



1 December 2023

Privacy of natural persons

DOIA 2324-0872

Tēnā koe Privacy of natural persons

Thank you for your email of 19 October 2023 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following:

In relation to visa pak 557 'RESPONDING TO FALSE AND MISLEADING INFORMATION' - <https://www.immigration.govt.nz/documents/visa-paks/visa-pak-557-false-misleading-introduction.pdf>

I am requesting a copy of the following referenced in this visa pak:

- Copies of training modules and training presentations*
- a copy of the False or Misleading Information (FMI) Assessment Template*
- Copies of the Four new SOPs outlining the process to identify and respond to false, misleading, or withheld information have been published in the Global Process Manual*

On 15 November 2023, MBIE extended the period of time available to notify you of a decision on your request under section 15A(1)(a) of the Act, as the request necessitated a search through a large quantity of information and meeting the original time limit would remove staff from their core duties and unreasonably interfere with our operations.

Our Response

Please refer to the attached Appendix for the information you have requested. Some information has been withheld under section 9(2)(h) of the Act to maintain legal professional privilege.

Please note that this response and enclosed documents, with your personal details removed, will be published on the MBIE website:

<https://www.mbie.govt.nz/about/open-government-and-official-information/published-official-information-act-requests/>

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss any aspect of your request or this response, please contact inzoias@mbie.govt.nz

Nāku noa, nā



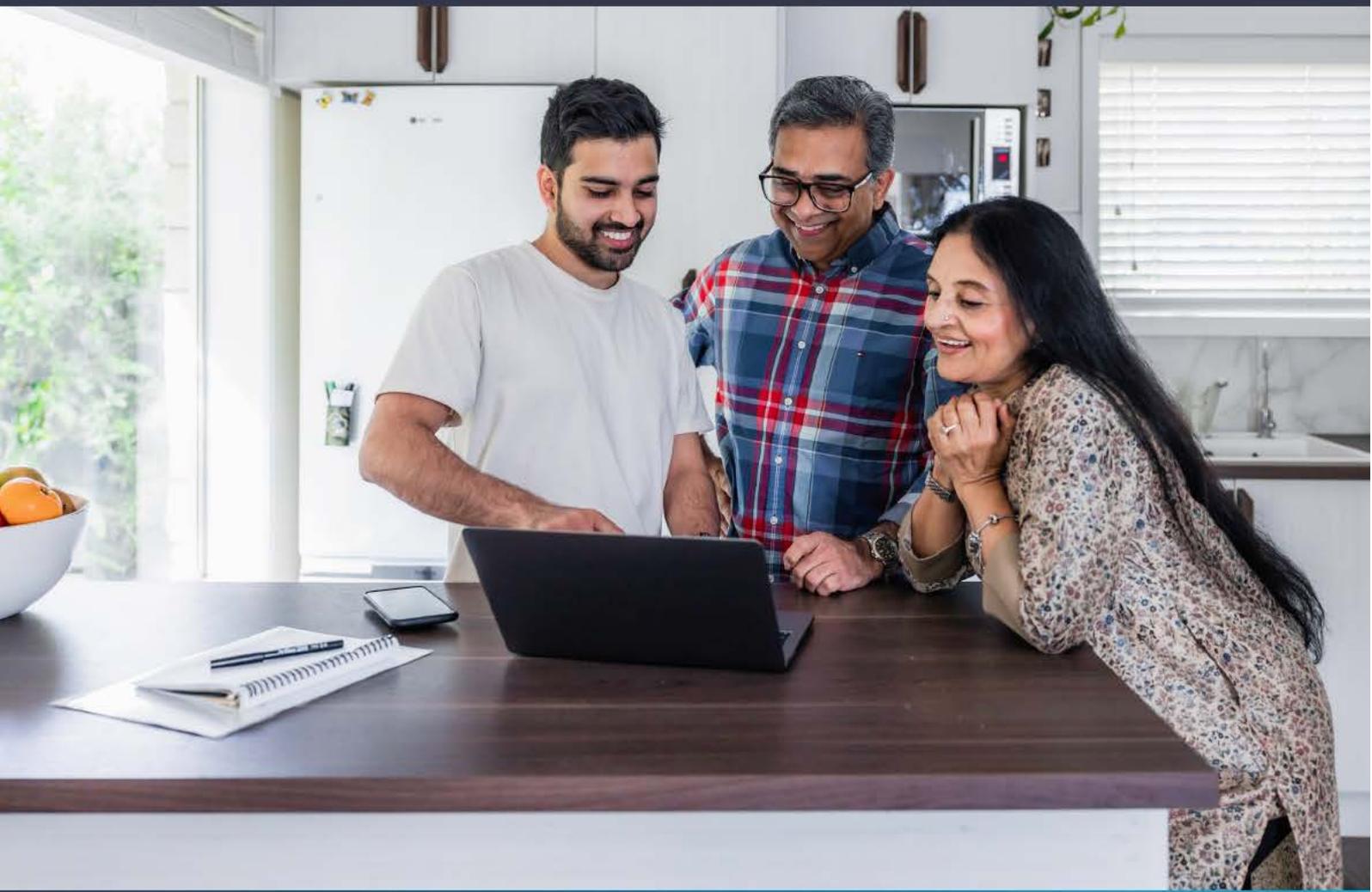
Karen Bishop
General Manager
Service Design and Implementation
Immigration New Zealand
Ministry of Business, Innovation and Employment



NEW ZEALAND
IMMIGRATION

False and Misleading Changes

Facilitator Guide



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

New Zealand Government

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Introduction

This guide prepares the facilitator to run the False and Misleading changes workshop.

Purpose

At the end of this course, learners will be able to confidently fill the new templates when Section 58(6) or character instructions are at play.

Learning outcomes

At the end of this course, learners will be able to:

- Understand and apply the updated character instructions and Section 58(6) confidently and competently
- Understand the new PPI process
- Have a clearer understanding of how to fill the new character waiver template
- Understand how to write up decisions in a new template which will be used when s58(6) is involved.

Audience

This course has been developed for Practice Leads, Technical Advisors and Immigration Officers, who process visa applications.

Course duration

1 hr 45 mins

2 hrs 15 for TAs and Train the Trainer session, to allow for questions and feedback.

Preparation

Pre-work

Completing [False and Misleading Changes online](#) module.

Required course resources.

- Facilitator computer and projector
- PowerPoint presentation
- Participant computers (for TTT Webinar)
- [IAC 23/01](#)
- Hand-outs:
 - Table of changes
 - FMI template
 - **FM Activity 1**– Writing for PPI (with answer sheets at end)
 - **FM Activity 2**- Character assessment and waiver template
 - **FM Activity 3**: - Intentions/involvement weighing (*** TAs only**)
 - **FM Activity 4**: - S58(6) Filling in the decision box

Standard Operating Procedures

From 25 September, SOPs related to the treatment of false, misleading or withheld information will be published in the Global Process Manual (GloPro), likely under the [Assess and Decide \(General\)](#) section. (Contact [Privacy of natural persons](#) for further details).

Room set-up (in branch)

The room will need a screen for the facilitator to show PowerPoints. The setup should be suitable for working in groups of 4-5.

Preparation

- Print out Activity sheets and handouts.

How to use this guide

This guide sets the order and key talking points, and is laid out as follows:

Time	Topic	Resource	Your Notes
Suggested time for each section.	<p>Includes:</p> <ul style="list-style-type: none">• instructions on how to deliver each section of the topic.• model answers.	Resources needed for each section of a topic.	<p>Background information to help the facilitator prepare. Includes:</p> <ul style="list-style-type: none">• facilitator topics: information on topics including links to relevant instructions. <p>Includes space so the facilitator can add their own written notes during preparation.</p>

Course outline

Time (minutes)	Topic
5 mins	Welcome, Opening Karakia and Objectives Purpose: To understand what the workshop will cover
15 mins	Recap of False and Misleading Changes Purpose: Cement what the changes are and answer any questions
30 mins	PPI process Purpose: Understanding the new character PPI process where False and Misleading (FM) information is at play
25 mins 45 mins for TAs	Using new character assessment and waiver templates Purpose: Practise filling in the new character assessment and waiver template
25 mins	Section 58 Template Purpose: Section 58 template, practise writing up visa decisions
10 mins	Session closure Purpose: To consolidate knowledge and answer any final questions.
Total: 1 hr 45 mins	

Welcome, Opening Karakia and Objectives

Topic outcomes

By the end of this topic, learners will be able to explain the course purpose and structure.

Topic resources

- False and Misleading PowerPoint (link)

Lesson plan

Time	Topic	Resource	Your notes
3 min	<p>Welcome and Introduction</p> <p>Do: Welcome participants to the workshop and introduce yourself, if needed*. Include any information that is relevant to your role facilitating this training e.g. experience facilitating, experience in the role/area of work the learners are in.</p> <p>Say: Before we start, we are going to say our MBIE karakia.</p> <p><i>Tāwhia tō mana kia mau, kia māia</i> <i>Ka huri taku aro ki te pae kahurangi, kei reira te oranga mōku</i> <i>Mā mahi tahi, ka ora, ka puāwai</i> <i>Ā mātau mahi katoa, ka pono, ka tika</i> <i>TIHEI MAURI ORA</i></p>	<p>PowerPoint - Slide 1</p> <p>PowerPoint - Slide 2</p>	<p>*Introductions will probably only be required for Train the Trainer webinar.</p>

Time	Topic	Resource	Your notes
2 mins	<p>Objectives</p> <p>Say: By the end of this webinar/workshop you will be able to:</p> <ul style="list-style-type: none"> • Understand and apply the updated character instructions and Section 58(6) confidently and competently • Understand the new PPI process • Have a clearer understanding of how to fill the new character waiver template • Understand how to write up decisions in a new template which will be used when s58(6) is involved. 	PowerPoint - Slide 3	

Recap of False and Misleading changes

Topic outcomes

By the end of this topic, learners will be able to explain what is changing, and when to use Section 58(6) or Character instructions.

Topic resources

- PowerPoint
- **Handout:** Change table

Time	Topic	Resource	Your notes
1 mins	<p>Introduction</p> <p>Say: As outlined in the Amendment Circular that was published 1 September and the online module you will have all completed, there are going to be some changes to immigration instructions that clarify when to apply either general character instructions or Section 58(6).</p> <p>These changes will provide clarification around the instructions that allow a visa application to be declined when there is FM information.</p>	PowerPoint - Slide 4	
1 mins	<p>Current issues</p> <p>Say: Why do we need these clarifications?</p> <p>Say: First let's look at character instructions. When it comes to FM information, it's not clear at what stage the IO must look at the 'intent' of the</p>	PowerPoint - Slide 5	

Time	Topic	Resource	Your notes
	<p>applicant; and if the client is still 'caught' when it's the agent who provided the false information.</p> <p>Say: 58(6) is currently under-used due to the lack of guidance on its use. For example, if a current application has FM info, does the IO use 58(6)? Use character? Or can they even use both?</p>	Click	
1 mins	<p>Key Changes</p> <p>Say: Let's recap what's changing from 25th September:</p> <ul style="list-style-type: none"> • Section 58(6) will be used for current applications containing FM information. • While Character instructions will be used for past applications containing FM information. • And the applicant's or agent's intention or otherwise, will not need to be established by the IO, before being able to decline on s58(6) or character. • However, once it's established that character or s58(6) is in play, the applicant's intention and involvement must or should, be taken into consideration before making the final decision. For character this factor must be taken into account, but for s58(6) there is no legal requirement for this. 	<p>PowerPoint - Slide 6</p> <p>Click</p> <p>Click</p>	
3 mins	<p>S58(6) and Character</p> <p>Say: These two provisions are now more aligned in three key areas: the role of the agent, intent of the applicant (or the agent), and whether there needs to be some sort of "pause and consideration" before declining.</p>	PowerPoint - Slide 7	

Time	Topic	Resource	Your notes
	<ul style="list-style-type: none"> If you choose not to use 58(6) and instead approve the application, it's not an 'exception to instructions', so avoid ETI language in your 58(6) letters or notes. 		<p>NOTE: You may want to clarify to the trainees the wording on slide 8 – that you can't actually approve an application under s58(6). 's58(6) approval' is shorthand for 'not using s58(6) and instead approve the application'.</p>
2 min	<p>Do: Hand out Table of changes</p> <p>Say: Looking at the table of changes there are a few in particular, I want to highlight:</p> <ul style="list-style-type: none"> In character instructions, the agent is now mentioned. This aligns with section 58 and means that even if an agent is the one who provided the FM information, the client is still caught by the character instructions. Exceptions for children – any child 17 and under, can't be caught under character for FM information since they don't personally sign the form. Even if a child is 18-24, if the FM information isn't about them, they do not fall under character instructions. And the note under E7.15.1 instruction says that FM information is not PPI. This will be deleted. We'll talk about this more in a few minutes. 	<p>PowerPoint - Slide 9</p> <p>Click</p> <p>Click</p> <p>Click</p>	<p>Hand out: Table of changes as per slide 8</p>
2 min	Wrap up		

Time	Topic	Resource	Your notes
	<p>Say: You should now have a good understanding of the changes coming and when to use section 58(6) or character instructions.</p> <p>Ask: Are there any questions about these changes before we move on?</p>		

PPI process

Topic outcomes

By the end of this topic, learners will be able to demonstrate an understanding of the different PPI process when there is False and Misleading information.

Topic resources

- Facilitator computer and projector
- PowerPoint
- Hand-outs:
 - FM Activity 1 - PPI (with answer sheets at end)

Time	Topic	Resource	Your notes
2 mins	<p>Introduction</p> <p>Say: Let's recap what you learnt in the online module about the changes to the PPI process and some important principles.</p> <p>Say: First, INZ will be moving to a combined PPI letter from 25 September, instead of the current two stage PPI process. This is already being done informally in some offices for temp visa applications, but it is now a formal decision approved by the Dep Secretary and includes residence applications. It also applies to all character issues, not just FM issues.</p>	<p>PowerPoint - Slide 10</p> <p>PowerPoint -Slide 11</p>	

Time	Topic	Resource	Your notes
	<p>Say: Secondly, take extra care. We should no longer be saying “YOU provided false information”, but rather “that false information was provided”. We also need to strike the balance between giving the client too little information about our concerns and giving them too much. If we give them too little, we may not be giving them an adequate chance to defend their case. If we give them too much, we might risk revealing certain verification methods that should remain secret, or might risk other harm, like harm to a third party.</p> <p>Say: We’ll do an exercise in a minute to practise this, but first “Do we always have to do a PPI letter, even when the client provided FM information?”</p>	Click	
5 mins	<p>Say: If we are considering declining a residence application, or a temporary application made by a person onshore, we always have to PPI the person first. However, when it’s an offshore temporary application, the PPI rules are different. If the person is aware of the PPI or it’s publicly available, then we don’t need to send a PPI letter – for example, if a student visa applicant provides an offer of place that is expired, we don’t need to PPI. These different rules for offshore temporary visas are found at E7.15.1.</p> <p>Say: Earlier I mentioned that the Note at E7.15.1 is being deleted. The reason for this is due to a review the Operational Policy team did of how we treat FM information, which identified a flaw in the logic of the Note. The Note says FM information is not PPI because the client themselves provided it (so they are aware of it). That seems logical at first glance. But many times, the reason we know or suspect it’s false is because we have access to other information the client is not aware of.</p>		<p>NOTE: there are more examples in IAC 11/09</p>

Time	Topic	Resource	Your notes
	<p>Let's look at some examples. In this first one the client provides a work reference letter; the letter's content is Fact A; but we have access to a Fact B which contradicts Fact A, in this case the alleged author of the letter who says he never wrote it. The second example is a similar situation a bank statement vs information from the bank.</p> <p>Say: So, is there any PPI in these situations, and if so, what is it? Turn to your neighbour and discuss this. I'll give you a minute or two, before we discuss this as a group.</p> <p>Quick discussion in pairs- 1-2 mins</p> <p>Do: Get a couple of learners to answer and confirm general feeling if yes or no. Facilitate a discussion, if needed, regarding any differing answers.</p> <p><i>Answer: It's Fact B, or perhaps the combination of Fact A and Fact B together. Either way the client is not aware of Fact B, so we are obligated by the PPI rules in E7.15.1 to PPI the client.</i></p> <p><i>In the decline letter, the reason would be the facts together, in combination – "you told me X, someone else told me <u>not</u>X, and so I conclude you've given me false information."</i></p> <p><i>The second example would also be a PPI with a combination of the two facts.</i></p> <p>Ask: Any questions?</p> <p>Ask: But what if, say, the client themselves provides both Fact A and Fact B and they contradict each other?</p>	<p>PowerPoint - Slide 12</p> <p>Click</p> <p>Click</p>	

Time	Topic	Resource	Your notes
	<p>Say: Then potentially we wouldn't need to do a PPI letter, since they are aware of both pieces of information. The SOPs on FM information will link to a PPI guidance document which goes over other trickier examples*. I'd encourage you to read as soon as you receive advice on where to access it.</p>		<p>*The SOPs document is still being finalised and a link to it will be provided, at the latest, in a visa pak the week before the 25 September launch date.</p>
20 min	<p>Activity – PPI Activity</p> <p>Say: As we mentioned earlier, it important to take extra care when writing a PPI letter when there is FM information. So, we're going to look at some PPI examples. Please get into a group of 4-5.</p> <p><i>Each group will get a different scenario (there may be more than one team looking at each scenario).</i></p> <p>Say: We want you to read the scenario and the draft PPI letter and look at what is wrong with the letter and what changes you would make. We will give you 10 minutes*, then we'll come back and discuss further.</p> <p>Ask: Any questions?</p> <p>Do: After 10 minutes get learners to identify what's wrong with the PPI draft. Use the answer sheets given to debrief the activity.</p>	<p>PowerPoint - Slide 13</p> <p>FM Activity 1 –PPI Activity (Answers attached at end of activity doc)</p>	<p>Hand out Activity 1 – PPI Activity</p> <p>Divide into groups of up to 5. Hand out different activities (one scenario for each group).</p> <p>*If the groups look like they have finished before the 10 mins is up. Bring them back and start the debrief.</p> <p>If useful, you can hand out the answer sheets at the end of the activity for them to refer to in future.</p>
5 mins	<p>Wrap up</p> <p>Say: You should now have a good understanding the changes to the PPI process for false and misleading information.</p>		

Time	Topic	Resource	Your notes
	Ask: Any questions or comments before we move on?		

Using new character assessment and waiver templates

Topic outcomes

By the end of this topic, learners will be able to fill in the new Character Assessment and Waiver template.

