interim visa assessments

**Part C – Completing address data in AMS**

- Correcting incomplete addresses in AMS

**Background**

2. The Immigration Act 2009 establishes an interim visa system. Interim visas allow clients to remain in New Zealand lawfully while they have an application being considered by Immigration New Zealand. They are granted by electronic means. No visa label is placed in a client's passport when an interim visa is granted. In order to be eligible for an interim visa, a client must:

- a. be in New Zealand;

- b. hold a valid temporary visa; and
  - c. have applied for a further temporary visa.
3. Interim visas will be limited to applicants for further temporary visas, as outlined in section I of the Temporary Entry Instructions.
  4. An interim visa will be granted for six months, but will expire automatically once a client's substantive temporary visa application is decided – whether it is approved, declined or withdrawn. This means an interim visa will be valid for **less than** six months if the substantive temporary visa application is decided before the interim visa is due to expire. The conditions of an interim visa are based on what visa the client currently holds and what they are applying for (see Temporary Entry Instructions section I, or the table in Appendix 1 below).

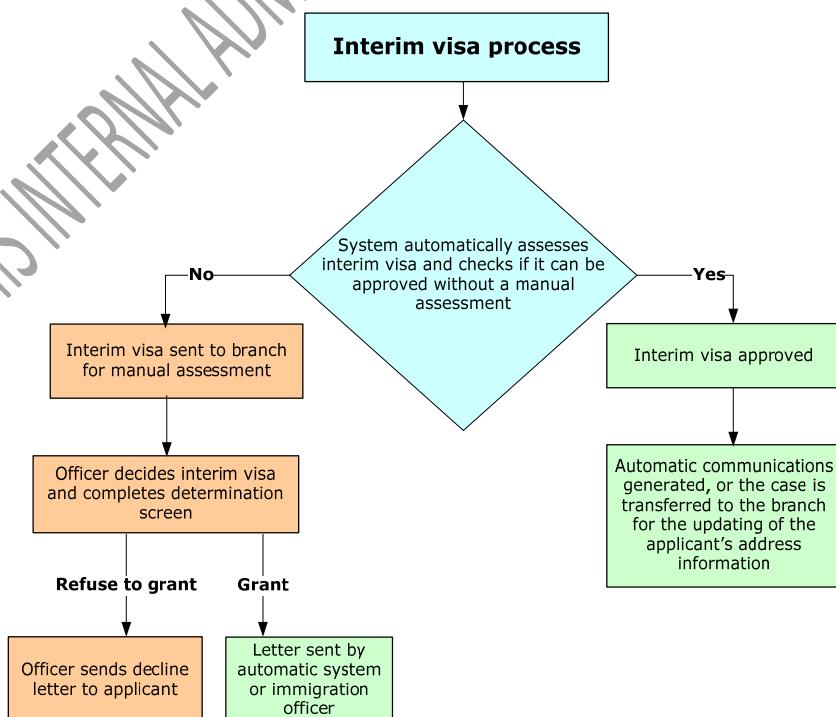
### **Who is not eligible for an interim visa**

5. Certain types of applicants are ineligible for an interim visa. People holding or applying for limited visas, transit visas and group transit visas are not eligible because these visa types are not considered to be temporary visas under the Immigration Act 2009. People who are unlawfully in New Zealand making section 61 requests are also not eligible. Those applying for variations of conditions will not be assessed for an interim visa, although a variation of conditions application itself will not make a person ineligible.

## **Part B – Processes for interim visa assessments**

### **Automatic and manual assessments**

6. Interim visas can be considered for clients who hold a visa that expires shortly and have lodged an application for a temporary visa. In cases that qualify for assessment, the system automatically raises an interim visa assessment case for the client. Most interim visas are approved by an automatic assessment system that runs each night, with a small number of clients flagged for a manual assessment.



