

VISA PAK ISSUE 420 — 11 OCTOBER 2019

POLICE AND MEDICAL CERTIFICATES FOR WORK VISA ASYLUM CATEGORY APPLICATIONS

The purpose of this item is to raise awareness and ensure consistency of the handling of Police and Medical certificates for Work Visa Asylum Category applications.

A Quality Assurance Team review of decisions made under the Work Visa Asylum category has identified issues in the handling of Police Certificates and Medical certificates. The review found they were not being requested by Immigration Officers (IOs) in the SAT on the basis it was too costly, difficult or dangerous for these to be obtained by applicants under this category. This has led to the requirement being waived for the majority of these applicants, or IOs allowing applicants to not provide them.

In general, all applicants for temporary entry class visas must meet health and character requirements. In accordance with [A5.5.a.ii](#) of Immigration Instructions, character checks must be carried out for all persons aged 17 and over who are applying for temporary entry class visas who intend to stay in New Zealand for 24 months or longer. It is a mandatory requirement for these applicants to obtain and provide a police or similar certificate from their country of citizenship and from any country in which they have lived for five or more years since turning 17 years of age.

While instructions allow the waiving of these requirements, they may only be waived if a Schedule 3 immigration officer “is satisfied that such certificates are not available or would be unduly difficult to obtain” (see [A5.10.1](#)). If a Schedule 3 Immigration Officer is satisfied that a police certificate is not available or unduly difficult to obtain from a particular country, then that officer may require the applicant to make and provide a separate statutory declaration in both English and the applicant’s own language.

Medical requirements

To address public health risks, applicants will be required to complete the medical requirements (as per [Immigration Instructions A4.15](#) and [A4.25](#)) for this category. IOs will still be able to consider waiving the requirement to provide a medical and/or chest x-ray in extreme circumstances for applicants who have submitted a claim for refugee or protection status in New Zealand or have been recognised as having refugee or protection status in New Zealand. Support Officers and IOs in the SAT team will be requesting applicants to provide these documents. NaDO will also begin requesting these documents for lodgement purposes for any new applications tendered.

Character requirements

To rectify this situation, and for the SAT to meet instructions and quality standards for this category, applicants will now be required provide [a police certificate](#) or a [statutory declaration](#) that they are unable to provide a police certificate (as per Immigration Instructions [A5.1](#) and [A5.5](#)). Support Officers and IOs in the SAT team are currently requesting applicants provide these documents, either of which can be obtained without putting the applicant, their family or any other person in harm’s way. NaDO will also begin requesting these documents for lodgement purposes for any new applications tendered.