



File Ref: SDE 32

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

To:	Immigration New Zealand, all Managers	Date: 25 November 2011
	Immigration New Zealand, all Staff	
	MFAT Posts	

**INTERIM VISA PROCESSING**

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. This IAC supersedes the previous IAC on interim visa processing and the advice contained here prevails. It includes the following sections:

**Part A – Introduction**

Background

Who is not eligible for an interim visa

**Part B – Overview of interim visa processes**

Automatic and manual assessments

Receiving interim visa assessments

Allocating interim visa assessments

**Part C – Manually assessing interim visas**

Rights of clients being assessed

Assessing an interim visa

Considering refusal to grant an interim visa

Clients falling under sections 15 or 16

Escalating the consideration of a refusal

Recording a decision

Correspondence about interim visa decisions

Interim visas for reloaded applications

Deciding temporary visa applications before interim visa assessments

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

Correcting incomplete addresses in AMS

## **Background**

2. The Immigration Act 2009 established 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. No visa label is placed in a client's passport when an interim visa is granted.
3. 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 (as outlined in sect I of 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expire automatically once a client's substantive temporary visa application is decided – whether approved, declined or withdrawn.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 I1.10, or the table in Appendix 1 below).

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

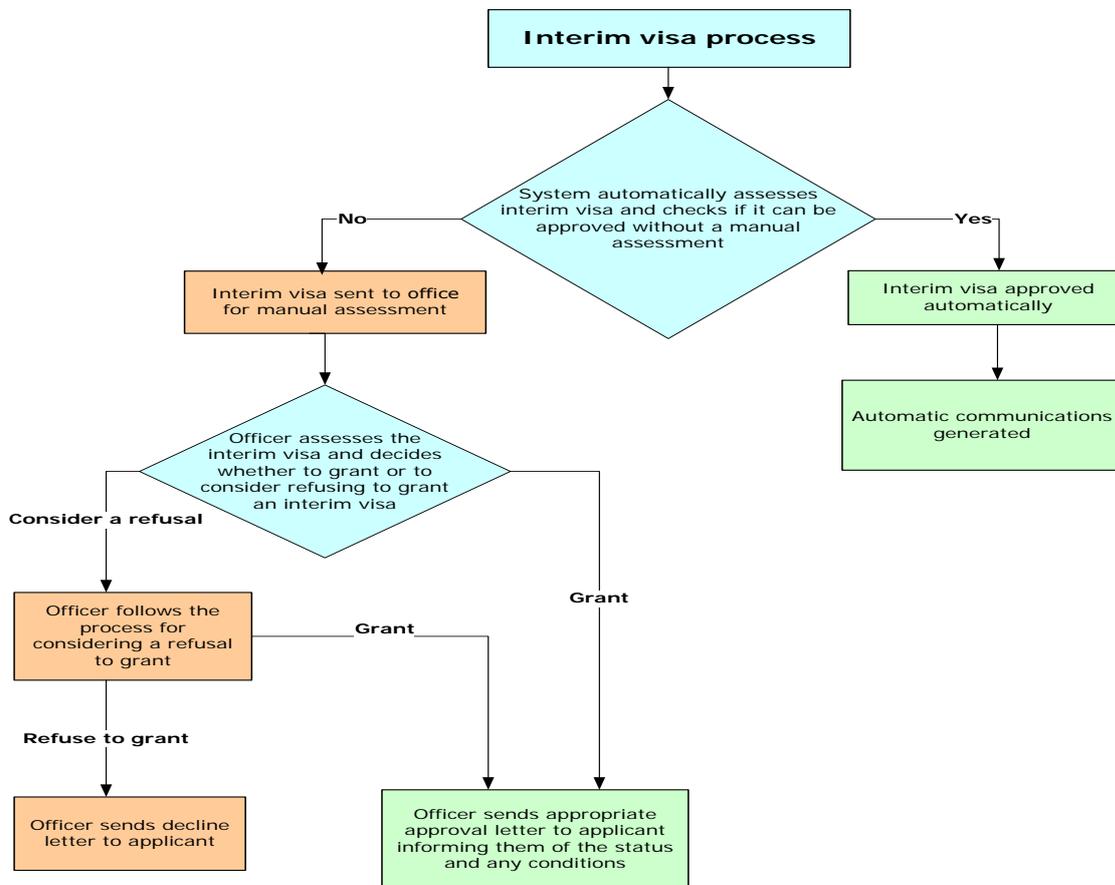
5. Certain types of applicants are ineligible for an interim visa. Clients holding or applying for limited visas, transit visas and group transit visas are not eligible because these visa types are not considered to be temporary visas under the Immigration Act 2009 (although they are temporary entry class visas). Clients who are unlawfully in New Zealand making section 61 requests are also not eligible.
6. An application for a variation of conditions will not lead to an interim visa assessment, although a variation of conditions application itself will not make a client ineligible for an interim visa if they have also lodged a temporary visa application.