## Receiving interim visa assessments

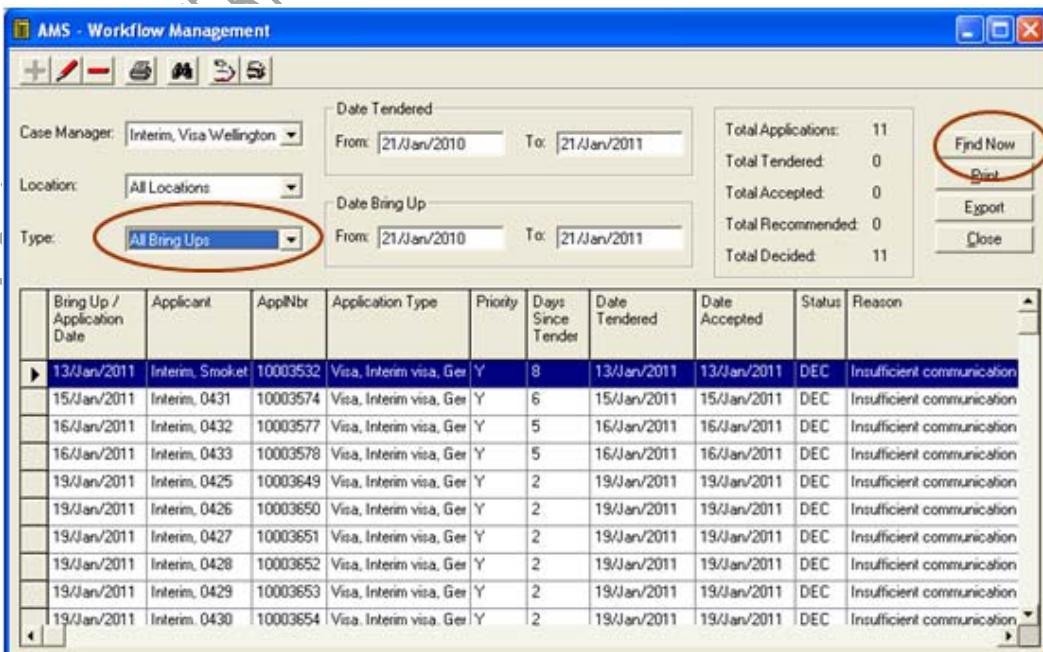
7. Interim visa assessments are allocated to the onshore branch that holds a client's substantive visa application. At each branch, allocations will appear under a case manager named "Interim, visa [branch]" on the workflow management tool in AMS.  There are two processes that may be required for interim visas.

- Manual assessments* - some interim visas will require a full manual assessment. These will appear on the default workflow management page for the interim visa case manager where the "type" is set to "all cases". These cases will have an "accepted" status on the workflow management tool with the reason for the manual assessment referral also detailed. The process for this is outlined in the "Manual Assessments" section below.
- Address updates* - in other cases, staff will need to update a client's address information in AMS. This will occur when clients do not have any address recorded. These cases will have a "decided" status and the reason for the referral to the branch will state "Insufficient communication data". Staff will need to update the address information for these clients, but will not need to manually assess the interim visa case. The process for this is outlined in Part C below.

These cases will appear as bring ups. To process them, staff will need to:

- go into the workflow management tool,
- select the dropdown box for "type",
- select "all bring ups",
- click "find now",
- update address as outlined in Part C below,
- once the address is updated, staff should delete the case from the list in workflow by highlighting the case and clicking the  button.

Please note that this "All bring ups" screen will show both cases that need an address update and those that require a manual assessment.



The screenshot shows the AMS Workflow Management window. The 'Type:' dropdown menu is circled in red, and the selected option 'All Bring Ups' is highlighted. The 'Find Now' button is also circled in red. The results grid displays 11 rows of data, each representing a bring-up case. The columns include: Bring Up / Application Date, Applicant, AppNbr, Application Type, Priority, Days Since Tender, Date Tendered, Date Accepted, Status, and Reason. Most cases are listed as 'DEC' status with the reason 'Insufficient communication'. The first row is highlighted in blue.

Bring Up / Application Date	Applicant	AppNbr	Application Type	Priority	Days Since Tender	Date Tendered	Date Accepted	Status	Reason
13/Jan/2011	Interim, Smoke	10003532	Visa, Interim visa, Ger	Y	8	13/Jan/2011	13/Jan/2011	DEC	Insufficient communication
15/Jan/2011	Interim, 0431	10003574	Visa, Interim visa, Ger	Y	6	15/Jan/2011	15/Jan/2011	DEC	Insufficient communication
16/Jan/2011	Interim, 0432	10003577	Visa, Interim visa, Ger	Y	5	16/Jan/2011	16/Jan/2011	DEC	Insufficient communication
16/Jan/2011	Interim, 0433	10003578	Visa, Interim visa, Ger	Y	5	16/Jan/2011	16/Jan/2011	DEC	Insufficient communication
19/Jan/2011	Interim, 0425	10003649	Visa, Interim visa, Ger	Y	2	19/Jan/2011	19/Jan/2011	DEC	Insufficient communication
19/Jan/2011	Interim, 0426	10003650	Visa, Interim visa, Ger	Y	2	19/Jan/2011	19/Jan/2011	DEC	Insufficient communication
19/Jan/2011	Interim, 0427	10003651	Visa, Interim visa, Ger	Y	2	19/Jan/2011	19/Jan/2011	DEC	Insufficient communication
19/Jan/2011	Interim, 0428	10003652	Visa, Interim visa, Ger	Y	2	19/Jan/2011	19/Jan/2011	DEC	Insufficient communication
19/Jan/2011	Interim, 0429	10003653	Visa, Interim visa, Ger	Y	2	19/Jan/2011	19/Jan/2011	DEC	Insufficient communication
19/Jan/2011	Interim, 0430	10003654	Visa, Interim visa, Ger	Y	2	19/Jan/2011	19/Jan/2011	DEC	Insufficient communication