Topic resources

- Facilitator computer and projector
- Hand-outs
 - FM Activity 2 - Character assessment and waiver template
 - FM Activity 3 - Intentions and Involvement weighing – **TAs training only**

Time	Topic	Resource	Your notes
2 mins	<p>Introduction</p> <p>Say: As a result of the false and misleading work Operational Policy has done, we now have new character waiver templates. You can start using these right away, even for applications lodged before 25 September, because Op Pol has created transitional templates for the older character instructions. The new templates for use after 25 September are not available yet but will be loaded into AMS and ADEPT just before that day.</p> <p>Say: There is also a new template to use after 25 September when section 58(6) is in play, which we will cover shortly. For now, let's look at the new character templates.</p> <p>Say: Notice the title here. They are now being called 'Character Assessment and Waiver templates', not just Character Waiver templates. This is because</p>	PowerPoint - Slide 14	

Time	Topic	Resource	Your notes
	there are two things happening inside the templates: first you are assessing character, then assessing a waiver.		
2 mins	<p>Key differences in new templates Say: Here are some key differences.</p> <ol style="list-style-type: none"> 1. First, as mentioned, there is a clearer division between the two parts, character and waiver. 2. The IO is now required to put their name at the end of part 1, before we get to the waiver bit. As usual, the TA (or SIO) still puts their name at the end of part 2. 3. In part 1, there are separate places to record each character issue if there's more than one issue. 4. There are separate boxes, as well, to record just what the client says about the character issue (e.g., to explain the conviction), and then another to record why they want a waiver. 5. In part 2, there's no longer a pros and cons table. There are several reasons for this; one is that it's sometimes hard to assign a fact as a 'pro' or a 'con' as it might be neutral. Another is if we're inclined to decline an application, we might be tempted to artificially fill up the cons side of the table. 6. Instead, the new template includes a table where TAs or SIOs will outline their commentary and analysis of the factors being considered, including any weight placed on each fact. 7. Finally, most of you will be aware of the fast-track waiver process <i>[explain if you know your audience doesn't know it]</i> and that there's a 	<p>PowerPoint - Slide 15</p> <p>Click</p> <p>Click</p> <p>Click</p> <p>Click</p> <p>Click</p> <p>Click</p> <p>Click</p>	

Time	Topic	Resource	Your notes
	<p>separate template for it. This template has now been inserted into the main template.</p>		
<p>15 mins</p>	<p>FM Activity - Character assessment and waiver template</p> <p>Say: We're going to look now at the new template filled out with a scenario, so you can see the new template in practice. We'll give you 10 minutes to have a read, then look at the highlighted sections together.</p> <p>After 10 mins:</p> <p>Ask: How did you find that scenario? Anything that stood out to you or any questions before we take you through the new key s sections?</p> <p>After any questions or discussions:</p> <p>Say: Let's go through it together now. In the first two tables, in Part 1, you will see each character issue is listed.</p> <p>Say: Moving to Part 2 of the template (page 5), only TAs (and some SIOs) will be authorised to complete this section.</p> <p>Say: In Part 2, you'll see how the new weighing and balancing table looks (page 6). In the first column is the pre-filled list of waiver instructions. The second column, you list the relevant facts. Notice how the TA here uses the indexes B1 etc in several places, which makes it easier to write up. In the third column, the TA writes their thoughts on the facts and how much weight they put on each. For IOs it is important you understand this process as you</p>	<p>PowerPoint - Slide 16 Handout – Activity 2</p>	<p>Hand out Activity 2 - Character assessment and waiver template.</p>

Time	Topic	Resource	Your notes
	<p>will be required to complete a similar, though shorter, assessment in the s58(6) template. More on that shortly.</p> <p>Say: At the end of this table, the TA can also add more rows for any other facts they considered. Again, using the indexes.</p>		
5 mins	<p>Waiver factors for false information</p> <p>Say: Some character waiver instructions related to false information are changing on 25 September. As before, we will still need to look at the significance of the false information.</p> <p>Say: On the slide, you can see the second factor is changing. Currently, you must assess “whether the applicant is able to supply a reasonable and credible explanation or other evidence indicating that in supplying or withholding such information they did not intend to deceive INZ”. However, with the changes moving forward you will now have to consider: “the nature and extent of the applicant’s intentions and involvement in the provision of the false or misleading information, or in the withholding of relevant information.” We will practise this in the next activity.</p> <p>Say: As I mentioned earlier, once it’s established that character or s58(6) is in play because of false information, the applicant’s intention and involvement must be taken into consideration before making the final decision. This is where we are doing that, at the waiver step for a character case.</p>	<p>PowerPoint – Slide 17</p> <p>Click</p>	

Time	Topic	Resource	Your notes
	<p>Say: There is also now a third factor to the waiver consideration, that is “the extent to which the applicant exercised reasonable diligence in ensuring that INZ was provided with complete and accurate information.” This is meant to cover situations where, for example the applicant says, “Well, I just left everything to my agent, and signed the application form without looking at what answers he gave.” Under the current instructions, it’s difficult to argue that such a person intended to deceive INZ, but this makes it clear that this approach is not acceptable.</p> <p>Ask: Any questions before we move on?</p> <p>Say: Let’s now look at how to assess “intentions and involvement” in a false information case. First, what do we mean by these words?</p> <ul style="list-style-type: none"> • Involvement speaks to how much the client personally acted in giving or withholding information. • Intention goes more to the mind of the applicant. <p>Say: It’s important to note there is a sliding scale implied here, when the instruction state “the extent of the intentions and involvement.” The current waiver instructions suggest the officer must make a black and white choice (“Did the applicant give a reasonable explanation?” “Did they intend to deceive INZ or not?”) But real life is not always black and white, and so the new waiver instructions have been drafted in such a way to allow for shades of grey.</p>	<p>Click</p>	

Time	Topic	Resource	Your notes
5 mins	<p>Activity – Intentions and Involvement</p> <p>Say: To help assist with this shift in thinking, we’re going to do a quick exercise together. Looking at this table of scenarios, let’s rank intentions and involvement for each scenario.</p> <p>Do: Lead a 5-minute group discussion around the ranking for each of these.</p> <p>Say: Of course, we don’t need to record low, med or high in real applications. This exercise was just a quick way to get you to start thinking along these lines.</p>	<p>PowerPoint – Slide 18</p> <p>Click (for answers)</p>	
25 mins	<p>Activity – Intentions and Involvement weighing</p> <p>Say: We’ll now do an activity to help practice writing up intentions or involvement. We’ll split into 3 groups, each with its own scenario.</p> <ul style="list-style-type: none"> • Read your scenario and practise writing up the commentary and analysis, including any weight in column 3. <p>Say: For the purposes of this exercise, assume that you accept the truth (at face value) of the explanation and/or evidence they gave in their PPI response.</p> <p>Do: After 15 minutes, ask how they found that activity? Any issues? You can have Slide 20 up so all learners can view the different scenarios and understand what each team has written up. Allow another 10 discussion for this.</p>	<p>PowerPoint – Slide 19</p> <p>PowerPoint Slide 20</p>	<p>*For TA training ONLY</p> <p>Break into three groups and hand out FM Activity 4 – Intentions/involvement.</p>

Time	Topic	Resource	Your notes
1 min	Wrap up* Do: Ask learners to share their key takeouts and clarify any questions before moving on.		*For ALL learners

FMI template (for section 58(6) and other)

Topic outcomes

By the end of this topic, learners will be able to write up a visa decision in the new template, where section 58(6) of the Act can be used because of false, misleading or withheld information in a current application, or in an EOI which preceded that application.

Topic resources

- PowerPoint
- Hand-outs:
 - FMI template
 - FM Activity 4 – Filling in the decision box in part 5

Time	Topic	Resource	Your notes
5 mins	<p>Introduction</p> <p>Say: This is our last section of the day. So far, we've discussed character waivers. But moving forward you will be using 58(6) for false information in a current application. There is a different template for this which IOs will be filling in. It's not just for TAs or SIOs.</p> <p>Say: We'll be looking at using the section 58(6) or FMI template. The reason it's called the FMI template, and not just the 58(6) template, is because we can use it in two different situations:</p> <ol style="list-style-type: none">1) Where there is false information in the current application (this is the 58(6) situation); or	PowerPoint - Slide 21	Handout FMI template

Time	Topic	Resource	Your notes
	<p>2) Where there was false information in the previous EOI which led to the current application, that's in front of you.</p> <p>Hand out: FMI Template</p>		
10 mins	<p>Say: Most of the template is similar to the character waiver template, except of course there is no space for recording convictions, no fast-track waiver section and so on.</p> <p>Say: Remember: as mentioned in the module and earlier today, there is nothing in section 58 of the Act that demands that INZ do a waiver process for cases that fall under section 58. However, because powers of the Act must still be used reasonably, we recommend you think along the lines of a 'waiver', informally, and that factors like the intentions and involvement, the significance of the false information, and so on, are things to keep in mind, although they are not a 'must'.</p> <p>This difference is reflected in the templates. In the character template, the TA or SIO must record point-by-point comments against each of the three factors we have discussed. But in the 58(6) template, the IO doesn't have to do this; there are some open fields to record circumstances the IO judges to be relevant. The IO, <i>could</i>, as part of that filling in the box, record something about intentions, involvement and so on, but need not do so if other factors are more important. For example, a family emergency as a reason to travel to NZ may outweigh any factors related to false information, or in another case</p>	PowerPoint - Slide 22	

Time	Topic	Resource	Your notes
	<p>the significance of the false information is so large that you decide the 'intentions and involvement' is not worth recording.</p> <p>Say: Today, we'll just look at the last part of the template. One thing that is not shown here, is that an SIO or TA don't necessarily need to put their names at the end of the template. This allows for an IO to make the decision about declining under 58(6) or approving the visa despite the false information. [You may wish to convey any local preferences on who signs these after you discuss with your PL, VOM etc.]. However, if an IO does decide to grant residence after the FMI assessment is completed, a TA will need to review, agree and sign-off the decision.</p>		
15 mins	<p>Activity - Filling in the decision box in part 5</p> <p>Say: Ok, last activity for the day. We are now going to practise filling out the last box. Again, we will get you into three groups.</p> <p>Do: After 10 minutes, get each group to report back with their answers. Again, you can have slide 24 up, so all learners can see the different situations.</p>	<p>PowerPoint - Slide 23</p> <p>PowerPoint Slide 24</p>	<p>Break into three groups and hand out Activity 5 – filling in the decision box in Part 5</p>
5 mins	<p>Wrap up</p> <p>Do: As the learners to share their key takeouts and clarify any questions before moving on.</p>		

Session close/Recap

Outcomes

By the end of this topic, learners will have the opportunity to reflect on what they've learnt and ask any final questions.

Lesson Plan

Time	Topic	Resource	Your notes
10 mins	<p>Session close/ Recap</p> <p>Say: As we close, thinking back at the examples we worked through today, hopefully you will have seen that it's good to have a balanced approach to FM information.</p> <p>Say: On the one hand, it is a serious matter because fraud can undermine the integrity of our immigration system. But we also have to be alert to shades of grey, be reasonable in our judgement and weigh and balance the interests of New Zealand and the circumstances of the applicant.</p> <p>Say: In cases where the client admits they knowingly lied because they knew couldn't meet the policy, we'd most commonly decline. But greyer cases may need some more thought. If a person was coerced, we may approve, but where the person admits they lied to hiding their partnership from their parents, we'd more likely decline. And there are likely shades in between, where it's really a 50-50 call. This is where your quality rationale is important.</p>	PowerPoint Slide 25	

Time	Topic	Resource	Your notes
	<p>Do: A quick recap by getting learners to call out their key take outs from the session. Answer any final questions from the group.</p>	<p>PowerPoint Slide 26</p>	
	<p>Summarise: Thank you for your time today. We will close with our MBIE closing karakia.</p> <p><i>Ka hiki te tapu</i> <i>Kia wātea ai te ara</i> <i>Kia tūruki ai te ao mārama</i> <i>Hui e, Taiki e</i></p> <p>Thank you for attending today. Mā te wā (see you later).</p>	<p>PowerPoint Slide 27</p> <p>PowerPoint Slide 28</p>	

Kia ora!

False and Misleading changes

September 2023

MBIE Karakia

**Tāwhia tō mana kia mau, kia māia
Ka huri taku aro ki te pae kahurangi,
kei reira te oranga mōku
Mā mahi tahi, ka ora, ka puāwai
Ā mātau mahi katoa, ka pono, ka tika
TIHEI MAURI ORA**

Retain and hold fast to your mana, be bold, be brave

We turn our attention to the future, that's where
the opportunities lie

By working together we will flourish and achieve
greatness

Taking responsibility to commit to doing things
right

TIHEI MAURI ORA

Objectives

By the end of this workshop you will be able to:

- Understand and apply the updated instructions and Section 58(6) confidently and competently
- Understand the new PPI process
- Have clearer understanding of how to complete the new character waiver template
- Understand how to write up decisions in the new template, when s58(6) is involved.



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Recap of the changes



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Current issues

Character instructions (A5.25 & A5.45)

Not clear:

- When do you look at the 'intent' of the applicant?
- If an **agent** provides false information, is the client still caught?

Section 58(6) of the Act (currently at E4.75 of Manual)

- Under-used due of lack of clear guidance
- If a current application has false info, do you use 58(6)? Use character? Use both?

Key Changes

- 1 **Section 58 (6)** will be used for **current applications** containing false or misleading information.
- 2 **Character instructions** will be used for **past applications** containing false or misleading information.
- 3 No need to establish intent.



Section 58(6) and Character

How are these now more similar?:



Agent



Intent



Pause & consider

But there will still be differences

1. s58(6) is only for False and Misleading Information in a **current application**, not a past one
2. s58(6) is a decline on Act, character is decline on Instructions

Remember



Don't use both sections. **Either** S58(6) **OR** character



S58(6) approval is **not** an 'exception to instructions'

Item	Reference	Change
Character issues which can be overcome by a character waiver : <ul style="list-style-type: none"> ▪ Convictions ▪ False/misleading information ▪ Hate speech etc (residence only) 	A5.25 (residence) A5.45 (temporary)	Structural changes to clarify a two step process False/misleading changes <ul style="list-style-type: none"> ▪ F/M info a ground to decline only if the FM occurred in a past application ▪ Role of agent clarified ▪ FM in past EOIs, VOC/VOTCs and Recons is a character issue ▪ Clarifies when and how 'intent' to be factored ▪ Exceptions for children
Carve outs for FM info in cases of migrant exploitation	A5.25.7 A5.45.7	New carve out in residence character instructions Minor wording changes to original temp instructions to clarify intent (same wording for residence brought over)
New chapter for section 58	A24	Replicates s58; administrative guidance on using 58(6)
Current replications of section 58	E4.75 most of R5.20.1	DELETED
Declining SMC and Parent for FM info in the EOI	SM3.10.1 SR3.5.5 (from 9 Oct) F4.5.15	The test about whether info provided is FM info changes from 'reasonable basis' to the same approach for 58(6)
When to PPI applicants outside New Zealand if FM info is provided	E7.15.1	DELETED: THE NOTE SUGGESTING THAT FALSE INFO IS NOT PPI A new Note will clarify the definition of an agent (also in the IAC)



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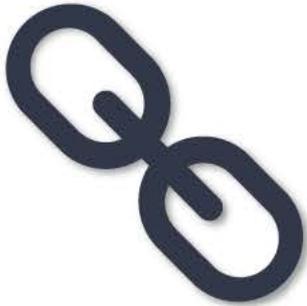
PPI process



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Recap of points in online module



Combined PPI process



Take extra care

Offshore temp visa & false info

Do I need to send a PPI letter?

'Fact A' - provided by client	'Fact B' - which INZ knows	What is the PPI?
1. A work reference letter saying client worked for x years.	Alleged writer of letter is spoken to by INZ, says he didn't write it.	The info from the alleged writer, or perhaps the <u>combination</u> of the two facts.
2. Bank statement.	Email/phone call or online portal with bank shows it's false.	The interaction with the bank, or the combination of the two facts.

Activity 1 – 10 minutes

In groups:

Read the following scenario and PPI letter (handout):

1. What is wrong with this PPI letter?
2. Make notes on how you would improve this.





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Using new Character **Assessment and Waiver** templates



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New Waiver Templates – Key differences



1. Character
2. Waiver



1. IO name
2. TA name



Record each character issue



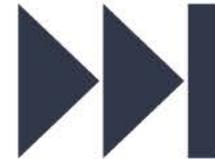
Record PA response



No pros & cons table



Weigh each fact



Fast-track waiver process

Activity 2 – 10 minutes

Read the following scenario in different parts of the new template.



Intentions & involvement in the new table

	Fact	Commentary
(if applicable) the significance of the false, misleading or forged information provided, or information withheld.		
<i>(if applicable) the nature and extent of the applicant's intentions and involvement in the provision of the false, misleading or forged information, or in the withholding of relevant information</i>		
<i>(if applicable) the extent to which the applicant exercised reasonable diligence in ensuring that INZ was provided with complete and accurate information</i>		

Activity - Intentions and Involvement

Situation	Involvement Low/ Med/ High	Intent Low/ Med/ High
1. Ten year old – Dep child application; father who filled in application lies about child’s health. How would you rank the child?	Nil	Nil
2. Client tells agent to fill in application honestly and gives agent accurate information, checks application afterward, though doesn’t know English well. How would you rank the client?	Low	Low
3. Client leaves everything to agent, doesn’t given him specific instructions to fill in honestly; trusts him to just do the right thing	Medium	Low
4. Family applies for residence; 20 year old included who is in a partnership unknown to parents. Fact of partnership not declared in application. 20 year old admits lie, just wanted to keep info from parents.	High	Medium
5. Client has no agent; admits lies and says he did so because he knew he didn’t qualify for the visa.	High	High

Activity 3 – 15 minutes

In groups:

- Read your scenario and practise writing up the commentary and analysis, including any weight in column 3.



Practice – commenting on intentions/involvement & diligence

Group 1: Client says in PPI response they told the agent to fill in application honestly, gave agent accurate information, and checked application afterward before signing, though doesn't know English well. Doesn't mention in response whether they asked a relative or friend to translate the answers & supporting material before signing.

Group 2: Client (20 year old SA at the time of their parents' residence application – partnership status marked single) admits they withheld information about their engagement to a boyfriend. Client didn't want parents to know about it; it wasn't about trying to deceive INZ. Client says they didn't even want to come to NZ, but parents insisted.

Group 3: Client admits they provided a number of false answers in their application, and provided three false documents regarding the partnership. Says that their partner coerced them to do this. Presents a series of text messages from the partner with threatening language, though unrelated to the visa issue.



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FMI Template (for section 58(6) and other)



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FMI template

4B: Recording of factors considered

Record your consideration of the circumstances of the application. This may include, for example, the significance of the false misleading or withheld information, the applicant's involvement in the provision or withholding of the problem information, or what is known about their personal circumstances. It may also include anything else you think is relevant.

