

VISA PAK ISSUE 443 — 31 JULY 2020

INTERNAL AMENDMENTS CIRCULAR 20/01 – PROCESSING VISAS APPLICATIONS, INCLUDING WHEN QUALITY CHECKS ARE TO BE UNDERTAKEN, AND THE PROCESS THAT MUST BE FOLLOWED IF DISAGREEMENTS ABOUT DECISIONS OCCUR

IAC 20/01 has been released to inform immigration officers of a new General Instruction in respect of the manner in which visa applications are to be processed. The General Instruction provides instructions to immigration officers in respect of when Quality Checks are to be undertaken as part of visa application processing, and the process that must be followed if disagreements about decisions occur.

IAC 20/01 is available below.



**IMMIGRATION NEW ZEALAND
INTERNAL ADMINISTRATION CIRCULAR NO: 20/01**

To:	Immigration New Zealand, all Managers	Date: 20 July 2020
	Immigration New Zealand, all Staff	

Processing visa applications, including when Quality Checks are to be undertaken, and the process that must be followed if disagreements about decisions occur

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

Purpose

1. The purpose of the Internal Administration Circular (IAC) is to inform immigration officers of a new General Instruction in respect of the manner in which visa applications are to be processed given by the deputy Chief Executive (Immigration) under section 26(4) of the Immigration Act 2009. The General Instruction provides instructions to immigration officers in respect of when Quality Checks are to be undertaken as part of visa application processing, and the process that must be followed if disagreements about decisions occur.
2. Section 26(4) of the Immigration Act 2009 provides:
"... the Chief Executive may give general instructions to immigration officers and refugee and protection officers on the order and manner of processing any application or claim, or specified classes of application or claim, and, if so, an immigration officer or a refugee and protection officer must process the application or claim in accordance with those instructions."
3. This general instruction replaces the advice and guidance provided in Internal Administration Circular (IAC) No: 09/12 "Documenting Involvement in the Decision Making Process" on 9 December 2009, and that IAC is revoked accordingly.

Appendix One – General Instructions as to the order and manner of processing visa applications

The purpose of this General Instruction is to provide instructions to immigration officers in respect of the manner in which visa applications are to be processed, including when Quality Checks (QCs) are to be undertaken, and the process that must be followed if disagreements about decisions occur.

It is also a reminder to immigration officers that, as statutory decision makers, you are obliged to make decisions that reflect your assessment, in accordance with the Immigration Act 2009, Immigration Instructions certified by the Minister of Immigration, and any general instruction made under section 26(4) of the Immigration Act.

Pursuant to section 26(4) of the Immigration Act 2009 and acting under delegated authority from the Chief Executive of the Ministry of the Business, Innovation, and Employment, I hereby give the following general instructions as to the order and manner of processing of visa applications under immigration instructions, effective from 20 July 2020.

This general instruction replaces the advice and guidance provided in Internal Administration Circular (IAC) No: 09/12 “Documenting Involvement in the Decision Making Process” on 9 December 2009, and that IAC is revoked accordingly.



Greg Patchell

Deputy Chief Executive - Immigration New Zealand
20 July 2020

General Instruction

Seeking guidance

1. There may be some instances in which it is appropriate for an immigration officer to seek assistance or guidance before making a decision on a visa application. This may be for a number of reasons; some examples include cases that present complex issues, where humanitarian factors are present or cases that include technical elements.
2. In these instances staff should feel free to approach their colleagues (technical advisors, practice leads, team leaders, managers, and other staff) for advice and to use that advice as part of their decision. It may also be appropriate, following internal consultation, to seek legal advice in appropriate cases.

Quality Checking

3. As part of good administrative decision making, consistency in decision making, and assurance that internal rules and procedures (including the application of immigration instructions and standard operating procedures) are being adhered to, is an important part of visa-decision making. Accordingly, as part of the manner in which visa applications are to be processed, it is

important that a proportion of visa application decision making is quality checked (QC) before a decision is made by an immigration officer. Such quality checks must be undertaken in accordance with the processes and QC sampling table set out in the INZ Global Process Manual.

Decision Making

4. No person can require an immigration officer to make a decision that the immigration officer disagrees with.
5. An immigration officer can, however, make a decision in line with feedback provided through the QC process or any advice received, provided they have the appropriate delegation, designation and authorisation to make that decision.

Escalation

6. In circumstances where an immigration officer is asked to make a decision that they disagree with, they must refuse to make the decision and may do so without fear of retribution.
7. The immigration officer should advise the person who has asked them to make such a decision that they refuse to do so. Should they feel uncomfortable doing this they may approach someone else to support them.
8. Where an immigration officer has refused to make a decision, a manager or a senior officer must not attempt to change their mind. It may, however, be appropriate to discuss the matter with the immigration officer concerned for coaching, training or development purposes.

The Process

9. Where an immigration officer has exercised their right to refuse to make a decision they disagree with, they should transfer the file to their team leader or another immigration officer to make the decision.
10. In such circumstances it is necessary for the new officer to take ownership of the file and make a decision in accordance with their designations, delegations, authorisations and fully record the decision as described in paragraph 12.
11. The “change branch” functionality in AMS should be used rather than transferring files electronically if making a decision outside the Office where the application is held.

Documenting Decisions

12. AMS notes must clearly record:
 - the new decision makers name; and
 - the position they hold; and
 - the level of delegation; and
 - why they have taken on the decision making role, and
 - the reasons for the decision.