## **Part B – Overview of interim visa processes**

### **Automatic and manual assessments**

7. Interim visas can be considered for clients who hold a visa that expires shortly and who have lodged an application for a temporary visa. They may also be considered for clients whose temporary visas have expired recently, provided they lodged an application for a further temporary visa before the expiry, and that application was accepted for processing. In cases that qualify for assessment, the system automatically raises an interim visa assessment case for the client.
8. Most interim visas are approved by an automated assessment system that runs each night, with a small number of clients flagged for a manual assessment.
9. Clients who require manual assessments are those with:
  - a. one or more active alerts;
  - b. specific branch warnings (on the basis of character, compliance action in progress, detention, flag security check, deportation liability, students funded

- through the Ministry of Foreign Affairs and Trade (MFAT) or the New Zealand Aid Programme (NZAP)); or
- c. a fraud action in progress.



### Receiving interim visa assessments

10. Interim visa assessments are allocated to the onshore office that holds a client's substantive visa application. At each office, allocations will appear under a case manager named "Interim, visa [office]" on the workflow management tool in AMS



There are two processes that may be required for these interim visas: one for a manual assessments and another for updating client address information.

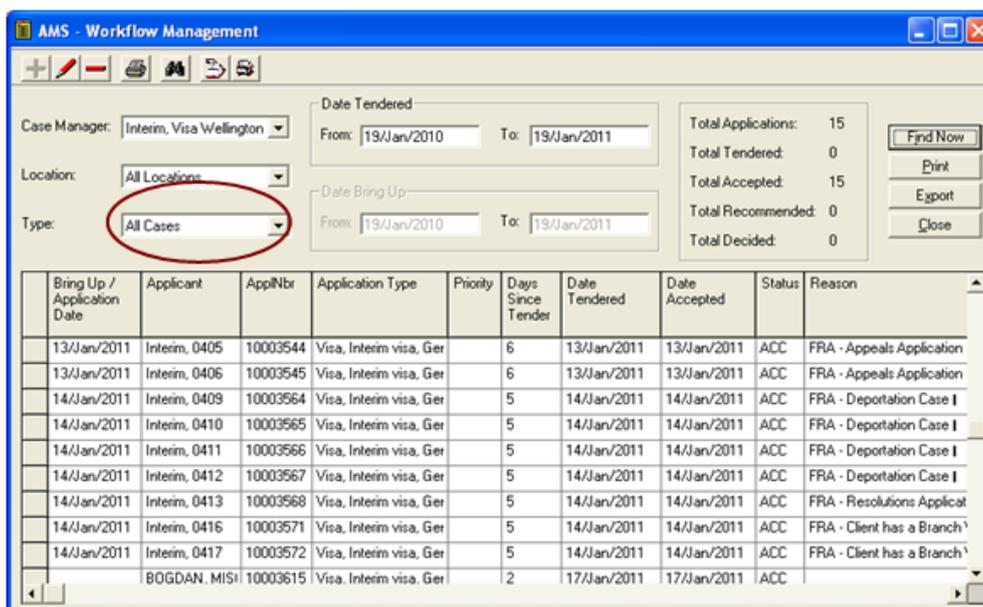
### Allocating interim visa assessments

11. A staff member should check whether interim visa assessments have been sent to that office each day. They should either process the interim visa cases themselves or allocate the assessments to an appropriate immigration officer.

### Part C – Manual assessments

12. 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 (e.g. "FRA – Client has alert"; "FRA – Deportation Case". FRA refers to Failed Risk Assessment). The process for this is outlined in the "Assessing an interim visa" section below.