Circumstances considered	Any further details, and your comments on these circumstances

5: Decision: Is it appropriate to decline the application on the grounds of FMWI? (Select one of the below, delete the others)

Not applicable, because I am not satisfied that false or misleading information was provided, or that relevant information was withheld.

Yes, it is appropriate to decline the application on FMWI grounds because... (Provide a short reason for your conclusion in the top row):

What instruction in the INZ Operational Manual is being used to decline the application? (Choose one, delete the others)	A24.1(f) (section 58(6) of the Act) SM3.10.1(a) SR3.5.5(a) F4.5.15(a)

No, it is not appropriate to decline the application on FMWI grounds because... (provide a short reason for your conclusion):

--

Activity 4 – 10 minutes

In groups:

- a) Read your scenario and decided whether to decline or not
- b) Write up your reasoning for your conclusion in the appropriate section



Practice – filling in the decision box in part 5

Group 1: Offshore first time AEWV applicant. Bus driver. Accredited ABC company record is fine. Known bus driver shortage in Wellington. Single, with a cousin in Wellington. Two year fixed term offer. In application, client declares he's never been deported from another country, but Aussie info indicates he was 9 years ago and was subject to a 3 year ban. PPI response: he thought since the 3 year ban was over, he didn't need to declare anything about it.

Group 2: Onshore SV applicant, gained Bachelor's at Massey, now wants to do Master of Economics at Otago. Meets all the requirements (offer of place etc), but included a bank statement as evidence of funds which was doctored to appear they had \$10,000 more than actually had. PPI response: "I was busy so hired an immigration agent; I didn't check if they were licensed. I didn't know they were going to do that. I have a new partner (NZ cit) and I'm planning to ask her to marry me." Client includes a supporting letter from partner, along with partner's bank account statement which appears to have a healthy balance.

Group 3: Residence application from one parent (aged 85) under Parent Category; the parent has lived in NZ for 18 months, the last six as an ETI while the residence application is being processed. The son's income, at EOI stage, was declared to be \$2000 more than the minimum required. At application stage, it's found that it was a false declaration. PPI response: they acknowledge it was false but they are desperate for the parent to remain here; he only has a sister in South Africa for family support and he feels it's too dangerous there.



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Session Close/ Recap



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Questions and Key Takeaways





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Ka rawe!

**You have completed this
workshop**

MBIE Karakia

**Ka hiki te tapu
Kia wātea ai te ara
Kia tūruki ai te ao mārama
Hui e, Taiki e**

Restrictions are moved aside
So the pathway is clear
To return to everyday duties
Enriched and unified
Greetings to all

Activity 1

False and Misleading PPI's

Scenario 1

Current application was lodged in May 2023. PA declared Mr Man as his brother in a 2010 Student Visa application. In the 2010 application, PA declared his marital status as single. In 2022, an anonymous source provided a marriage certificate (MC) indicating that Mr Man was PA's spouse. An IO checked with the registration office in London who confirmed the certificate was genuine.

Possible PPI draft:

We have completed an initial assessment of your application and it appears you may not meet the character requirements for a temporary entry class visa. If this is confirmed, then you cannot be granted a visa unless we grant you a character waiver.

The provision in character instructions A5.45.5 (copy attached) that appears to affect you is A5.45.5(c).

It appears you provided false information in a previous student visa application. In that application you declared Mr Sample Man DOB 12/1/75 as your brother and contact person in New Zealand. However, we recently received a marriage certificate showing that you were married to Mr Man in December 2009. We have verified that certificate as genuine.

It seems clear that your statement that Mr Man is your brother is false, because you had previously married him. You also withheld the fact that you were married to Mr Man was material information that was withheld from INZ. Our concerns mean that you would not meet character instructions at A5.45.5(c).

What is wrong with this PPI draft?

How would you improve it?

Activity 1 - Answers

False and Misleading PPI's

Scenario 1

Current application was lodged in May 2023. PA declared Mr Man as his brother in a 2010 Student Visa application. In the 2010 application, PA declared his marital status as single. In 2022, an anonymous source provided a marriage certificate (MC) indicating that Mr Man was PA's spouse. An IO checked with the registration office in London who confirmed the certificate was genuine.

Possible PPI draft:

We have completed an initial assessment of your application and it appears you may not meet the character requirements for a temporary entry class visa. If this is confirmed, then you cannot be granted a visa unless we grant you a character waiver.

The provision in character instructions A5.45.5 (copy attached) that appears to affect you is A5.45.5(c).

It appears you provided false information in a previous student visa application. In that application you declared Mr Sample Man DOB 12/1/75 as your brother and contact person in New Zealand. However, we recently received a marriage certificate showing that you were married to Mr Man in December 2009. We have verified that certificate as genuine.

It seems clear that your statement that Mr Man is your brother is false, because you had previously married him. You also withheld the fact that you were married to Mr Man was material information that was withheld from INZ. Our concerns mean that you would not meet character instructions at A5.45.5(c).

What is wrong with this PPI draft?

- Too accusatory
- Not enough detail about the PPI

How would you improve it?

We have completed an initial assessment of your application and it appears that you may not meet the character requirements for a temporary entry class visa. If this is confirmed, then you cannot be granted a visa unless we grant you a character waiver.

The provision in character instructions A5.45.5 (copy attached) which appears to affect you is A5.45.5(c).

It appears **that false information was provided** in your student visa application **in July 2010**. In that application, you declared that Mr Sample Man (date of birth 12 January 1975) was your brother and contact person in New Zealand. However, we recently received a marriage certificate **from an anonymous source** showing that you were married to Mr Man in December 2009. We have contacted **the relevant registration office in London, who confirmed** that this certificate is genuine. **A copy of our report is enclosed with this letter.**

We are concerned that your statement in 2010 that Mr Sample Man was your brother was false. Therefore, it appears that you may not meet character instructions at A5.45.5(c).

Activity 1 - - Answers

False and Misleading PPI's

Scenario 2

Current application lodged in June 2023. PA provided work experience letter from ABC company indicating that PA was working there from period from January 2021 to February 2022. IO rang ABC and talked to Ginger Rogers (HR manager) who said they have no record of PA working there.

Possible PPI draft:

We have completed an initial assessment of your application and have identified the following issue which may have a negative impact on the outcome of your application.

We are concerned that false and misleading information was provided in this application. If this is confirmed, then your application becomes subject to section 58(6) of the Immigration Act, which says that false, misleading or withheld information in an application is sufficient grounds for an immigration officer to decline to grant a visa. Section 58 of the Immigration Act is spelled out in instruction A24 of the Immigration New Zealand Operational Manual. A24 is copied at the end of this letter.

In your application, a letter has been provided from ABC company stating that you worked as one of their technicians from January 2021 to February 2022. However, we have contacted Ginger Rogers, HR Manager, of ABC Company on the phone and she advised you never worked for them.

What is wrong with this PPI draft?

- Using 'false & misleading' as interchangeable
- Not completely accurate portrayal of facts
- Too much detail about the verification activity

How would you improve it?

We have completed an initial assessment of your application and have identified the following issue which may have a negative impact on the outcome of your application.

We are concerned that false ~~and misleading~~ information was provided in this application. If this is confirmed, then your application becomes subject to section 58(6) of the Immigration Act, which ~~states~~ that false, misleading or withheld information in an application is sufficient grounds for an immigration officer to decline ~~to grant~~ a visa application. Section 58 of the Immigration Act is spelled out in instruction A24 of the Immigration New Zealand Operational Manual. A24 is copied at the end of this letter.

In your application, a letter has been provided from ABC company stating that you worked as one of their technicians from January 2021 to February 2022. However, we have contacted ~~Ginger Rogers, HR Manager, of~~ ABC Company ~~on the phone~~ and ~~she advised you never worked for them~~ they advised that they have no record of you having worked for them.

Activity 1 - Answers

False and Misleading PPI's

Scenario 3

Current residence application lodged May 2023. In previous WV application, in June 2022, PA failed to declare a couple of 2021 convictions.

Possible PPI draft:

We have completed an initial assessment of your application and it appears you may not meet the character requirements for a residence class visa. If this is confirmed, then you cannot be granted a visa unless we grant you a character waiver.

The provisions in character instructions A5.25.5 (copy attached) that appear to affect you are A5.25.5(a)(vi), A5.25.5(a)(viii) and A5.25.5(b)(i).

According to your New Zealand police record, you were convicted in 2021 for driving with excess breath alcohol and for reckless driving. In your application last year, you failed to declare these convictions.

We have not made a decision on your application at this stage. We would like to invite you to comment or provide information in response to our concerns.

What is wrong with this PPI draft?

- Conflates conviction and failed to declare in the sense that it is not clear on what they need to comment on

How would you improve it?

We have completed an initial assessment of your application and it appears that you may not meet the character requirements for a residence class visa. If this is confirmed, then you cannot be granted a visa unless we grant you a character waiver.

In character instructions A5.25.5 (copy attached), the provisions that appear to affect you are A5.25.5(a)(vi), A5.25.5(a)(viii) and A5.25.5(b)(i):

- **A5.25.5(a)(vi), A5.25.5(a)(viii) appear to apply to you, because according to your New Zealand police record, you were convicted in 2021 for driving with excess breath alcohol and for**
- **A5.25.5(b)(i) appears to apply to you because in your work visa application submitted in June 2022, when you were asked if you had any convictions, you answered 'no'. However, as noted above, you have two convictions in 2021. It therefore appears false information was provided in your application.**

We have not made a decision on your application at this stage. We would like to invite you to comment or provide information in response to each of our concerns as outlined above.

Activity 2

Character assessment and waiver template

Case of Mrs. Solar

Mrs. Solar is an applicant, in her mid-30s, for a resident visa under the Partnership Category, made on 25 September 2023.

She arrived in New Zealand on a student visa in 2018 to study a Bachelor of Arts degree. Upon her graduation, she applied for a post-study work visa on 20 January 2022. She used an LIA to submit her work visa application and act on her behalf.

Later, she met Mr. Solar who is a NZ citizen and married him in March 2022. They have a son born in November 2022. In September 2023 they decided to lodge a partnership residency application.

NZPC was requested, which confirmed that on 25 October 2021 Mrs. Solar drove with excess breath alcohol (reading 945), and on 15 November 2021 was convicted and sentenced to a fine - \$1000.00, court costs - \$132.89, and disqualification from driving for 8 Months.

She didn't declare this conviction with her post-study work visa application in 2022. She did declare it in her current residence application.

NOTE: For the purpose of the exercise the prompts in the template below will not be deleted to allow visibility of all options/explanations.

Residence V317b (post-Launch, Residence)

Character & Waiver Assessment Template (CWAT) for residence applications lodged on or after 25 Sep 2023

Application number: 1452xxxx

Client number: 1xxxxxxx

Applicant's Name	Mrs. Solar
Residence Category	Partnership Category – F2
Date application lodged	25 September 2023
IMPORTANT NOTE:	<i>If the application was lodged before 25 September 2023, you must not use this template. Instead, use V317a. (You may delete this row after reading it.)</i>

Part 1 – Assessment of Character

SECTION 1: INITIAL ASSESSMENT OF THE CHARACTER ISSUE(S)

A: Convictions

Index	Charge	Offence Date	Result	Sub paragraph in A5.25.5(a) which applies
A1	Driving with excess breath alcohol	25 October 2021	Convicted on EBA charge on 15/11/2021. Sentence: fine - \$1000.00, court costs - \$132.89, disqualification from driving 8 months	(vi) (viii)

Evidence of convictions

List relevant police records or other records (e.g. Ministry of Justice, FBI, etc), and dates of the records in the table below

Police or other record <i>Include what country the record is from</i>	Date of record
NZPC	30 September 2023

B: False, misleading or withheld information

Index	Description	Sub paragraph(s) in A5.25.5(b)(c) which applies
B1	Declared no conviction in previous application, dated 20 January 2022, but as per A1 above, she has a conviction for drink and driving dated 15 Nov 2021.	(b)(i)

C: Incitement of hatred

Index	Incident – Time and details	Evidence
C1	N/A	

Further details	

SECTION 2: APPLICANT’S COMMENTS REGARDING POTENTIAL CHARACTER ISSUE(S)**A: Applicant’s opportunity to comment on the character issue**

Describe the opportunity	The applicant was sent a PPI letter on the issue(s) above.
Details (such as when the PPI letter was sent and the date comment was provided)	PPI letter was sent on 6 October 2023, the applicant responded on 13 October 2023.

B: Applicant’s views

Index	Does the applicant agree they fall within the relevant character instruction?	Provide a summary of their explanation of the relevant issue, whether they agree or not. The applicant's comments can include those they made in prior applications.	What evidence (if any), have they provided to support their explanation? Is there any other independent evidence?
A1	Yes	<i>Applicant had a Christmas Eve party with her friends. Her friend had to go to the airport, and she decided to drive them. She thought she was fit to drive as she had had a nap. Was caught by the Police. Paid fines and served her sentence.</i>	<i>Sup letter from the friend Friend's airfare ticket Evidence of paid fine (receipt)</i>
B1	No	<i>It was her LIA, who submitted her application, and she didn't know that she had to provide her conviction's details. She trusted the LIA and they never asked her about her convictions. She just signed the declaration form authorising them to submit the app</i>	<i>Character sup letters from church and employer</i>

SECTION 3: CONCLUSION ON WHETHER A5.25.5 APPLIES

Index	My final assessment regarding the issue(s), having regard to any comments by the applicant or their agent	Is it confirmed that A5.25.5 applies due to this issue? (Yes/No)
A1	<i>Applicant has declared the EBA conviction.</i>	Yes
B1	<i>False information was provided regarding the EBA conviction in the Jan 2022 application. The applicant appears to blame the LIA for providing false info, but A5.25.5(b)(i) makes it clear that an agent providing false info is still a character issue.</i>	Yes

Conclusion: In this application, the following character provisions at A5.25.5 apply: (a)(vi), a(viii) and b(i). Therefore, a character waiver needs to be considered.

Bugs Bunny

Immigration Officer

Date: 5 November 2023

-----END OF PART 1-----

Part 2 – Waiver Assessment

SECTION 4: FAST TRACK CHARACTER WAIVER (CW) CONSIDERATION

		Correct	Not correct	Notes (if needed)
Character Waiver history	The applicant has previously been granted a CW(s)* for all of character issue(s) in Part 1 above (if correct, give date(s) of waiver(s) in the 'Notes' column), and those waivers occurred in applications for resident visas or work-to-residence work visas.		✓	
Declaration	The applicant made accurate and complete declarations in the Character section of the form for the current application (NB: they must be accurate and complete even if the applicant knows that INZ knows about past character issues).			
Additional information	The applicant has no further character concerns identified since the previous CW.			
Instructions	The CW instructions have substantively remained the same since the last CW was granted.			
Police certificates	Updated PCs are not required for this application, OR such PCs (if obtained) show no new convictions.			
Circumstances	The applicant's circumstances substantively stayed the same since the last waiver, or (in the alternative) any change in circumstances could, on balance, be seen as positive (e.g. a new higher paid job and other circumstances remaining the same).			

SECTION 5: FULL WAIVER CONSIDERATION

A: Summary of applicant's submissions as to why they should be granted a character waiver

Date of waiver submissions: 13 October 2023
<p>Summary:</p> <p>The drink and driving offence was a one off and the applicant states it is not consistent with her normal behaviour. She misjudged her physical state at the time. She states that she was young and silly and that she has learnt her lesson and has never driven after even one drink after this incident. She told her friends about this experience, and they are very supportive and have an agreement to always have a sober driver when having social gatherings. She completed the defensive driving course. The applicant states that having a child has changed her and she now understands how an irresponsible action can bring result in putting herself and members of the public in danger.</p> <p>She didn't intend to lie to INZ. After graduation she has a new horizon ahead and wanted to get her post-study work visa ASAP, so decided to use an agent. An agent said that she should not worry, and these visas are granted quickly, and minimal evidence is required. So, she fully trusted her agent and just signed a declaration form and let the agent to complete and submit her application. Now she is applying for this partnership visa with the support of her husband, and they carefully read all questions in the application form, and she declared her conviction. She is an honest person; she goes to a church and is teaching her child to be a good boy by setting an example.</p> <p>She is employed as an English language teacher at a Bright high school. Children love her and her principal speaks highly of her character.</p>

B: Recording of waiver factors

1. Factors considered	2. Description of the facts related to this consideration	3. Commentary and analysis, including any weight placed on these facts.
the seriousness of the criminal offence (generally indicated by the term of imprisonment or size of the fine)	<p>Drove with excess breath alcohol (reading 945), and was convicted and sentenced to fine - \$1000.00, court costs - \$132.89, disqualification from driving 8 months. Maximum Penalty: 3 months imprisonment.</p> <p>Act: 56(3) of the Land Transport Act 1998. According to this section, a first-time offence for 400+mgs breath alcohol can result in a maximum penalty of imprisonment for a term not exceeding 3 months or a fine not exceeding \$4,500; also, disqualification from holding or obtaining a driver licence for 6 months or more.</p>	<p>When considering the seriousness of the offence, it is noted that although the courts did not impose imprisonment, nor the maximum fine, they appear to have determined the severity of the offence to be above the minimum as they imposed an eight-month disqualification period. This was two months over and above the minimum of six months.</p> <p>Although the applicant was not sentenced to the maximum potential penalty, the serious nature of the offence is demonstrated by the legislative potential for custodial sentence. This is a significant negative factor.</p>
whether there is more than one criminal offence or whether more than one provision at A5.25.5 applies	<p>Criminal offence – A1; Not declaring it - B1.</p> <p>Overall, there are two character issues.</p>	<p>There is only one criminal offence and only one instance of false information (failure to declare conviction to INZ in the process of making an application). No evidence of multiple convictions or giving any further false information. I place moderate positive weight on this.</p>
how long ago the relevant event or events occurred	<p>A1 –almost 2 years ago; B1 - almost 2 years ago.</p>	<p>The offenses are relatively recent; however, the applicant has not offended in New Zealand since.</p> <p>Minor positive weight.</p>
whether the applicant has any immediate family lawfully and permanently in New Zealand	<p>They are married to a NZ citizen and have 11 months old child born in NZ.</p>	<p>The applicant has a child who is a NZ citizen, the child is only 11 months old and depends on his mother. The applicant is in genuine and stable relationship with a NZ citizen.</p> <p>Strong positive weight.</p>
the extent of the applicant's other connections to New Zealand	<p>The applicant appears to only have the above family connections.</p>	<p>Neutral weight.</p>
Whether the applicant's potential contribution to New Zealand will be significant	<p><i>Record the potential contribution in this column and any views the applicant has regarding it; record your assessment of its significance of it in the next column.</i></p> <p>They are employed as a secondary school teacher.</p>	<p>The applicant has successfully completed their BA qualification and are currently employed in the area specified in the Green List. She provided a sup letter from the principal.</p> <p>Strong positive weight.</p>

(if A5.25.5(b))/(c) applies) the significance of the false, misleading or forged information provided, or the relevant information not provided	B1 - The applicant didn't declare her conviction.	Conviction was a serious at the time of WD application might have resulted a negative outcome. Negative weight given to this factor.
(if A5.25.5(b))/(c) applies) the nature and extent of the applicant's intentions and involvement in the provision of the false, misleading or forged information, or in the withholding of relevant information	B1 - The applicant states that she was not involved in the completion of the application form and didn't intend to make false declarations or withhold facts.	While I've considered their explanation that it was an agent who provided the FM information and their involvement and intent was low, the applicant is still caught by the character instructions. I put some negative weight to this factor.
(if A5.25.5(b))/(c) applies) the extent to which the applicant exercised reasonable diligence in ensuring that INZ was provided with complete and accurate information	The applicant states she didn't check the work visa application form prior submission.	The applicant did not exercise reasonable diligence in ensuring information in their application was complete and accurate. I put moderate negative weight on this
(if A5.25.5(b))/(c) applies) Whether Article 31 of the Convention Relating to the Status of Refugees	N/A	
(if A5.25.5(d) applies) the length of time since the applicant publicly expressed the views, or was a member or adherent of the group or organisation	N/A	
(if A5.25.5(d) applies) whether the applicant still holds the views or still belongs or adheres to the group or organisation, and any evidence of a change in views	N/A	
(if A5.25.5(d) applies) the extent to which the applicant was involved in publishing or distributing the views, or the extent of involvement in the group or organisation	N/A	
(if A5.25.5(d) applies) the nature of the views, or the nature of the group or organisation	N/A	

Any other facts considered	Use separate rows below for each fact; list the facts in this column	
	There is only one conviction.	There is positive weight to this factor as the applicant hasn't been convicted since.
	The applicant declared the conviction with the current application.	I put positive weight on this factor.

