

VISA PAK ISSUE 557 — 29 SEPTEMBER 2023

RESPONDING TO FALSE AND MISLEADING INFORMATION – INTRODUCTION TO THE 25 SEPTEMBER 2023 CHANGES

Information about the new changes to false and misleading information that have come into effect as of 25 September 2023.

Further to the advice provided in Amendment Circular 2023-26, and [Internal Administration Circular \(IAC\) 23-1](#), changes to immigration and operational instructions about false, misleading and withheld information have taken effect from 25 September. Some minor changes have also been made to immigration instructions related to other character requirements.

The two most important changes are:

- 1) If an application is to be declined because of false, misleading or withheld information in **that** application, immigration officers (IOs) should now use [section 58\(6\) of the Immigration Act](#) (the Act), and not the A5 character instructions, to decline the application. Section 58(6) of the Act is set out at a new chapter in the Operational Manual, at [A24](#).
- 2) The character instructions now clarify that there is no need for an IO to establish an applicant personally intended to provide false or misleading, or to withhold relevant information, in a **previous** application before determining there is a character issue which would require a waiver consideration.

The advice in this item, and in the two further items in this issue, supplements the advice provided in [IAC 23-01](#), training modules and sessions that current visa processing IOs have completed this month.

New character waiver templates in the Template Letter System (TLS) in AMS, and in ADEPT, are now available to reflect the amended character waiver instructions. In addition, a new False or Misleading Information (FMI) Assessment Template is available to assist IOs through the process of deciding an application in accordance with s58(6) and [A24](#).

Standard Operating Procedures (SOPs)

Four new SOPs outlining the process to identify and respond to false, misleading, or withheld information have been published in the Global Process Manual and are accessible from the title page: Consider false, misleading or withheld information

New generic SOPs to assess character are being developed by the SOP Team and will be published in due course.

New external webpage

Advice to applicants and advisers on how false, misleading and withheld information in applications is treated is found at the following pages:

- [False and Misleading Information](#)
- [Changes to how INZ responds to false information](#) -- a news item that was uploaded to the website on 1 September – this item includes links to Amendment Circular 2023-26 and [IAC 23-01](#).