### Rights of clients being assessed

13. Clients who are having interim visas assessed have limited rights because the interim visa decision is a matter of absolute discretion. The following should be noted:
  - a. A client has **no right** to appeal a decision not to grant an interim visa A client has **no right** to apply for an interim visa.
  - b. (however, they may seek a judicial review of a decision).
  - c. A client has **no right** to be given reasons about a decision to grant or not to grant an interim visa.

### Assessing an interim visa

14. Interim visas which are to be manually assessed must be considered on a case by case basis. Whether or not to grant a 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. It is important that manual assessments are completed promptly – if possible, before the client's current visa expires.
15. There are no criteria to consider when determining whether or not to grant an interim visa, neither are there any immigration instructions that directly apply when manually assessing an interim visa. However, please note the following:
  - a. There are immigration instructions that 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).
  - b. 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 an *application* assessment and the decision to grant an interim visa or otherwise is at the absolute discretion of the immigration officer.

- c. Details of the reason for the referral to the office will be available through the alerts and warnings on the client alerts tab in AMS and through CRisM. CRisM information can be accessed by clicking the “view assessments” button on the main interim visa tab in AMS. Officers may wish to consider the information detailed.

16. It is recommended that manual assessments are discussed with and checked by a Technical Advisor (TA) or Immigration Manager (IM) before a decision is made. If no TA or IM is available at a office, the Visa Operations Manager (VOM) may identify another person or people with whom immigration officers should discuss and check manual assessments.
17. 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 16 of the Act to allow a client to remain lawfully in New Zealand while their application is in process. The interim visa should be raised as an “interim visa” application type in AMS. The immigration officer concerned must have the appropriate delegations and powers. Such assessments must be done on a case by case basis.

#### **Considering a refusal to grant an interim visa**

18. When considering a refusal to grant an interim visa, officers may consider whether the client:
  - a. falls under sections 15 or 16 of the Act, or
  - b. is of **very high** immigration risk.

#### **Clients falling under sections 15 or 16**

19. Clients who fall under sections 15 or 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.
20. If an interim visa assessment for a client falling under section 15 or 16 is transferred to a office by the automated system, and no special direction is issued with regards to it, the immigration officer should refuse to grant the interim visa. They **should not** follow an escalation or PPI process.
21. Interim visas should not be raised manually for clients who fall under sections 15 or 16 of the Act, unless there is a special direction allowing for it.

#### **Escalating the consideration of a refusal**

22. The process for escalating a consideration of a refusal must be followed for all very high risk clients. In cases that are not deemed to be very high risk, consideration may be given to granting the interim visa and allowing the client to remain lawfully in New Zealand while the officer conducts a full and thorough assessment

of the substantive visa application and any associated issues. Except for cases that are very high risk, the nature and short duration of interim visas may sufficiently mitigate immigration risks associated with granting an interim visa.

23. If an immigration officer assessing an interim visa application considers that an interim visa may be refused due to risk factors, the client's substantive visa application must be considered by its case officer. If at all possible the substantive application should be decided. Where possible, the assessment of the interim visa application and the substantive application should be completed by different officers to avoid any perception of pre-determination.
24. If an immigration officer cannot decide the substantive application, they must ask a TA or IM for guidance. If the TA or IM agrees that the substantive application cannot be decided then any potentially prejudicial information (PPI) relating to that application should be put to the applicant.
25. The VOM must then be informed. If the VOM agrees that an immediate decision on the substantive temporary visa application cannot be made, a sensitive issues template must be completed and referred to Operations Support before any decision is made to refuse to grant an interim visa.
26. The sensitive issues template must include the following information:
  - Why the substantive application cannot be immediately decided.
  - What has been done to progress the substantive application.
  - What is the risk associated with the potential grant of an interim visa.

The VOM should send the completed document to Operations Support via the Sensitive Issues mailbox - [INZ Ops Sensitive Issues](#). Operations Support will review the sensitive issues referral and liaise with the VOM. The immigration officer should continue to work on the substantive application and the VOM should carefully monitor progress.

### **Recording a manual assessment**

27. 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. This applies to interim visas decided under both section 80 and section 61 of the Immigration Act 2009.

### **Interim visas for reloaded applications**

28. Where a temporary visa application is incorrectly loaded in AMS and is reloaded as a new application, any interim visa granted on the basis of the initial temporary visa application will automatically expire. If the application is reloaded after the expiry of a client's temporary visa, the system will not automatically generate a new interim visa assessment. In such cases, an immigration officer may consider manually granting a new interim visa to replace the one that expired, at their discretion.