C: Overall Assessment. Are the circumstances sufficiently compelling so as to justify waiving the good character requirement? Explain your reason(s), including how you balanced the key positive and negative factors.

I have considered all applicant's circumstances and acknowledge that she is remorseful, and she declared her only conviction with the current application. She is in relationship with a NZ citizen and have an 11-month-old child, who depends on their mother. She has potential contribution to NZ as she is skilled and employed in employment specified in the Green List.

I have also considered her involvement and intent in not declaring her conviction which could have led to the negative outcome of her work visa application, and while this is a somewhat negative factor, I find her explanation reasonable and sufficient to mitigate it.

I am satisfied these circumstances are sufficiently compelling to justify waiving the good character requirements.

SECTION 6 - Decision

Character waiver granted

Name:	Roger Rabbit
Designation/Title:	Technical Adviser
Date:	10 November 2023

Activity 3

Intentions/involvement

Scenario 1

Here is a part of the weighing and balancing table. What would you write in **column 3** in each row?

Factors considered	Description of the facts related to this consideration	3. Commentary and analysis, including any weight placed on these facts.
(if A5.25.5(b)/(c) applies) the nature and extent of the applicant's intentions and involvement in the provision of the false, misleading or forged information, or in the withholding of relevant information	Client says in PPI response they told the agent to fill in application honestly, gave agent accurate information, and checked application afterward before signing, though doesn't know English well. Doesn't mention in response whether they asked a relative or friend to translate the answers & supporting material before signing.	
(if A5.25.5(b)/(c) applies) the extent to which the applicant exercised reasonable diligence in ensuring that INZ was provided with complete and accurate information	Same as above	

Activity 4

Filling in the decision box in part 5

Group 1

Offshore first time AEWV applicant. Bus driver. Accredited ABC company record is fine. Known bus driver shortage in Wellington. Single, with a cousin in Wellington.

Two-year fixed term offer. In application, client declares he's never been deported from another country, but Aussie info indicates he was 9 years ago and was subject to a 3-year ban.

PPI response: he thought since the 3-year ban was over, he didn't need to declare anything about it.

Yes, it is appropriate to decline the application on FMWI grounds because (provide a short reason for your conclusion):

No, it is not appropriate to decline the application on FMWI grounds because (provide a short reason for your conclusion):

Activity 4

Filling in the decision box in part 5

Group 2

Onshore, SV applicant, gained Bachelor's at Massey, now wants to do Master of Economics at Otago. Meets all the requirements (offer of place etc) but included a bank statement as evidence of funds which was doctored to appear they had \$10,000 more than actually had.

PPI response: "I was busy so hired an immigration agent; I didn't check if they were licensed. I didn't know they were going to do that. I have a new partner (NZ cit) and I'm planning to ask her to marry me." Client includes a supporting letter from partner, along with partner's bank account statement which appears to have a healthy balance.

Yes, it is appropriate to decline the application on FMWI grounds because (provide a short reason for your conclusion):

No, it is not appropriate to decline the application on FMWI grounds because (provide a short reason for your conclusion):

Activity 4

Filling in the decision box in part 5

Group 3

Residence application from one parent (aged 85) under Parent Category; the parent has lived in NZ for 18 months, the last six as an ETI while the residence application is being processed. The son's income, at EOI stage, was declared to be \$2000 more than the minimum required. At application stage, it's found that it was a false declaration.

PPI response: they acknowledge it was false, but they are desperate for the parent to remain here; he only has a sister in South Africa for family support and he feels it's too dangerous there.

Yes, it is appropriate to decline the application on FMWI grounds because (provide a short reason for your conclusion):

No, it is not appropriate to decline the application on FMWI grounds because (provide a short reason for your conclusion):

Activity 3

Intentions/involvement

Scenario 2

Here is a part of the weighing and balancing table. What would you write in **column 3** in each row?

Factors considered	Description of the facts related to this consideration	3. Commentary and analysis, including any weight placed on these facts.
(if A5.25.5(b)/(c) applies) the nature and extent of the applicant's intentions and involvement in the provision of the false, misleading or forged information, or in the withholding of relevant information	Client (20 year old SA at the time of their parents' residence application – partnership status marked single), admits they withheld information about their engagement to a boyfriend. Client didn't want parents to know about it; it wasn't about trying to deceive INZ. Client says they didn't even want to come to NZ, but parents insisted.	
(if A5.25.5(b)/(c) applies) the extent to which the applicant exercised reasonable diligence in ensuring that INZ was provided with complete and accurate information	Same as above	

Activity 3

Intentions/involvement

Scenario 3

Here is a part of the weighing and balancing table. What would you write in **column 3** in each row?

Factors considered	Description of the facts related to this consideration	3. Commentary and analysis, including any weight placed on these facts.
(if A5.25.5(b)/(c) applies) the nature and extent of the applicant's intentions and involvement in the provision of the false, misleading or forged information, or in the withholding of relevant information	Client admits they provided a number of false answers in their application and provided three false documents regarding the partnership. Says that their partner coerced them to do this. Presents a series of text messages from the partner with threatening language, though unrelated to the visa issue.	
(if A5.25.5(b)/(c) applies) the extent to which the applicant exercised reasonable diligence in ensuring that INZ was provided with complete and accurate information	Same as above	

False & Misleading Information (FMI) Template

Use this template for applications lodged on or after 25 September 2023 if there is suspected false, misleading or withheld information (FMWI) in

- a) the application¹; or
- b) an associated EOI, and that same FMWI is repeated in the application; or
- c) an associated EOI, and that same FMWI is not repeated in the the application

Summary table

Application number:	[Application number]
ITA number (if applicable)	[ITA number] or N/A
Applicant Name(s)	[Client Name]
Client number(s)	[Client Number]
Visa applied for	[Visa type]
Circumstances of current application (<i>select one, delete the others</i>)	<ul style="list-style-type: none">• This is an application with suspected false, misleading or withheld information (and so section 58(6) of the Act is potentially engaged)• This is an application associated to an EOI; the EOI had suspected false, misleading or withheld information, AND there is evident false etc information in the application (and so section 58(6) of the Act is potentially engaged in the first instance)• This is an application associated to an EOI; the EOI had suspected false, misleading or withheld information, BUT there is no evident false etc information in the application itself (and so SM3.10.1, SR3.5.5², or F4.5.15 is potentially engaged)

1. Initial assessment: Describe the suspected false, misleading or withheld information, including the basis of your assessment. Why do you suspect it is false etc?

Record a note here which describes the false, misleading or withheld information, and about why you suspect the information to be false etc. Example: *In appn 12345678, applicant ticked he was married (I've sighted previous application on IGMS); but in current application he's ticked the box saying he's never been married.*

¹ The FMI template, and s58(6) of the Act, can be used for applications lodged before 25 September 2023 as well, in certain circumstances. Consult with advice published by National Office.

² The SR3.5.5 effective on 9 October 2023.

For relevant information that you suspect was withheld, include comment on why it is reasonable to assume, or there is evidence to show, that the applicant personally knew about the information. (if they did not, then section 58(6), or SM3.10.1, SR3.5.5, or F4.5.15 do not apply.)

2. What did the applicant say about it?

Summarise the applicant's views in the table below

<p>1. Does the applicant agree that false or misleading information was provided, or that relevant information was withheld?</p>	<p>Yes / No / N/A</p> <p>If the applicant didn't provide comment, select n/a above and explain why it's n/a; for example:</p> <ul style="list-style-type: none"> - The applicant was not given an opportunity to comment because the incident did not meet the definition of PPI - The applicant did not respond to my PPI letter dated xx/yy/zzzz
<p>2. If they do not agree, provide a summary of their explanation as to why not. (Otherwise, type 'n/a')</p>	<p>If they did agree, or if they didn't comment (see above), write 'n/a'</p>
<p>3. What evidence (if any), have they provided to support their explanation? Is there any other independent evidence? (NB: If there is no such evidence, that does not necessarily mean their explanation is not plausible.)</p>	

3: Conclusion regarding false, misleading or withheld information: Was false or misleading information provided or material information withheld?

Yes

No

Provide a short reason for your conclusion. If the answer is 'no', do not fill in part 4 of this template. Skip to part 4 and select the 'not applicable' option.

4: Whether it is appropriate to decline the application.

4A. Summary of applicant's submissions as to why the application should not be declined.

Summarise the applicant's submissions. Do not make any comments on their submissions at this stage. If there is something they have submitted that is, in your judgement, clearly incorrect, you may insert a comment in [square brackets]. "Mr X says his partner has 3 NZ resident children [two are NZ residents, the third is on a student visa, according to AMS]."

4B: Recording of factors considered

Record your consideration of the circumstances of the application. This may include, for example, the significance of the false misleading or withheld information, the applicant's involvement in the provision or withholding of the problem information, or what is known about their personal circumstances. It may also include anything else you think is relevant.

Circumstances considered	Any further details, and your comments on these circumstances

5: Decision: Is it appropriate to decline the application on the grounds of FMWI? (Select one of the below, delete the others)

Not applicable, because I am not satisfied that false or misleading information was provided, or that relevant information was withheld.

Yes, it is appropriate to decline the application on FMWI grounds because... (provide a short reason for your conclusion in the top row):

What instruction in the INZ Operational Manual is being used to decline the application? (Choose one, delete the others)	A24.1(f) (section 58(6) of the Act) SM3.10.1(a) SR3.5.5(a) F4.5.15(a)

No, it is not appropriate to decline the application on FMWI grounds because...(provide a short reason for your conclusion):

--

Your name:	
Your position:	
Date:	

5. Agreement (residence applications only)

I have reviewed this application and agree with the decision to approve the resident visa(s) despite the false, misleading, or withheld information in the application. (Must be signed by a technical adviser or higher.)

Your name:	
Your position:	
Date:	

(1) Consider false, misleading, or withheld information in current visa application (not associated to an Expression of Interest (EOI) containing false information)

Date Published: 25 September 2023

Background

[Section 58\(6\) of The Immigration Act 2009](#) (the Act) states that it is sufficient ground to decline to grant a visa to an applicant if they, whether personally or through an agent, submitted false or misleading information, withhold relevant information, or did not ensure an immigration officer was informed of any material change in circumstances during the course of the application.

When to use

When an immigration officer suspects false or misleading (FMW) information has been provided or relevant information withheld (including when an immigration officer is not informed of a material change in circumstances) by an applicant or their agent in the visa application they are currently assessing.

Role

- Immigration Officer (IO), or
- Technical Advisor (TA)

Related Resources

- [IAC 23/01 - False, misleading and withheld information - impact on visa applications](#)
- [Potentially prejudicial information \(PPI\) false information guidance](#)
- [VisaPak 300 - Authorising Alerts and Warnings](#)
- [SOP Assess Risk and Conduct Verification](#)

General notes

At any stage during the steps below, it is acceptable to seek clarification of a piece of information either from the applicant, a third party, or (in accordance with the verification SOP above) a verification officer.

This SOP is written for processing applications in AMS.

Steps

1. Identify the suspected false, misleading, or withheld (FMW) information

Note: A suspicion that a piece of information, or purported set of facts, relating to the applicant/application may be false, misleading, or withheld may arise from the result of a verification activity or from an initial assessment of the application. If identification of suspected FMW information comes from a verification activity, it is unlikely that Step 2 will be needed; however, whether the incorrect information can be disregarded should still be considered.

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SOP (1) - Consider false, misleading, or withheld information in current visa application (not associated to an Expression of Interest (EOI) containing false information)

2. Disregard opinions, exaggerated claims, or trivial mistakes

When considering the incorrect or incomplete information, an IO can disregard the following:

- trivial mistakes or trivial omissions
- opinions or exaggerated claims (for example, about their occupation)
- information required for lodgement purposes that is incorrect in the first instance, but:
 - the applicant later corrects the incorrect information (and/or acknowledges it was incorrect) without prompting from INZ; and
 - IO is satisfied that it is a case where the applicant made reasonable efforts to provide accurate information in the first instance and where circumstances beyond their control caused those efforts to be unsuccessful; or
 - if no effort was made, IO is satisfied that circumstances beyond their control would have caused any effort to be unsuccessful

If IO decides that they	Then
Cannot disregard the incorrect or incomplete information on any of the grounds above (i.e., that information should be considered as FWM information)	Go to next step
Can disregard the incorrect or incomplete information on any of the grounds above	The IO should make a brief record in the assessment template that the matter can be disregarded, noting the reasons why End process

3. Decide if there is potentially prejudicial information (PPI) related to the FMW information that should be put to the applicant

Note: The definition of PPI (which must be put to the applicant) is any information that may adversely impact on the outcome of the application (see [E7.15](#) for temporary entry and [R5.20.5](#) for residence). Refer to [Potentially prejudicial information \(PPI\) false information guidance](#).

Note: For offshore temporary entry visa applicants, the definition of PPI is also information that the applicant is not necessarily aware of (or is not publicly available) and which they have not previously had an opportunity to comment on (see [E7.15.1](#)).

Consider:

If	Then
There is PPI which must be put to the applicant for comment	<ul style="list-style-type: none"> • Send a PPI letter to the applicant. See SOP Communicate potentially prejudicial information (PPI) • Use AMS template V398a for the PPI letter. Ensure to include the following information in the letter: <ul style="list-style-type: none"> ○ Explain the concern that false or misleading information has been

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SOP (1) - Consider false, misleading, or withheld information in current visa application (not associated to an Expression of Interest (EOI) containing false information)

	<p>provided, or relevant information withheld; and</p> <ul style="list-style-type: none"> ○ Invite comment on the concern; and ○ Invite comment on why they think they should be granted a visa, in the event the concern remains <ul style="list-style-type: none"> ● Go to next step
There is no PPI which must be put to the applicant for comment	Go to next step

4. Consider any response received from the applicant (if applicable), make a determination about whether there is FMW information, and decide the application

If IO is satisfied that	Then
<p>It is more likely than not that there is FMW information</p> <p>and</p> <p>It is appropriate to decline the application under s58(6) given the circumstances</p>	Go to Step 5 to decline application
<p>It's more likely than not that there is FMW information</p> <p>but</p> <p>It is not appropriate to decline the application on the grounds of s58(6) given the circumstances</p>	<ul style="list-style-type: none"> ● Record the decision and rationale in AMS template V586 (False and misleading information template) and briefly in the Visa Assessment Tool (VAT) or assessment notes ● Continue assessment of application and (if a QC is required) refer to SOP Submit an application for Quality Control (QC) Check once decision has been made ● In the decision letter, use Row 7 from the Letter Insert Bank (if declining the application) or Row 8 (if approving the application). Ensure that the applicant is advised: <ul style="list-style-type: none"> ○ The reason(s) why the IO is satisfied that false or misleading information was provided or relevant information withheld in their visa application. ○ It has been decided not to decline the application on the grounds of s58(6) of the Act ○ That the FMW information may require a character waiver in future applications ● Go to Step 6 to raise a character warning

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SOP (1) - Consider false, misleading, or withheld information in current visa application (not associated to an Expression of Interest (EOI) containing false information)

<p>The 'FMW' information (that is, the information that was initially thought to be FMW) is no longer considered FMW information*</p> <p>*This could occur either because: a) it is determined that the applicant in fact gave correct information; or b) it is determined that the information provided can be disregarded because it fits within the parameters of Step 2; or c) the IO/INZ is now not certain whether false or misleading information was provided, or whether material information was withheld.</p>	<ul style="list-style-type: none"> Record the decision and rationale in AMS template V586 (False and misleading information template) and briefly in the VAT or assessment notes Continue assessment of application and (if a QC is required) refer to SOP Submit an application for Quality Control (QC) Check once decision has been made In the decision letter (whether the application is eventually approved or declined) the applicant should be advised that INZ no longer considers that false or misleading information was provided, or that relevant information was withheld (if the applicant was not aware there was a potential issue with FMW information, there is no need to include this advice to the applicant); see Row 14 from the Letter Insert Bank <p>End process</p>
--	--

5. Decline the application

Refer to either *SOP Decline application (temporary entry)* or [SOP Decline application \(Residence\)](#), additionally ensuring that the following FMW-specific instruction is followed:

- Record the rationale for declining the application on the grounds of FMW information in AMS template V586 (false and misleading information template).
- Record a reference to the template above in the VAT or assessment notes: "This application is being declined on the basis of [false/misleading/withheld] information. See False Information Assessment template for more details."
- Decline the application using the AMS decline type for false information.
- Use **Row 5** from the [Letter Insert Bank](#) (for temporary visa application) or **Row 6** (for resident visa application) in the decision letter. The applicant must be advised:
 - The reason(s) why the IO is satisfied false or misleading information was provided or relevant information withheld in their visa application;
 - That the FMW information may require a character waiver in future applications, and
 - That their ability to travel via visa waiver ([E2.1](#)) has been removed (if applicable)
- Attach the *False Info Assessment* to the decision letter.
- Once the application has been completed in AMS, go to **Step 6** to raise a character warning (this is separate to any visa suspension warning that may be raised at **Step 7**).