## **Allocating interim visa assessments**

8. A staff member from each branch should check whether interim visa assessments have been sent to that branch each day. The staff member should either process the interim visa cases themselves or allocate the assessments to an appropriate immigration officer (e.g. the case officer of that client's substantive temporary visa application).

## **Rights of clients being assessed**

9. Interim visa assessments are unique because the rights that clients have are limited as the decision is a matter of absolute discretion. The following should be noted:
  - a. A person has **no right** to apply for an interim visa.
  - b. A person has **no right** to appeal a decision not to grant an interim visa (however, a person may seek a *judicial review* of a decision).
  - c. A person has **no right** to be given reasons about a decision to grant or not to grant an interim visa.
  - d. Interim visa assessments **are not** subject to immigration instruction E7.15 or a "PPI" process.

## **Manual assessments**

10. The manual assessment of visas must be done on a case by case basis. Whether or not to grant an interim visa is a matter for the absolute discretion of the immigration officer. If an officer believes the risks associated with a client are too great, they can decide not to grant an interim visa.
11. Manual assessments should be completed before the client's current visa expires.
12. If an immigration officer believes the circumstances warrant the grant of an interim visa after a client's current visa expires, a visa may be granted under section 61 to allow a client to be lawful while their application is in process. The immigration officer concerned must have the appropriate delegations and powers. Such assessments must be done on a case by case basis.
13. There are no criteria to consider when determining whether or not to grant an interim visa, neither are there any immigration instructions that apply when assessing an interim visa. However, please note the following:
  - a. Clients who fall under sections 15 and 16 of the Immigration Act 2009 should not be granted an interim visa, unless a special direction has been given in respect of them and that special direction relates to the client's interim visa assessment or their current temporary visa application. Ordinarily the requirement to be given a special direction will prevent them from being granted an interim visa due to the time it takes to consider a special direction.
  - b. There are immigration instructions which may restrict the grant of visas. These include those relating to students funded through NZAP/MFAT programmes (see U11.1) and to people otherwise restricted from being granted a visa (see E2.55 - E2.90).
  - c. IAC 10/01 "Guidelines for Assessing Applications with Active Client Border Alerts, Client Branch Warnings and Travel Document Alerts" **does not** apply in the case of interim visas. This is because an interim visa assessment is not a normal *application* assessment and the decision to grant an interim visa or otherwise is at the absolute discretion of the immigration officer.
14. It is recommended that manual assessments are discussed with and checked by a Technical Advisor or Immigration Manager before a decision is made. If

### **Recording a manual assessment**

15. In cases where interim visas are referred for manual assessment, a note giving a reason for the referral will be added automatically by AMS. After assessing the interim visa, the immigration officer should then complete the determination screen and decide the application in AMS. **No notes** outlining the reason or the outcome of the interim visa assessment should be added into AMS or recorded elsewhere.

### **Correspondence about interim visa decisions**

16. Clients should be advised of the decision relating to an interim visa assessment. When a decision is taken to grant an interim visa, the automatic system will send out an email or letter the day after the interim assessment is completed. The immigration officer does not need to do anything after deciding the application in AMS.
17. If there is insufficient address information for correspondence to be sent to the client by the automatic system, the case will be transferred back to the branch the day after the manual assessment is completed for the address information to be added (see Part C below).
18. In some situations it may be appropriate for the immigration officer to issue an approval letter themselves – for example, when meeting with a client in person. As no visa label will be issued to the client, it is important the correct approval letter is selected. The letter acts as evidence of the client's interim visa. The type of approval letter is dependent on what visa the client is currently on and what they are applying for (see the table in Appendix 2). If the officer prints a letter in AMS, no correspondence will be sent by the automatic system.
19. If an interim visa is not granted, a letter should be sent by the immigration officer. They should select the appropriate decline letter in the AMS template letter system. The letter **must not** detail reasons for the decision. Whenever sending correspondence to a client, officers should be careful not to release sensitive information that may appear in warnings, alerts or elsewhere on AMS.

