

VISA PAK ISSUE 498 — 25 FEBRUARY 2022

## **ADVICE ON PROCESSING APPLICATIONS FROM PEOPLE AFFECTED BY RECENT EVENTS IN UKRAINE AND TONGA**

In light of the current situation in Ukraine and volcanic eruption and tsunami in Tonga, staff are reminded of Visa Pak Issue 248, which provides advice for immigration officers who are considering a visa application from any person whose home country is currently experiencing civil disturbances or natural disasters. That advice is focused on assisting those on temporary visas in New Zealand who may need to stay longer in New Zealand.

In the case of Ukraine, it is understandable that clients may wish to stay longer in New Zealand, and we should be empathetic to such requests. In the case of Tonga, it is currently very difficult for clients to return, and we should therefore be empathetic to requests for further visas until clients are able to return home.

The advice does not cover what to do when the situation in a person's country means they are not currently able to obtain documentation we would normally seek in support of an application for a visa. In extreme situations, it may not be possible to obtain any new documentation, so we can only ask applicants to submit what information they currently have access to, and then make a decision based on that information.

In these situations, staff should take the following approach:

Use common sense and apply an empathetic approach to applications from affected people. If unsure, talk to your manager.

Be pragmatic when thinking about the documentation required to support an application. For example, it may not be practical to request a new Ukrainian police certificate.

Consider the use of discretion in the absence of supporting documents. For example, the provision to waive police clearances is set out in the Operational Manual at A5.10.1

Consider an office referral if you have a case which should be approved, and you do not have the delegated authority to exercise discretion.

If you decide that an exception to instructions is not merited, nor is an office referral, this must be signalled to National Office via the No Surprises process. The application should be held until further advice is received.