6. Raise a character warning against each adult (age 18 and over) applicant included in the application, recording the false or omitted information

Note: A warning should not be raised against a dependent child (aged 18 years or above) if the FMW information was not regarding that child (see A5.25.5(g)).

- In the AMS Client Alert tab, click on 'Add' to raise a character warning.

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SOP (1) - Consider false, misleading, or withheld information in current visa application (not associated to an Expression of Interest (EOI) containing false information)

- The warning must expire 100 years from today's date, as below:

AMS - Add Client Alert/Warning

Alert | Notes | Personal Details

Type: ▾ Branch Warning ▾ Alert Number:

Code: ▾ Character Warning ▾

Action: ▾ Warning ▾

Informant: ▾ Immigration New Zealand ▾

Informant File Number:

Interpol Control Number:

Notify Office: ▾ [REDACTED] ▾

Effective From: ▾ 09/May/2023 ▾ Expires: ▾ 09/May/2133 ▾

Suspend From: Suspend To:

Created: 09/May/2023 [REDACTED]

Office Created: [REDACTED]

Authorised:

OK Cancel

- Enter one of the below notes (whichever is applicable):

“False or misleading information was provided in application [application number]. Please see the application notes for further details.”

OR

“Relevant information was withheld in application [application number]. Please see the application notes for further details.”

- Add the following note to the warning if the application was not declined using s58(6):

“Although I did not decline the application on this basis, it remains a character issue for this applicant and will need to be addressed in any further application this person may make.”

Note: An IO or TA can add the warning, but it needs authorisation from a Practice Lead or Immigration Manager (IM) before the status will change to 'active'.

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SOP (1) - Consider false, misleading, or withheld information in current visa application (not associated to an Expression of Interest (EOI) containing false information)

7. If the applicant is from a visa waiver country, consider a special direction under s69(2)(d) of the Act to remove their ability to travel to New Zealand visa

If	Then
<p>It is appropriate to suspend the applicant's visa waiver status</p>	<p>Create an AMS alert with the following details:</p> <p>Code: Visa-Waiver Suspended Action: Stop from Boarding at Check in coming to NZ Informant: Immigration New Zealand Expires: (This is automatically set at 100 years) Enter the following notes: Pursuant to Sections 69(2)(d) and 378 of the Immigration Act 2009 I [your name], Technical Advisor, hereby direct that the waiver of the requirement to hold a visa for travel to New Zealand that normally applies to citizens of countries as provided by Schedule 2 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 is suspended forthwith in the case of [client name], DOB [date of birth].</p> <p>When refused at check-in as a result of this alert the client should be advised to contact INZ to discuss their options in applying for a visa from offshore.</p> <p>The reason for this decision is that there are character concerns which have come to INZ's attention. [Give some detail here.] These concerns should be addressed if this person applies for another visa.</p> <p>Technical Advisor Schedule 3 delegations [date]</p>

8. If the FMW information indicates or supports evidence of a new risk trend, discuss with IM as to whether the matter should be reported to the Verification team

Refer to the [Verification Toolkit](#), if applicable.

END

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SOP (1) - Consider false, misleading, or withheld information in current visa application (not associated to an Expression of Interest (EOI) containing false information)

(2) Consider false, misleading, or withheld information in a previous visa application or un-associated Expression of Interest (EOI)

Date Published: 25 September 2023

Background

Character instructions allow for the decline of a visa application if false or misleading information was provided, or relevant information withheld, in a previous visa application or un-associated (not associated or related to current application) expression of interest (EOI) submitted by the applicant. This includes when the immigration officer processing the past application or EOI was not informed of a material change in circumstances.

When to use

When an immigration officer identifies suspected or determined false, misleading, or withheld (FMW) information in a previous application or un-associated EOI submitted by any of the applicants included in the current application

Role

- Immigration Officer (IO), or
- Technical Advisor (TA)

Related Resources

- [IAC 23/01 - False, misleading and withheld information - impact on visa applications](#)
- [VisaPak 300 - Authorising Alerts and Warnings](#)
- [SOP Assess Risk and Conduct Verification](#)

General notes

At any stage during the steps below, it is acceptable to seek clarification of a piece of information either from the applicant, a third party, or (in accordance with the verification SOP above) a verification officer.

This SOP is written for processing applications in AMS.

Steps

1. Identify any determined or suspected FMW information in a prior EOI or application

The avenues by which an IO may become aware of the FMW information include (but are not limited to):

- a person being declined a previous visa application, on the basis of section 58(6) of the Act
- a person being declined a previous application for a variation of conditions or travel conditions, due to FMW information
- post-application verification activity identifying FMW information in a previous application
- a person being declined a visa under character instructions for FMW information

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SOP (2) - Consider false, misleading, or withheld information in a previous visa application or un-associated Expression of Interest (EOI)

- a file record from a previous IO noting a determination that there was FMW information in a prior application, but where that IO also noted that they decided not to decline the application on that basis; if the previous IO followed the proper process, they would have also advised the applicant of this in the communication regarding the visa decision
- a file record noting a suspicion of FMW information in a prior application, but where the full facts of this incident did not come to light until after that application was decided
- the current IO discovering there was potentially FMW information in a prior application or EOI, based in part on the information to hand; for example, Mr X may provide evidence in the current application – submitted in August 2023 - that he had married Ms Y in January 2018, but he had declared he was single in a February 2018 application.

2. Is the problematic information determined to be FMW information, or only suspected to be?

If	Then
<p>A previous IO declined the person’s application or EOI on the basis of FMW information</p> <p>OR</p> <p>A previous IO recorded a determination of FMW information but made a decision not to decline the EOI or application on that basis</p> <p>OR</p> <p>the Immigration and Protection Tribunal or the Courts made a finding that there was FMW information in a prior visa application or EOI</p>	<ul style="list-style-type: none"> • The problematic information is determined to be FWW information • Go to Step 5, unless there are concerns about the previous determination, in which case see note below <p>Note: There is nothing preventing the IO, despite any previous IO’s determination of FMW information, from, for example, using Step 4 (prior to going to Step 5) to assess whether the previous incorrect information should have been (and therefore, can currently be) disregarded.</p>
<p>None of the above apply</p>	<p>The problematic information is only suspected FWM information</p>

3. Consider whether it is appropriate to seek clarification of any piece of information, or of a set of purported facts, relating to the applicant or application

- Clarification could be sought from the applicant, a third party, or by making a verification request. See [SOP Request further information \(RFI\)](#).
- Once any further clarifying information is received, go to **Step 4**.

4. Determine whether the problematic information can be disregarded

a. Disregard opinions, exaggerated claims, or trivial mistakes

When considering the suspected FMW information, an IO can disregard the following:

- trivial mistakes or trivial omissions
- opinions or exaggerated claims (for example, about their occupation)
- information required for lodgement purposes that is incorrect in the first instance, but:

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SOP (2) - Consider false, misleading, or withheld information in a previous visa application or un-associated Expression of Interest (EOI)

- the applicant later corrects the incorrect information (and/or acknowledges it was incorrect) without prompting from INZ; and
- IO is satisfied that it is a case where the applicant made reasonable efforts to provide accurate information in the first instance and where circumstances beyond their control caused those efforts to be unsuccessful; or
- if no effort was made, IO is satisfied that circumstances beyond their control would have caused any effort to be unsuccessful.

If IO decides they	Then
Can disregard the incorrect or incomplete information on any of the grounds above	Go to Step 16
Cannot disregard the incorrect or incomplete information on any of the grounds above (i.e., it's considered as FWM information)	Go to Step 4b

b. Determine if the FMW information can be set aside due to relevant circumstances, as per character instructions

An incident of FMW information can be set aside in the following circumstances:

- If a previous IO recorded a determination that the FWW information was not a character issue (A5.25.5(e)); or
- The person was under 18 years old at the time (A5.25.5(f)); or
- A child aged over 18 years was included in an application where the FMW information was not concerning them (A5.25.5(g)); or
- The FMW information incident was connected to a report of migrant exploitation (A5.25.7)

Notes: The list above is not exhaustive; the IO should also be familiar with the clarifications regarding FMW information in A5.25.6. For processing temporary entry visa applications, there are equivalent provisions at A5.45.5, A5.45.6, and A5.45.7.

If IO decides they	Then
Can disregard the FMW information on any of the grounds above	Go to Step 16
Cannot disregard the FWM information	Go to next step

5. Identify whether a character waiver has previously been granted when the determined FMW information was the (or one of the) character issue(s)

If	Then
There has been a previous character waiver* granted with respect to the incident(s) of FMW information	<ul style="list-style-type: none"> ● Use the fast-track process in the appropriate character assessment and waiver assessment template. See Select the correct Character Assessment and Waiver Assessment Template

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SOP (2) - Consider false, misleading, or withheld information in a previous visa application or un-associated Expression of Interest (EOI)

<p>AND</p> <p>it is intended to again grant a character waiver</p> <p>*Note: A decision not to use s58(6) for an incident of FMW information counts as a character waiver, but only for the purposes of the fast-track process.</p>	<ul style="list-style-type: none"> • If, by using the template, it is discovered that the fast-track process cannot be applied in this case, go to Step 6 • Continue assessment of application and (if a QC is required) refer to SOP Submit an application for Quality Control (QC) Check once decision has been made • Once QC has been completed and TA agrees with decision, refer to SOP Approve application (issue eVisa and notify applicant). Refer to note below for information to include in decision letter <p>Note: The applicant should be advised in the decision letter that a character waiver was granted because of their previous character waiver, and that their circumstances were such that another waiver was appropriate. They should be reminded that a further waiver would be needed in the next application and that (with this future application) they should provide submissions as to why it should be granted. Use Row 3 from the Letter Insert Bank (for declining applications, despite the waiver), or Row 4 (for approving applications).</p> <p>End process</p>
<p>No such character waiver has been previously granted (or the fast-track process cannot be used)</p>	<p>Go to next step</p>

6. Identify if the applicant has already conceded there is a character issue due to the prior incident(s) of FMW information

The applicant may have conceded/disclosed their character issue in a previous application, at the time they made the current application (e.g., in a cover letter), or after the current application was made (for example, in an email sent by their immigration lawyer or adviser, prior to any formal potentially prejudicial information (PPI) step).

If	Then
The applicant has made such a concession	Go to next step
The applicant has not conceded	Go to Step 8

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SOP (2) - Consider false, misleading, or withheld information in a previous visa application or un-associated Expression of Interest (EOI)

7. Identify if the applicant has also made character waiver submissions

The applicant or their representative must have clearly indicated that their concession and submissions are everything they wish to submit and have nothing to add on the issue – if it is unclear, a quick phone call or email may be needed to clarify.

If	Then
The applicant has also made submissions on why they think they should be granted a character waiver	Go to Step 9
The applicant has not made a submission	<ul style="list-style-type: none"> • Invite the applicant to make a submission by sending them or their representative a conceded character PPI letter - refer to the applicable letter: <ul style="list-style-type: none"> ○ V323 (temporary); or ○ V319a (residence) • After receiving a response, go to Step 9

8. Provide the applicant (in the same letter) an opportunity to comment on both the FMW information and why they think they should be granted a character waiver

Send the applicant or their representative the applicable PPI letter:

- V396a (temporary); or
- V397a (residence)

9. Consider the response received from the applicant and complete Part 1 of the relevant Character Assessment and Waiver Assessment Template

Refer to [Select the correct Character Assessment and Waiver Assessment Template](#).

If IO concludes at the end of Part 1	Then
That A5.25 or A5.45 applies due to FMW information	<ul style="list-style-type: none"> • Refer the application to a TA or SIO for a character waiver assessment • Go to next step
That character instructions do not apply (either because the suspected FMW information is no longer FMW information, or for another reason)	Go to Step 15

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SOP (2) - Consider false, misleading, or withheld information in a previous visa application or un-associated Expression of Interest (EOI)

10. (Step for TA or SIO) Complete Part 2 of the relevant Character Assessment and Waiver Assessment Template

11. (Step for TA or SIO) Identify if applicant’s visa waiver status is currently suspended

- Check AMS character warnings and any alert labelled ‘Visa-waiver suspended’.
- Read notes and check that if applicant’s visa waiver status has been suspended by special direction under s69(2)(d) of the Act.
- Confirm that the suspension has not been subsequently cancelled.

If	Then
The person is not from a visa waiver country	Go to Step 14
The person’s visa waiver status is not currently suspended	Go to Step 12a
The person’s visa waiver status is currently suspended	Go to Step 12b

12. (Step for TA or SIO) Consider whether to suspend an applicant’s visa waiver status, or (if applicable) whether to continue or remove an existing suspension

12a. For those whose waiver status is not suspended currently:

If	Then
A character waiver was granted at Step 10 for a residence class visa applicant	<ul style="list-style-type: none"> • A suspension should not be considered • Go to Step 14
A character waiver was not granted at Step 10 OR A character waiver was granted at Step 10 for a temporary entry class visa applicant	<ul style="list-style-type: none"> • A suspension should be considered • If a suspension is considered appropriate, go to Step 13, but if not, go to Step 14

12b. For those whose waiver status is suspended currently:

If	Then
A character waiver was granted at Step 10 for a residence class visa applicant	<ul style="list-style-type: none"> • The suspension should be cancelled • Go to Step 13
A character waiver was not granted at Step 10 OR A character waiver was granted at Step 10 for a temporary entry class visa applicant	<ul style="list-style-type: none"> • The continuation of the suspension should be considered, though the decision to do so, or to cancel the suspension, should be made on a case-by-case basis • Go to Step 13

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SOP (2) - Consider false, misleading, or withheld information in a previous visa application or un-associated Expression of Interest (EOI)

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13. (Step for TA or SIO) Load, add to, or cancel the visa suspension alert

If	Then
<p>No alert is yet loaded</p> <p>AND</p> <p>It is appropriate to suspend the applicant's visa waiver status</p>	<p>Create an AMS alert with the following details:</p> <p>Code: Visa-Waiver Suspended Action: Stop from Boarding at Check in coming to NZ Informant: Immigration New Zealand Expires: (This is automatically set at 100 years) Enter the following notes: Pursuant to Sections 69(2)(d) and 378 of the Immigration Act 2009 I [your name], Technical Advisor, hereby direct that the waiver of the requirement to hold a visa for travel to New Zealand that normally applies to citizens of countries as provided by Schedule 2 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 is suspended forthwith in the case of [client name], DOB [date of birth].</p> <p>When refused at check-in as a result of this alert the client should be advised to contact INZ to discuss their options in applying for a visa from offshore.</p> <p>The reason for this decision is that there are character concerns which have come to INZ's attention. [Give some detail here.] These concerns should be addressed if this person applies for another visa.</p> <p>Technical Advisor Schedule 3 delegations [date]</p>
<p>There is already a visa suspension alert</p> <p>AND</p> <p>It is appropriate for the suspension to continue</p>	<ul style="list-style-type: none"> • Add notes to the existing alert that, in light of the circumstances of the latest waiver decision, it has been decided that it is appropriate for the suspension to continue. Add any other relevant details regarding the decision
<p>There is already a visa suspension alert</p> <p>AND</p> <p>It is appropriate for the suspension to be cancelled</p>	<ul style="list-style-type: none"> • Add notes to the existing alert explaining the reason for cancelling the suspension, in light of the circumstances of the latest waiver decision • Delete the alert

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SOP (2) - Consider false, misleading, or withheld information in a previous visa application or un-associated Expression of Interest (EOI)

14. (Step for TA or SIO) Refer application back to the IO

15. Complete application

- Continue assessment of application, and once decision has been made (and if QC is required) refer to [SOP Submit an application for Quality Control \(QC\) Check](#).
- Once QC has been completed and TA agrees with decision (if QC is required), refer to applicable SOP to decide application

If	Then
Approving application	Refer to SOP Approve application (issue eVisa and notify applicant)
Declining application	<p>Refer to either:</p> <ul style="list-style-type: none"> • SOP Decline application (temporary entry); or • SOP Decline application (Residence) <p>If application is to be declined on character grounds, use the AMS decline type 'Decline - failed character'.</p>

16. Advise the applicant of the character and application decisions

If	Then
The character concern remains (whether a waiver was granted or not) because of the confirmed incident(s) of FMW information	<p>The decision letter must include:</p> <ul style="list-style-type: none"> • a copy of the character and waiver assessment template (if the waiver was declined) • Advice that the character concern remains for any future application and will need to be addressed • (If they are a visa waiver traveller), any appropriate advice regarding their visa waiver status <p>See Rows 1-4 and 15-17 of the Letter Insert Bank; select the appropriate blurb(s) in accordance with the circumstances of the application.</p>
<p>The character concern no longer exists</p> <p>AND</p> <p>The applicant was aware there was, or might have been, a character concern</p>	<ul style="list-style-type: none"> • Advise the applicant in the decision letter that it is no longer considered that the relevant incident(s) amounted to FMW information; see Row 14 of the Letter Insert Bank • This advice should be provided whether the application is approved or declined on other grounds

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SOP (2) - Consider false, misleading, or withheld information in a previous visa application or un-associated Expression of Interest (EOI)

<p>The character concern no longer exists</p> <p>AND</p> <p>The applicant was not aware there was, or might have been, a character concern</p>	<p>There is no need to advise the applicant of any character concern which would have related to the suspected FMW information</p>
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17. Create, edit, or delete any relevant character warnings as appropriate

If	Then
<p>The character concern remains</p> <p>AND</p> <p>no character warning has been loaded yet</p>	<p>Raise a character warning – refer to Step 6 of SOP Consider false, misleading, or withheld information in current visa application (not associated to an Expression of Interest (EOI) containing false information)</p>
<p>The character concern remains</p> <p>AND</p> <p>There is an existing character warning</p>	<p>Add any relevant updates to the existing warning, e.g., the result of the latest waiver assessment</p>
<p>The character concern no longer exists</p> <p>AND</p> <p>There is an existing character warning regarding the same incident(s)</p>	<ul style="list-style-type: none"> • Add notes explaining why the concern no longer exists • Delete the warning • Check if there is a Visa-waiver suspended alert or other warning/alert in AMS which shows that the person’s visa free status (if applicable) has been suspended or removed by a previous officer, on the basis of the character concern • If this is the case, ask a TA to take the appropriate steps to remove that barrier for the applicant (e.g., the procedure in Step 13)

END

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SOP (2) - Consider false, misleading, or withheld information in a previous visa application or un-associated Expression of Interest (EOI)

(3) Consider false, misleading, or withheld information in an Expression of Interest (EOI) not repeated in a visa application

Date Published: 25 September 2023

Background

Immigration instructions for the Skilled Migrant and Parent categories allow for the decline of a visa application if false or misleading information was provided, or relevant information withheld, in the preceding, associated Expression of Interest (EOI) submitted by the applicant. These provisions apply even if the applicant provides complete and truthful information in the visa application (in other words, even if they do not repeat the false information they had provided in their EOI).