### **Deciding temporary visa applications before manual interim visa assessments**

20. Officers should be careful not to decide an interim visa assessment after the substantive temporary visa application has been decided. Where a client has had an interim visa referred for manual assessment, but their temporary visa application is decided before the interim visa assessment is completed, the interim visa assessment should be **cancelled** in AMS. This can be done by clicking the 'decide' button on the AMS file without completing the determination screen. The officer should then select **cancelled - data entry error**.

### **Part C – Completing address data in AMS**

#### **Correcting incomplete addresses in AMS for all interim visa assessments**

21. In some cases staff will need to update the details of clients who have insufficient address information recorded in AMS. In order to receive correspondence through the automatic system, a client must have either a

22. Once received, staff should:
  - a. check whether there are any addresses recorded against the client in AMS;
  - b. check the most recent address provided by the client either through an application, correspondence, the Immigration Contact Centre or elsewhere; and
  - c. update the address tab for the client with the appropriate address.
23. If the case is already "decided" in AMS, the system will have already assessed the interim visa and no further action is required by staff after updating the address. The automatic system will send an email or letter to the client the following day.
24. For clients with multiple identities in AMS, staff should ensure that addresses are recorded using **the same identity** under which the interim visa case is raised. If the address is not recorded against the correct identity, no automatic correspondence will be sent to the client.

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Service Design

## Appendix 1: Conditions granted on interim visas

Visa currently held	Visa applied for	Interim visa conditions
Visitor	Visitor	Visitor
Visitor	Work	Visitor
Visitor	Student	Student – open
Student	Visitor	Visitor
Student	Work	Visitor
Student	Student	Student – open
Work	Visitor	Visitor
Work	Student	Student – open
Work (employer specific)	Work (employer specific - same employer, position and location)	Same work conditions as currently held
Work (employer specific)	Work (employer specific - different employer and/or position and/or location)	Visitor
Work (employer specific)	Work (open)	Visitor
Work (open)	Work (open where same type of open visa)	Work – open
Work (open)	Work (open where different type of open visa)	Visitor
Work (open)	Work (employer specific)	Visitor
Military, Diplomatic, Consular, Official	Same type of diplomatic, official, consular, or military visa as currently held	Same conditions as currently held
Military, Diplomatic, Consular, Official	Another type of temporary entry class visa	Visitor

**Notes:** Open work conditions are conditions that allow work in any occupation, for any employer, in any location in New Zealand.

Open work visas include several types of applications: asylum seeker, working holiday maker, graduate job search, partnership, partner of a worker, partner of a student, and victim of domestic violence.

Open student conditions are conditions that allow study in any course, at any educational institute, in any location in New Zealand.

**Appendix 2: Appropriate letters to send for interim visas**

Visa currently held	Visa applied for	Appropriate letter*
Visitor	Visitor	IO1 Interim visitor A approval VV SV WV
Visitor	Work	IO2 Interim visitor B approval VW SW WW
Visitor	Student	IO6 Interim student approval
Student	Visitor	IO1 Interim visitor A approval VV SV WV
Student	Work	IO2 Interim visitor B approval VW SW WW
Student	Student	IO6 Interim student approval
Work	Visitor	IO1 Interim visitor A approval VV SV WV
Work	Student	IO6 Interim student approval
Work (employer specific)	Work (employer specific – same employer, position and location)	IO3 Interim work approval same employer
Work (employer specific)	Work (employer specific – different employer and/or position and/or location)	IO3 Interim work approval same employer
Work (employer specific)	Work (open)	IO2 Interim visitor B approval VW SW WW
Work (open)	Work (open where same type of open visa)	IO4 Interim work approval open
Work (open)	Work (open where different type of open visa)	IO2 Interim visitor B approval VW SW WW
Work (open)	Work (employer specific)	IO2 Interim visitor B approval VW SW WW
Work reconsideration or work replace	Work all	IO5 Interim work approval reconsideration
Work all	Work reconsideration or work replace	IO5 Interim work approval reconsideration
Military, Diplomatic, Consular, Official	Same type of diplomatic, official, consular, or military visa as currently held	IO7 Interim special approval
Military, Diplomatic, Consular, Official	Another type of temporary entry class visa	IO7 Interim special approval
Any decline decision	N/A	IO8 Interim visa decline

\* All letters are for decisions to grant interim visas except "IO8 – Interim visa decline".