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

29. 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**.

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

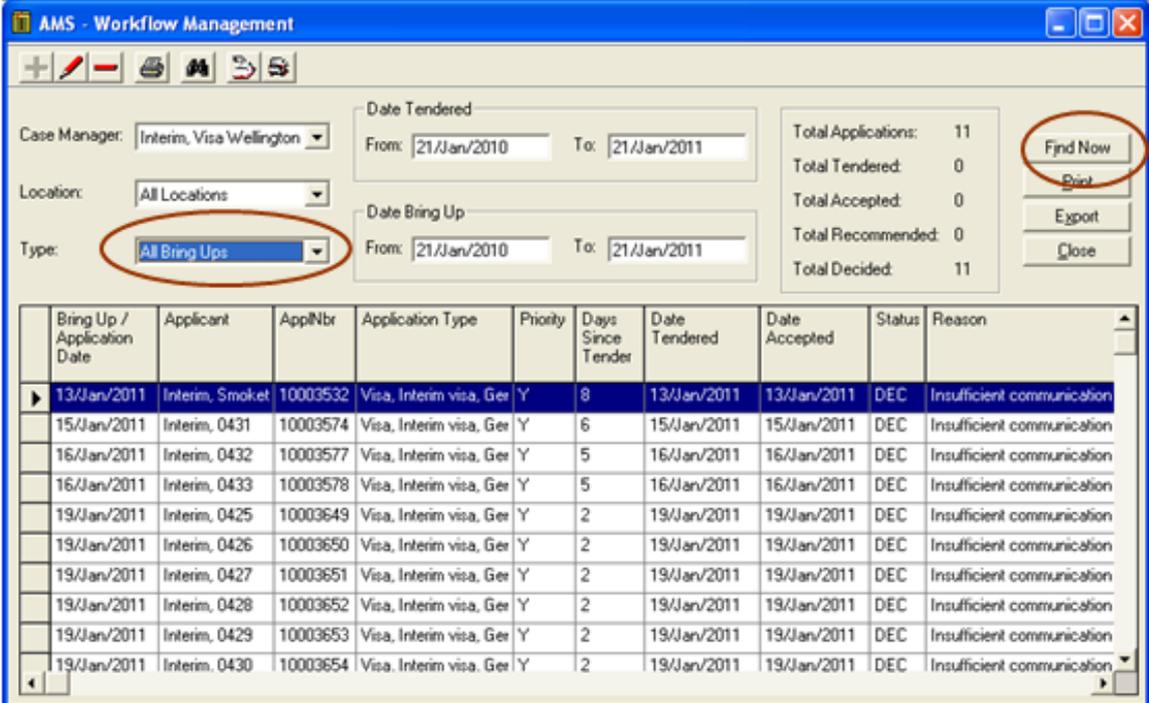
30. Clients should be advised of the decision relating to an interim visa assessment. When a decision is made to grant an interim visa, the automatic system will send out an email or letter the day after the interim assessment is completed. The immigration officer does not need to do anything after deciding the application in AMS.
31. 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 office the day after the assessment is completed for the address information to be added (see Part D below).
32. 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 or emails (using the email tool in the template letter system) a letter in AMS, no correspondence will be sent by the automatic system.
33. 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 about an interim visa assessment, officers should be careful not to release sensitive information that may appear in warnings, alerts or elsewhere on AMS.

### **Part D – Completing addresses in AMS**

34. In order to receive correspondence through the automatic system, a client must have either a physical address or an email address recorded for them or their adviser (this includes postal, residential or business addresses).
35. In some cases, staff will need to update a client's address information in AMS. This will occur when clients do not have any address recorded against the correct client identity. These cases will have a "decided" ("DEC") status and the reason for the referral to the office will state "Insufficient communication data".
36. 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, and
- 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.



Bring Up / Application Date	Applicant	AppNbr	Application Type	Priority	Days Since Tender	Date Tendered	Date Accepted	Status	Reason
13/Jan/2011	Interim, Smoket	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

### Updating addresses in AMS (for all interim visa assessments)

37. To update an address, staff should:
  - a. check whether there are any addresses recorded against the client in AMS or in AMS notes;
  - 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.
38. 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.
39. 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.

Alejandra Mercado  
Operational Policy Manager  
Service Support

### 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, victim of domestic violence, and victim of people trafficking.

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".