When to use

When an immigration officer identifies suspected or determined false, misleading, or withheld (FMW) information in a previous EOI, but this FMW is not repeated in the current Skilled Migrant or Parent Category application.

Role

- Immigration Officer (IO), or
- Technical Advisor (TA)

Related Resources

- [IAC 23/01 - False, misleading and withheld information - impact on visa applications](#)
- [Potentially prejudicial information \(PPI\) false information guidance](#)
- [VisaPak 300 - Authorising Alerts and Warnings](#)
- [SOP Assess Risk and Conduct Verification](#)

General notes

At any stage during the steps below, it is acceptable to seek clarification of a piece of information either from the applicant, a third party, or (in accordance with the verification SOP above) a verification officer.

This SOP is written for processing applications in AMS.

Steps

1. Identify the suspected false, misleading, or withheld (FMW) information

Note: A suspicion that a piece of information, or purported set of facts, relating to the applicant/application may be false, misleading, or withheld may arise from the result of a verification activity or from initial assessment of the application. If identification of FMW comes from a verification activity, it is unlikely that **Step 2** will be needed; however, whether the incorrect information can be disregarded should still be considered.

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2. Disregard opinions, exaggerated claims, or trivial mistakes

When considering the incorrect or incomplete information, an IO can disregard the following:

- trivial mistakes or trivial omissions
- opinions or exaggerated claims (for example, about their occupation)
- information required for lodgement purposes that is incorrect in the first instance, but:
 - the applicant later corrects the incorrect information (and/or acknowledges it was incorrect) without prompting from INZ; and
 - IO is satisfied that it is a case where the applicant made reasonable efforts to provide accurate information in the first instance and where circumstances beyond their control caused those efforts to be unsuccessful; or
 - if no effort was made, IO is satisfied that circumstances beyond their control would have caused any effort to be unsuccessful

If IO decides they	Then
Cannot disregard the incorrect or incomplete information on any of the grounds above (i.e., that information should be considered as FWM information)	Go to next step
Can disregard the incorrect or incomplete information on any of the grounds above	The IO should make a brief record in the assessment template that the matter can be disregarded, noting the reasons why End process

3. Decide if there is potentially prejudicial information (PPI) related to the FMW information that should be put to the applicant

Note: The definition of PPI (which must be put to the applicant) is any information that may adversely impact on the outcome of the application (see [E7.15](#) for temporary entry and [R5.20.5](#) for residence). Refer to [Potentially prejudicial information \(PPI\) false information guidance](#).

Note: For offshore temporary entry visa applicants, the definition of PPI is also information that the applicant is not necessarily aware of (or is not publicly available) and which they have not previously had an opportunity to comment on (see [E7.15.1](#)).

Consider:

If	Then
There is PPI which must be put to the applicant for comment	<ul style="list-style-type: none"> • Send a PPI letter to the applicant. See SOP Communicate potentially prejudicial information (PPI) • Use AMS template V399a for the PPI letter. Ensure to include the following information in the letter: <ul style="list-style-type: none"> ○ Explain the concern that false or misleading information has been

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SOP (3) - Consider false, misleading, or withheld information in an Expression of Interest (EOI) not repeated in a visa application

	<p>provided, or relevant information withheld; and</p> <ul style="list-style-type: none"> ○ Invite comment on the concern; and ○ Invite comment on why they think they should be granted a visa, in the event the concern remains <ul style="list-style-type: none"> ● Go to next step
There is no PPI which must be put to the applicant for comment	Go to next step

4. Consider any response received from the applicant (if applicable), make a determination about whether there is FMW information, and decide the application

If IO is satisfied that	Then
<p>It is more likely than not that there is FMW information</p> <p>and</p> <p>It is appropriate to decline the application under SM3.10.1/F4.5.15 given the circumstances</p>	Go to Step 5 to decline application
<p>It's more likely than not that there is FMW information</p> <p>but</p> <p>It is not appropriate to decline the application on the grounds of SM3.10.1/F4.5.15 given the circumstances</p>	<ul style="list-style-type: none"> ● Record the decision and rationale in AMS template V586 (False and misleading information template) and briefly in the Visa Assessment Tool (VAT) or assessment notes ● Continue assessment of application and (if a QC is required) refer to SOP Submit an application for Quality Control (QC) Check once decision has been made ● In the decision letter, use Row 10 from the Letter Insert Bank (if declining the application) or Row 11 (if approving the application). Ensure that the applicant is advised: <ul style="list-style-type: none"> ○ The reason(s) why the IO is satisfied that false or misleading information was provided or relevant information withheld in their visa application. ○ It has been decided not to decline the application on the grounds of SM3.10.1/F4.5.15 ● Go to Step 6 to raise a character warning
The 'FMW' information (that is, the information that was initially	<ul style="list-style-type: none"> ● Record the decision and rationale in AMS template V586 (False and misleading information template) and briefly in the VAT or assessment notes

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<p>thought to be FMW) is no longer considered FMW information*</p> <p>*This could occur either because: a) it is determined that the applicant in fact gave correct information; or b) it is determined that the information provided can be disregarded because it fits within the parameters of Step 2; or c) the IO/INZ is now not certain whether false or misleading information was provided, or whether material information was withheld.</p>	<ul style="list-style-type: none"> Continue assessment of application and (if a QC is required) refer to SOP Submit an application for Quality Control (QC) Check once decision has been made In the decision letter (whether the application is eventually approved or declined) the applicant should be advised that INZ no longer considers that false or misleading information was provided, or that relevant information was withheld (if the applicant was not aware there was a potential issue with FMW information, there is no need to include this advice to the applicant); see Row 14 of the Letter Insert Bank <p>End process</p>
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5. Decline the application

Note: If the applicant is from a visa waiver country, consider a special direction under s69(2)(d) of the Act to remove their ability to travel to New Zealand via visa waiver. Discuss with TA if unsure.

Refer to either *SOP Decline application (temporary entry)* or [SOP Decline application \(Residence\)](#), additionally ensuring that the following FMW-specific instruction is followed:

- Record the rationale for declining the application on the grounds of FMW information in AMS template V586 (false and misleading information template).
- Record a reference to the template above in the VAT or assessment notes: "This application is being declined on the basis of [false/misleading/withheld] information. See False Information Assessment template for more details."
- Decline the application using the AMS decline type for false information.
- If the applicant is from a visa waiver country, consider a special direction under s69(2)(d) of the Act to remove their ability to travel to New Zealand visa waiver
- Use the appropriate template letter (see note at end of this step). The applicant must be advised:
 - The reason(s) why the IO is satisfied false or misleading information was provided or relevant information withheld in their visa application
 - That the FMW information may require a character waiver in future applications, and
 - That their ability to travel via visa waiver ([E2.1](#)) has been removed (if applicable)
- Attach the *False Info Assessment* to the decision letter.
- Once the application has been completed in AMS, go to Step 6 to raise a character warning (this is separate to any visa suspension warning that may have been raised earlier in this process).

Note: As of the day of publishing the first version of this SOP (25 September 2023), the specialised template letters for these decisions are not yet loaded into TLS, though they should be by the end of October 2023. If an IO requires assistance in writing a decline letter in the meantime, contact the SOP team for advice.

6. Raise a character warning against each adult (age 18 and over) applicant included in the application, recording the false or omitted information

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SOP (3) - Consider false, misleading, or withheld information in an Expression of Interest (EOI) not repeated in a visa application

Note: A warning should not be raised against a dependent child (aged 18 years or above) if the FMW information was not regarding that child (see A5.25.5(g)).

- In the AMS Client Alert tab, click on 'Add' to raise a character warning.
- The warning must expire 100 years from today's date, as below:

AMS - Add Client Alert/Warning

Alert | Notes | Personal Details

Type: ▶ Branch Warning Alert Number:

Code: ▶ Character Warning

Action: ▶ Warning

Informant: ▶ Immigration New Zealand

Informant File Number:

Interpol Control Number:

Notify Office: ▶

Effective From: ▶ 09/May/2023 Expires: ▶ 09/May/2133

Suspend From: Suspend To:

Created: 09/May/2023

Office Created:

Authorised:

OK Cancel

- Enter one of the below notes (whichever is applicable):

“False or misleading information was provided in the EOI associated to application [application number]. Please see the application notes for further details.”

OR

“Relevant information was withheld in the EOI associated to application [application number]. Please see the application notes for further details.”

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SOP (3) - Consider false, misleading, or withheld information in an Expression of Interest (EOI) not repeated in a visa application

- Add the following note to the warning if the application was **not** declined using SM3.10.1/F4.5.15):

“Although I did not decline the application on this basis, it remains a character issue for this applicant and will need to be addressed in any further application this person may make.”

Note: An IO or TA can add the warning, but it needs authorisation from a Practice Lead or Immigration Manager (IM) before the status will change to 'active'.

7. **If the FMW information indicates or supports evidence of a new risk trend, discuss with IM as to whether the matter should be reported to the Verification team**

Refer to the [Verification Toolkit](#), if applicable.

END

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SOP (3) - Consider false, misleading, or withheld information in an Expression of Interest (EOI) not repeated in a visa application

(4) Consider false, misleading, or withheld information in an Expression of Interest (EOI) that is repeated in visa application

Date Published: 25 September 2023

Background

[Section 58\(6\)](#) of [The Immigration Act 2009](#) (the Act) states that it is sufficient ground to decline to grant a visa to an applicant if they, whether personally or through an agent, submitted false or misleading information, withhold relevant information.

Where that same false or misleading information had been repeated in the preceding, associated EOI, then immigration instructions for the Skilled Migrant and Parent categories also allow for the decline of the application.

In such a situation, it is advised that section 58(6) of the Act, rather than immigration instructions, is used if the immigration officer intends to decline the application.

When to use

When an immigration officer identifies suspected or determined false, misleading, or withheld (FMW) information in a previous EOI, and this FMW is repeated in the current Skilled Migrant or Parent Category application.

Role

- Immigration Officer (IO), or
- Technical Advisor (TA)

Related Resources

- [IAC 23/01 - False, misleading and withheld information - impact on visa applications](#)
- [Potentially prejudicial information \(PPI\) false information guidance](#)
- [VisaPak 300 - Authorising Alerts and Warnings](#)
- [SOP Assess Risk and Conduct Verification](#)

General notes

At any stage during the steps below, it is acceptable to seek clarification of a piece of information either from the applicant, a third party, or (in accordance with the verification SOP above) a verification officer.

This SOP is written for processing applications in AMS.

Steps

1. Identify the suspected false, misleading, or withheld (FMW) information

Note: A suspicion that a piece of information, or purported set of facts, relating to the applicant/application may be false, misleading, or withheld may arise from the result of a verification

activity or from initial assessment of the application. If identification of FMW comes from a verification activity, it is unlikely that Step 2 will be needed; however, whether the incorrect information can be disregarded should still be considered.

2. Disregard opinions, exaggerated claims, or trivial mistakes

When considering the incorrect or incomplete information, an IO can disregard the following:

- trivial mistakes or trivial omissions
- opinions or exaggerated claims (for example, about their occupation)
- information required for lodgement purposes that is incorrect in the first instance, but:
 - the applicant later corrects the incorrect information (and/or acknowledges it was incorrect) without prompting from INZ; and
 - IO is satisfied that it is a case where the applicant made reasonable efforts to provide accurate information in the first instance and where circumstances beyond their control caused those efforts to be unsuccessful; or
 - if no effort was made, IO is satisfied that circumstances beyond their control would have caused any effort to be unsuccessful

If IO decides they	Then
Cannot disregard the incorrect or incomplete information on any of the grounds above (i.e., that information should be considered as FWM information)	Go to next step
Can disregard the incorrect or incomplete information on any of the grounds above	The IO should make a brief record in the assessment template that the matter can be disregarded, noting the reasons why End process

3. Decide if there is potentially prejudicial information (PPI) related to the FMW information that should be put to the applicant

Note: The definition of PPI (which must be put to the applicant) is any information that may adversely impact on the outcome of the application (see [E7.15](#) for temporary entry and [R5.20.5](#) for residence). Refer to [Potentially prejudicial information \(PPI\) false information guidance](#).

Note: For offshore temporary entry visa applicants, the definition of PPI is also information that the applicant is not necessarily aware of (or is not publicly available) and which they have not previously had an opportunity to comment on (see [E7.15.1](#)).

Consider:

If	Then
There is PPI which must be put to the applicant for comment	<ul style="list-style-type: none"> • Send a PPI letter to the applicant. See Communicate potentially prejudicial information (PPI)

	<ul style="list-style-type: none"> • Use AMS template V398a for the PPI letter. Ensure to include the following information: <ul style="list-style-type: none"> ○ Explain the concern that false or misleading information has been provided, or relevant information withheld; and ○ Invite comment on the concern; and ○ Invite comment on why they think they should be granted a visa, in the event the concern remains. • Go to next step
<p>There is no PPI which must be put to the applicant for comment</p>	<p>Go to next step</p>

4. Consider any response received from the applicant (if applicable), make a determination about whether there is FMW information, and decide the application

If IO is satisfied that	Then
<p>It is more likely than not that there is FMW information</p> <p>and</p> <p>It is reasonable to decline the application under s58(6) given the circumstances</p>	<p>Go to Step 5 to decline application</p>
<p>It's more likely than not that there is FMW information</p> <p>but</p> <p>It's not reasonable to decline the application on the grounds of s58(6) or SM3.10.1/F4.5.15 given the circumstances</p>	<ul style="list-style-type: none"> • Record the decision and rationale in AMS template V586 (False and misleading information template) and briefly in the VAT or assessment notes • Continue assessment of application and (if a QC is required) refer to SOP Submit an application for Quality Control (QC) Check once decision has been made • In the decision letter, use Row 12 of the Letter Insert Bank (if declining the application) or Row 13 (if approving the application). Ensure that the applicant is advised: <ul style="list-style-type: none"> ○ The reason(s) why the IO is satisfied that false or misleading information was provided or relevant information withheld in their visa application. ○ It has been decided not to decline the application on the grounds of s58(6) of the Act or SM3.10.1/F4.5.15 • Go to Step 6 to raise a character warning

<p>The 'FMW' information (that is, the information that was initially thought to be FMW) is no longer considered FMW information*</p> <p>*This could occur either because: a) it is determined that the applicant in fact gave correct information; or b) it is determined that the information provided can be disregarded because it fits within the parameters of Step 2; or c) the IO/INZ is now not certain whether false or misleading information was provided, or whether material information was withheld.</p>	<ul style="list-style-type: none"> Record the decision and rationale in AMS template V586 (False and misleading information template) and briefly in the VAT or assessment notes Continue assessment of application and (if a QC is required) refer to SOP Submit an application for Quality Control (QC) Check once decision has been made In the decision letter (whether the application is eventually approved or declined) the applicant should be advised that INZ no longer considers that false or misleading information was provided, or that relevant information was withheld (if the applicant was not aware there was a potential issue with FMW information, there is no need to include this advice to the applicant); see Row 14 from the Letter Insert Bank <p>End process</p>
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5. Decline the application

Refer to either *SOP Decline application (temporary entry)* or [SOP Decline application \(Residence\)](#), additionally ensuring that the following FMW-specific instruction is followed:

- Record the rationale for declining the application on the grounds of FMW information in AMS template V586 (false and misleading information template).
- Record a reference to the template above in the VAT or assessment notes: "This application is being declined on the basis of [false/misleading/withheld] information. See False Information Assessment template for more details."
- Decline the application using the AMS decline type for false information.
- If the applicant is from a visa waiver country, consider a special direction under s69(2)(d) of the Act to remove their ability to travel to New Zealand visa waiver
- Add the s58(6) residence decline insert (see **Row 6** from the [Letter Insert Bank](#)) to the SMC or Parent Category decline letters. The applicant must be advised:
 - The reason(s) why the IO is satisfied false or misleading information was provided or relevant information withheld in their visa application
 - That the FMW information may require a character waiver in future applications, and
 - That their ability to travel via visa waiver ([E2.1](#)) has been removed (if applicable)
- Attach the *False Info Assessment* to the decision letter.
- Once the application has been completed in AMS, go to **Step 6** to raise a character warning (this is separate to any visa suspension warning that may have been raised earlier in this process).

6. Raise a character warning against each adult (age 18 and over) applicant included in the application, recording the false or omitted information

Note: A warning should not be raised against a dependent child (aged 18 years or above) if the FMW information was not regarding that child (see A5.25.5(g)).

UNCLASSIFIED

- In the AMS Client Alert tab, click on 'Add' to raise a character warning.
- The warning must expire 100 years from today's date, as below:

AMS - Add Client Alert/Warning

Alert | Notes | Personal Details

Type: ▶ Branch Warning Alert Number:

Code: ▶ Character Warning

Action: ▶ Warning

Informant: ▶ Immigration New Zealand

Informant File Number:

Interpol Control Number:

Notify Office: ▶

Effective From: ▶ 09/May/2023 Expires: ▶ 09/May/2133

Suspend From: Suspend To:

Created: 09/May/2023

Office Created:

Authorised:

OK Cancel

- Enter one of the below notes (whichever is applicable):

“False or misleading information was provided in the EOI associated to application [application number], and in the application itself. Please see the application notes for further details.”

OR

“Relevant information was withheld in the EOI associated to application [application number], and in the application itself. Please see the application notes for further details.”

- Add the following note to the warning if the application was not declined using s58(6):

“Although I did not decline the application on this basis, it remains a character issue for this applicant and will need to be addressed in any further application this person may make.”

UNCLASSIFIED

SOP (4) - Consider false, misleading, or withheld information in an Expression of Interest (EOI) repeated in visa application

UNCLASSIFIED

Note: An IO or TA can add the warning, but it needs authorisation from a Practice Lead or Immigration Manager (IM) before the status will change to 'active'.

7. If the FMW information indicates or supports evidence of a new risk trend, discuss with IM as to whether the matter should be reported to the Verification team

Refer to the [Verification Toolkit](#), if applicable.

END

DRAFT

UNCLASSIFIED

SOP (4) - Consider false, misleading, or withheld information in an Expression of Interest (EOI) repeated in visa application

Consider false, misleading, or withheld information

The New Zealand immigration system relies on factual information provided by applicants to determine in each particular case if the requirements allowing the grant of a visa are met. [The Immigration Act](#) (the Act) imposes a strict obligation on applicants to truthfully inform Immigration New Zealand (INZ) of all material facts, including when their circumstances change after they make their application.

Several provisions found in the [Operational Manual](#) allow for the decline of a visa application if there is an instance of false or misleading information provided, or relevant information withheld. The correct provision and SOP to use depends on the circumstances.

SOP 1: Consider false, misleading or withheld information in current visa application (not associated to an Expression of Interest (EOI) containing false info)

- When an immigration officer suspects false or misleading information has been provided or relevant information withheld (including when an immigration officer is not informed of a material change in circumstances) by an applicant or their agent **in the visa application they are currently assessing**.

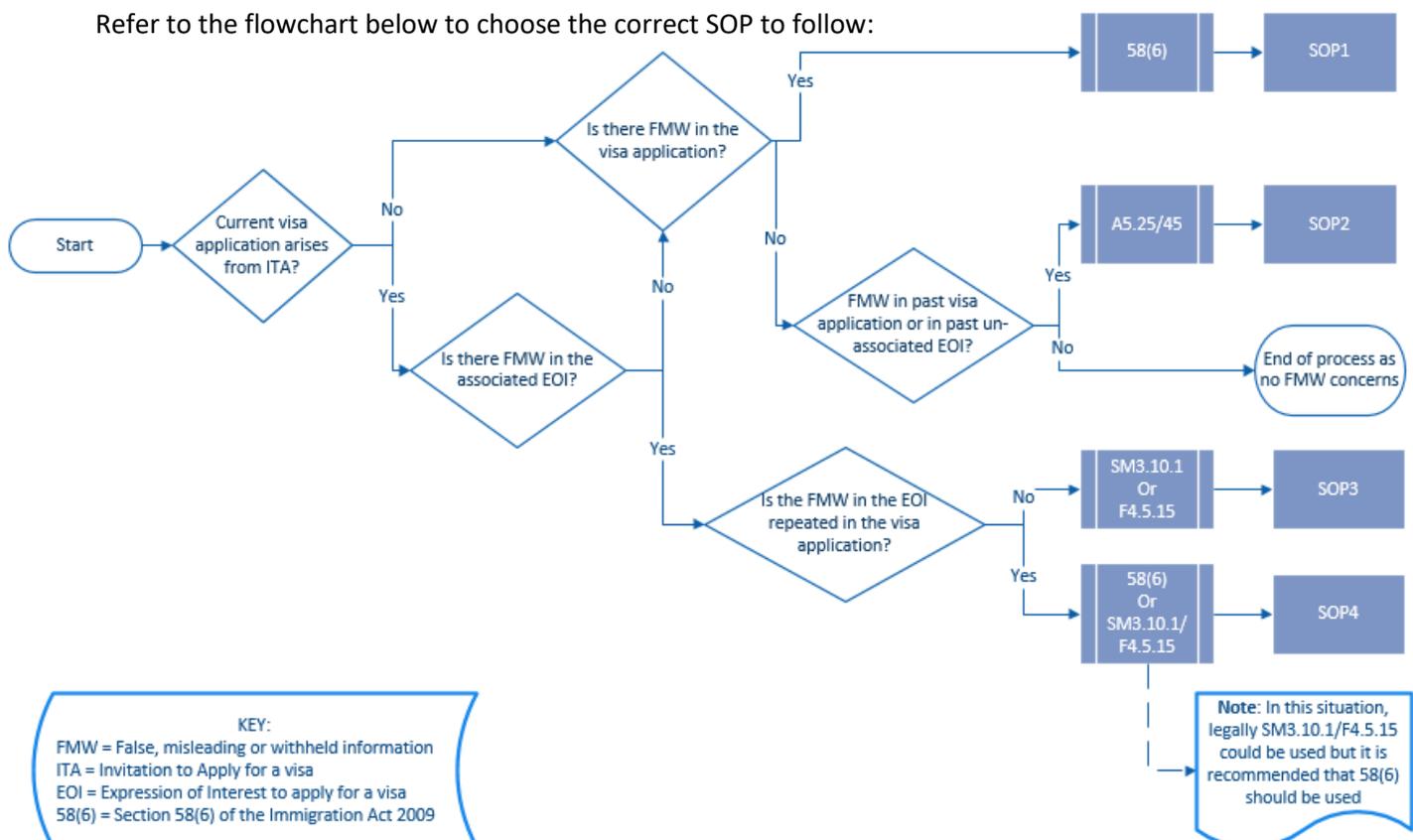
SOP 2: Consider false, misleading or withheld information in a previous visa application or un-associated Expression of Interest (EOI)

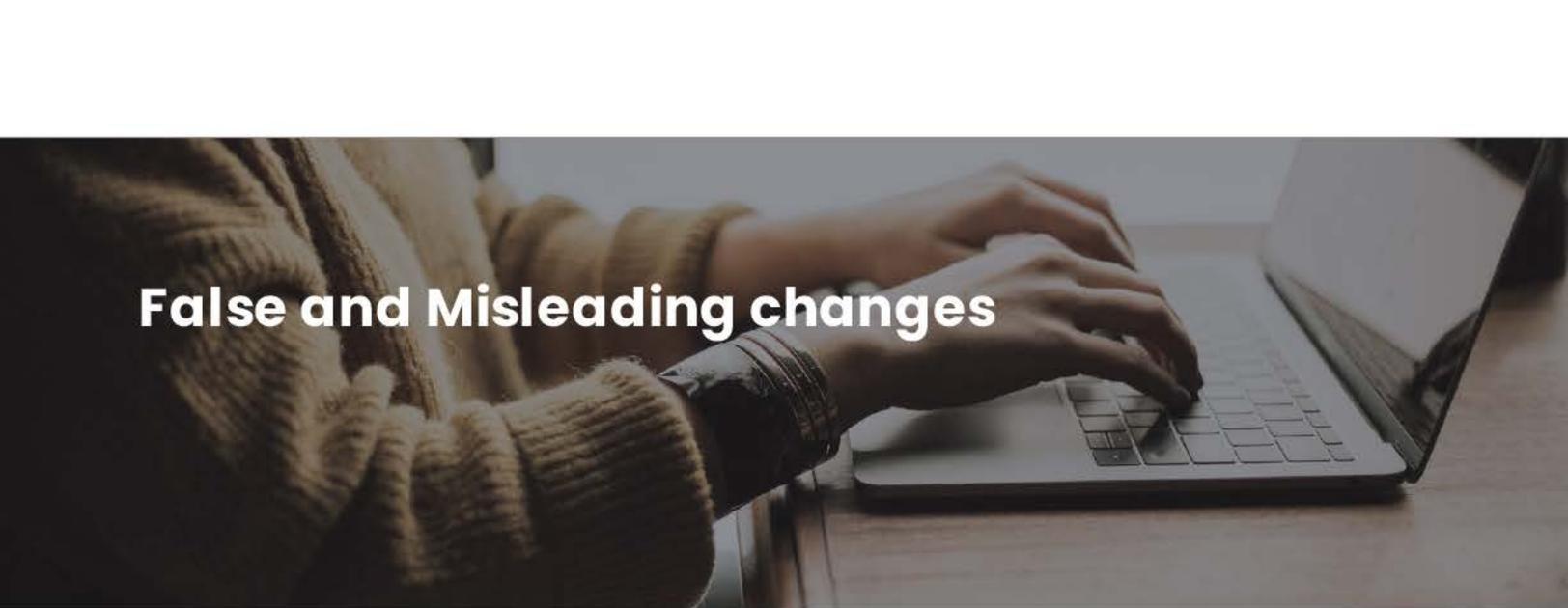
- If the false, misleading, or withheld information was in a **previous application or un-associated EOI**.

SOP 3: Consider false information in an Expression of Interest (EOI) not repeated in a visa application; or SOP 4: Consider false, misleading or withheld information in an EOI that is repeated in visa application

- If the application has been made as the result of an EOI (also referred to as an ‘associated EOI’) which contains false, misleading, or withheld information.

Refer to the flowchart below to choose the correct SOP to follow:





False and Misleading changes

There are changes coming to clarify when to apply either character instructions or Section 58(6) of the Immigration Act

These changes provide clarification around the instructions that allow a visa application to be declined when there is false, misleading or withheld information in a visa application or Expression of Interest (EOI).

This module should take **20 minutes** to complete.

Let's begin!

INTRODUCTION

- ☰ What is changing?
- ☰ Using section 58(6)
- ☰ False vs misleading
- ☰ EOIs and Withholding information

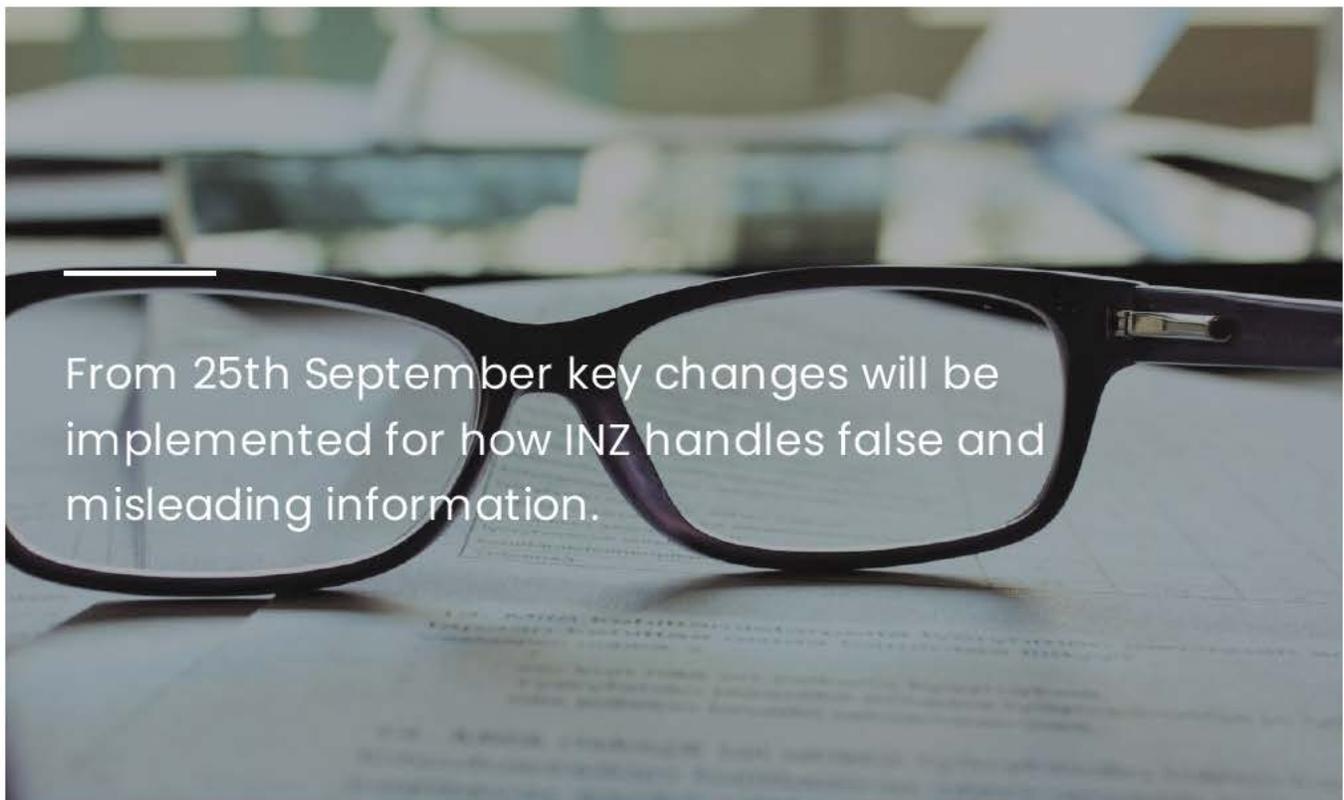
≡ **Mistakes, opinions and exaggerated claims**

≡ **Sect on 58(6) scenarios**

≡ **Using PPI where false information is an issue**

≡ **Conclusion**

What is changing?



The New Zealand immigration system relies on factual information provided by applicants to determine in each particular case if the requirements allowing the grant of a

visa are met. The Immigration Act (the Act) imposes a strict obligation on applicants to **truthfully** inform Immigration New Zealand (INZ) of **all material facts**, including when their circumstances change after they make their application.

Several provisions found in immigration instructions allow for the decline of a visa application, if there is an instance of false or misleading information provided, or relevant information withheld.

The correct instruction to use, depends on the circumstances. However, the process for how and when to use these provisions is currently unclear and INZ has made a commitment to the Ombudsman to clarify our approach

Key Changes

- 1 **Section 58(6)** will be used for **current** applications containing false or misleading information.
- 2 **Character instructions** will be used for **past** applications containing false or misleading information.

3

The applicant's **intention** will not need to be established by the IO before the IO is able to decline on s58(6) or character.

i The decision to decline on false information is not an automatic decision; IOs need to follow process as per the SOPs.

Before continuing, please read Internal Administration Circular (IAC) 23/01 and Amendment Circular (AC) below.



IAC 23-01.pdf
324.6 KB



You will find the key Operational Manual changes on pages -7, 11, 22-24, and 38-41 of the AC below.



Amendment Circular 2023-26.pdf
509.1 KB



CONTINUE

Using section 58(6)

It's important to know **WHEN** to use Section 58(6) or character instructions and **HOW** to use each appropriately.

Using Section 58(6)

False information in the current application

Section 58(6) of the Immigration Act says:

(6) It is sufficient grounds for the Minister or an immigration officer to decline to grant a visa to a person if the Minister or officer is satisfied that the person,

(a) whether personally or through an agent, in applying for the visa submitted false or misleading information or withheld relevant information that was potentially prejudicial to the grant of the visa; or

(b) did not ensure that an immigration officer was informed of any material change in circumstances ... between the time of

making the application and the time of a decision on the application

A24, a new section in the Operational Manual, will outline this further. But it's important to note, that **even if the applicant has no knowledge of the false information, and only the agent was responsible for providing it, the applicant still falls under section 58(6) or A24.1(f)**

This is spelled out in A24.5(a) and clarifies that even if an agent unknowingly provides false information section 58(6) still applies see A24.5(d)

Using character instructions

False information in a past application

Revised character instruction A5.25.5(b)() says that a person will not be granted a residence class visa if they

*"in the course of **a prior application** for a New Zealand visa **or entry permission** (or a permit under the Immigration Act 1987) made any statement or provided any information, evidence or submission, **either personally or through an agent**, that was false*

or misleading, **or withheld material information which may have affected the decision on the application** ”

The words highlighted above show the key changes taking effect on 25 September, compared to the previous version (at **A5.25(i)**).

Other important changes in A5.25 include:

- an extra provision regarding any failure to update INZ after an application is made
- false information in a reconsideration an EO or a VOC/VOTC application counts as a character issue
- exceptions for children and migrant exploitation – previous false information does not count as a character issue.

Similar revisions are being made to A5.45, the character instructions for temporary entry class visas.

Like section A24 **even if the applicant has no knowledge of the false information, and only the agent was responsible for**

providing it, the applicant still falls under character instructions at A5.25 or A5.45

CONTINUE

Quick knowledge check

In each of these instructions, whether the applicant knew about the false information or intended to deceive INZ, it doesn't matter.

True

False

SUBMIT

Connect the correct section, with when you would use it.

☰ Section 58(6) (A24)

Current application

☰ Character (A5.25/ A5.45)

Past application

SUBMIT

Both A5.45 and A24 require that an IO carry out a character waiver process before making a decision to decline.

True

False

SUBMIT

Quick knowledge check

In each of these instructions, whether the applicant knew about the false information or intended to deceive INZ, it doesn't matter.

True

False



Correct

TAKE AGAIN



Connect the correct section, with when you would use it.



☰ Section 58(6) (A24)

Current application



☰ Character (A5.25/ A5.45)

Past application



Correct

- **Section 58(6)** or A24 is used for false information in the **current application**;
- **Character** or A5.25/ A5.45 is used for false information in a **past application**.

TAKE AGAIN



Both A5.45 and A24 require that an IO carry out a character waiver process before making a decision to decline.

True

False



Correct

FALSE - A character waiver is only required to be carried out where A5.25/A5.45 applies.

If using A24, a waiver is not mandated, but an IO must consider the circumstances of the false, misleading or withheld information and determine the most reasonable outcome.

TAKE AGAIN



False and Misleading Scenarios

Consider the following scenarios. Was false or misleading information provided or relevant information withheld?

Drag and release each scenario into its correct folder (They will disappear when correct).

Mr Flower signs a form declaring that all of the submitted information is correct; it is later discovered that some of the information was not correct.

Mr Flower explains to INZ that he had his agent fill in the form and that he didn't actually check the answers. Setting aside the discovered incorrect information, what can we say about the declaration itself? Was it false, misleading or was there an element of withholding?



False Information



Misleading Information



Withheld Information

Mr Flower signs a form declaring that all of the submitted information is correct; it is later discovered that some of the information was not correct.

Mr Flower explains to INZ that he had his agent fill in the form and that he didn't actually check the answers. Setting aside the discovered incorrect information, what can we say about the declaration itself? Was it false, misleading or was there an element of withholding?



False Information



Misleading Information



Withheld Information

✓ **CORRECT**

Misleading (but also could be false, or element of withholding).

It is misleading to declare that "I have provided true and correct information" without checking and ensuring that the said information is indeed true and correct.

EXIT



False Information



Misleading Information



Withheld Information

In section G of form INZ1000, it asks the applicant to list the countries they have lived in for 12 months or more in the last 10 years.

Miss Turnip lists USA, China, and Japan, but doesn't list South Korea (where she lived for 14 months).



False Information



Misleading Information



Withheld Information

Mr Avocado submits a passport believing it to be

✓ **CORRECT**

The information was relevant because she would've needed to get a PC from South Korea.

EXIT



False Information



Misleading Information



Withheld Information

Mr Avocado submits a passport believing it to be genuine. A passport checker reveals it was not issued by the governing authority.

Mr Avocado's brother had gotten it for him by using (without Mr Avocado's knowledge) a private company to create the passport. The personal details on the passport (such as date of birth etc) are accurate.



False Information



Misleading Information



Withheld Information

✓ CORRECT

The document is purported to be from the governing authority when it isn't.

It doesn't matter that Mr Avocado didn't know about his brother's actions.

EXIT



False Information



Misleading Information



Withheld Information

Ms Banana applies for a visa on the basis of a relationship with Mr Orange, whom she married in June 2011. INZ holds information from Mr Zucchini that he and Ms Banana married in Pakistan in 2007 and that the marriage was never dissolved.

In an interview for her application Ms Banana acknowledges that she did have a cultural marriage with Mr Zucchini, but that marriage was not legally valid. INZ accepted this explanation and Ms Banana's application was approved. Later, Mr Zucchini provided information that in 2009 Ms Banana had come to Pakistan to initiate divorce proceedings, and that her attempt to obtain a divorce was not successful. He has court documents and a marriage certificate support his claim.

INZ interviewed Ms Banana again and she confirmed that she had attempted to obtain a divorce, but reiterated that she did not believe the marriage to be legally valid. Ms Banana's claim that the marriage was not legally valid is not supported by the court documents confirming the legal status of the marriage provided by Mr Zucchini.



False Information



Misleading Information



Withheld Information

✓ **CORRECT**

She withheld relevant information, i.e., the fact of the divorce proceedings. Had she told INZ in 2011 about the divorce proceedings, it would have caused INZ to inquire further into the legal validity (or otherwise) of the marriage with Mr Zucchini.

RETRY

EXIT



False Information



Misleading Information



Withheld Information

False vs misleading

Before moving on, let's clarify the difference between false and misleading, as outlined in the Immigration Administration Circular 23 01.

Select the images below to see the definitions.



False information is a purported fact or set of facts, which is not true."

In order for an IO to consider whether information is false, it may be useful to consider if it contradicts other information which is more likely to be true

about, mistake
mislead v. 1
thinking it
deceive, mi

"Misleading information does not directly contradict other 'true' information, but suggests an interpretation of the person's situation that is untrue or provides an incomplete picture of their situation."



Review each example above before moving on.

Let's look at a couple of examples...

False Information



An applicant states they have a bachelor's degree from the Awesome Institute and provides a certificate as evidence of this qualification.

The Institute tells INZ however, that according to their records, the applicant does not have a qualification.

The statement by the applicant and the certificate can be considered to be false information if you consider the statement from the Awesome Institute more likely to be true.

Step 1

Things to note

1. There are a minimum of two pieces of information that need to be assessed. In this example, the first piece is the certificate provided by the applicant, the second piece is the information provided by the institute.
2. You will need to evaluate each piece of information and make a decision to the best of your ability as to which piece of information is more likely to be true.

Step 2

Why might the information from the Institute be more likely true?

- The institute is a long running institute with (one would assume), robust record keeping systems
- There would not appear to be any reason or ulterior motive, as to why the institute would tell INZ that the person does not have a qualification from there

Step 3

Why might the information from the Institute be incorrect?

- The name given to them by INZ may have been mis-spelt or was simply slightly different to what they had in their records, or other details (like date of birth), given to them by INZ were incorrect.
- The officer at the Institute may be a new staff member and did not know that he/she had to check two or three different databases

Step 4

Misleading Information



An applicant submits a work experience reference detailing only the more skilled tasks that were required and omitting the majority of lesser skilled duties.

While the work reference does not contradict the actual duties of the applicant, it misrepresents the skill required of the job by omitting information required to establish a complete understanding of their work experience.

Step 5

Misleading

In this example the applicant is only telling a part truth. It's not a lie, but it's not the complete picture. So, we would say that it's not really 'false' information, but it IS 'misleading'.

False vs Misleading

When we communicate to our applicants on a specific issue, when appropriate, it's best that we use one or the other word not both.

It's important we keep the concepts of 'false' and 'misleading' somewhat separate and clear in our minds.

Although both false and misleading require PPI, it is important to identify and communicate clearly what our concern actually is.

This is not to say there's not some overlap. Anything that is 'false' is also 'misleading'. But not everything that is misleading is also false.

EOIs and Withholding information

EOIs

We have looked at the two main places where false information is dealt with:

- **Section 58(6) (A24)** deals with false information in the **current** application.
- **Character instructions (A5.25/A5.45)** if the false information was in a **past** application.

False information may also come up is in **Expressions of Interest (EOIs)** This will come up as a warning on AMS or if you notice something different in the application from what was declared in the EOI.

Withholding relevant information

The third way someone can fall under section 58(6) is if they: *"withheld information that was potentially prejudicial to the grant of the visa."*

This is sometimes called withholding relevant information or concealing relevant information. The IAC (Para 12) states

Information is withheld when an applicant, or their agent, knows about information relevant to their EOI or visa application and they or the r agent fails to disclose t to an immigration officer. Information is relevant to an EOI or application when it is relevant to factors immigration officers must consider, rrespective of whether the information would have in fact changed the officer's decision.

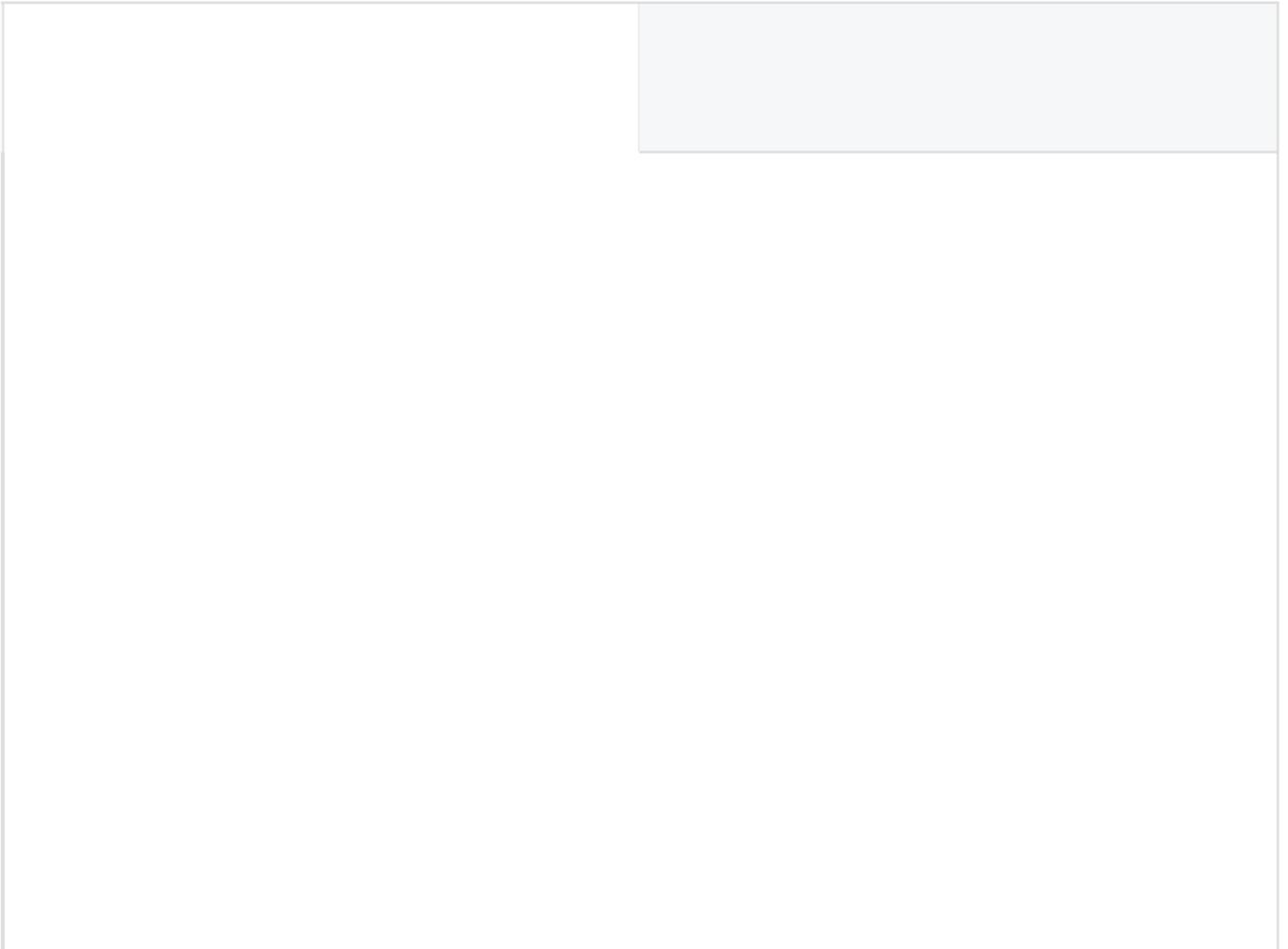
Example:

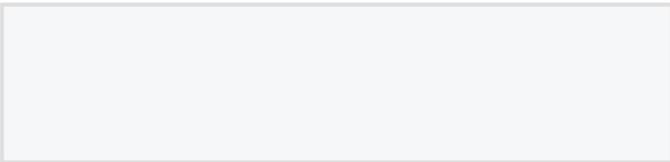
An applicant for a student visa is engaged to a person who is unlawfully in New Zealand. The applicant does not declare in their application they are engaged, nor do they name the

person in the section of the application form that asks for the names of contacts in New Zealand



The applicant's relationship to the person unlawfully in New Zealand is relevant to their application, because it relates to consideration of whether they are likely to remain in New Zealand unlawfully and are therefore a bona fide applicant. Even if the applicant would still have been granted a visa had this relationship been known, it is still relevant to their application.





Don'

on

We should also take a holistic view of each application, considering the totality of the information provided by an applicant.

Consider the following scenarios, was false information provided?



Scenarios

START

Read and consider this character declaration (from a real application in 2014).

Select each box to have a closer look at the content.

Then select the continue button.

Section D Your character

All applicants must complete this section. If your application is declined for character reasons, Immigration New Zealand may place a notation in your passport indicating that you applied for a visa for New Zealand.

For more information about the questions in this section, see 'Completing Section D: Your character' in the Work Visa Guide.

D1 Have you been convicted at any time of any offence, including any driving offence? Please note that this includes any conviction outside of New Zealand subsequently cleared or wiped by 'clean slate' legislation.

Yes No

D2 Are you currently:

- under investigation Yes No
- wanted for questioning Yes No
- facing charges Yes No

for any offence in any country?

D3 Have you ever been:

- excluded Yes No
- refused entry Yes No
- removed or deported Yes No

from any country, including New Zealand?

D4 Have you ever been refused a visa/entry to visit, work, study or reside in any country? Yes No

D5 Have you ever been a member of, or adhered to, any terrorist organisation? Yes No

D6 Have you had (or currently have) an association with, membership of, or involvement with, any government, regime, group or agency that has advocated or committed war crimes, crimes against humanity and/or other gross human rights abuses? Yes No

If you have answered yes to any of the questions above give full details. This includes full details of any charges, convictions and the sentence or penalty imposed. Continue on a separate piece of paper if necessary.

More than 20 years ago. It was declared and character waiver ^{was granted} provided work visa applications. Please refer file/AMS notes work visa application declined.

Continue

CONTINUE

Layer ID	b72f7026-c0c2-4d60-9e5f-3c216b2ce812
Preview Image	<p>Section 0 Your character</p> <p>All applicants must complete this section. If your application is declined for character reasons, Immigration New Zealand may place a notation in your passport indicating that you applied for a visa for New Zealand.</p> <p>Q1 Have you been convicted at any time of any offence, including any driving offence? Please note that this includes any conviction outside of New Zealand subsequently cleared or wiped by 'clean slate' legislation.</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>• waited for questioning <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • facing charges <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No for any offence in any country?</p> <p>Q2 Have you ever been:</p> <p>• excluded <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • refused entry <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • removed or deported <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No from any country, including New Zealand?</p> <p>Q3 Have you ever been refused a visa/permit to visit, work, study or reside in any country? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Q4 Have you ever been a member of, or adhered to, any terrorist organisation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Q5 Have you had (or currently have) an association with, membership of, or involvement with, any government, regime, group or agency that has advocated or committed war crimes, crimes against humanity and/or other gross human rights abuses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If you have answered yes to any of the questions above give full details. This includes full details of any charges, convictions and the sentence or penalty imposed. Continue on a separate page of paper if necessary.</p> <p><i>I have been refused a visa 20 years ago. It was declared and I cannot travel. Please note that this includes any conviction outside of New Zealand subsequently cleared or wiped by 'clean slate' legislation. Please take this into account when you apply for a visa.</i></p> <p>Continue</p>

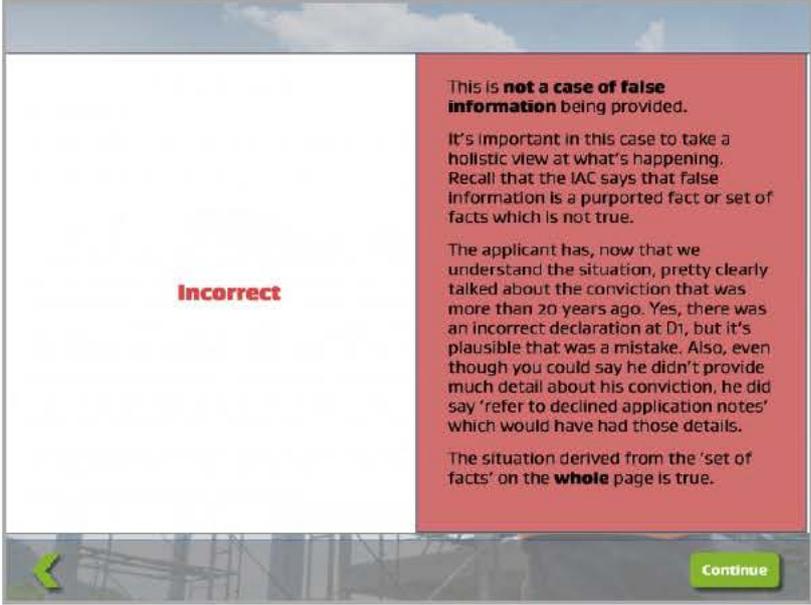
Layer ID	af98792a-ff35-4bda-b6cb-2922423fb8b4
Preview Image	<p>Section 0 Your character</p> <p>All applicants must complete this section. If your application is declined for character reasons, Immigration New Zealand may place a notation in your passport indicating that you applied for a visa for New Zealand.</p> <p>For more information about the questions in this section, see 'Completing Section 0: Your character' in the New Zealand Visa Guide.</p> <p>Q1 Have you been convicted at any time of any offence, including any driving offence? Please note that this includes any conviction outside of New Zealand subsequently cleared or wiped by 'clean slate' legislation.</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Q2 Are you currently:</p> <p>• under investigation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • waited for questioning <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • facing charges <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No for any offence in any country?</p> <p>Q3 Have you ever been:</p> <p>• excluded <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • refused entry <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • removed or deported <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Q4 Have you ever been refused a visa/permit to visit, work, study or reside in any country? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Q5 Have you had (or currently have) an association with, membership of, or involvement with, any government, regime, group or agency that has advocated or committed war crimes, crimes against humanity and/or other gross human rights abuses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If you have answered yes to any of the questions above give full details. This includes full details of any charges, convictions and the sentence or penalty imposed. Continue on a separate page of paper if necessary.</p> <p><i>I have been refused a visa 20 years ago. It was declared and I cannot travel. Please note that this includes any conviction outside of New Zealand subsequently cleared or wiped by 'clean slate' legislation. Please take this into account when you apply for a visa.</i></p> <p>Continue</p>

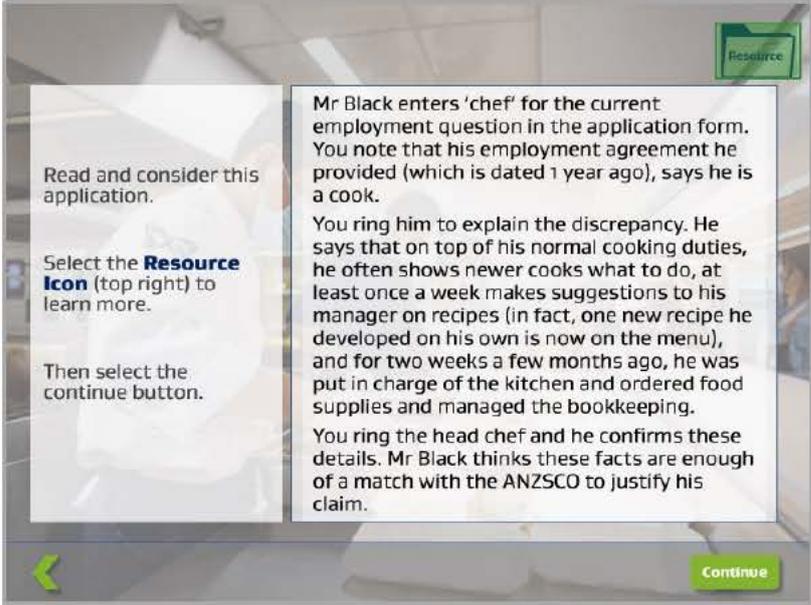
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<p>Preview Image</p>	

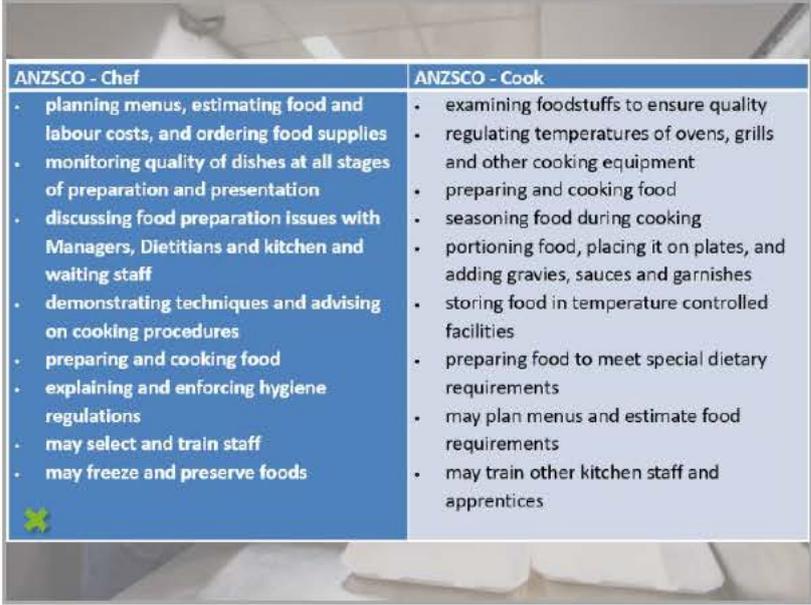
<p>Slide ID</p>	<p>343f0d49-9015-44b4-bc3c-1d27eb46299d</p>
<p>Preview Image</p>	<p>The IO considering the application considered that false information had been provided at D1. He provided the applicant an opportunity to comment. Read the following response from the applicant's adviser.</p> <p>"...did not provide false and misleading information to INZ regarding his conviction as he ticked 'No' by mistake at D1. However, he went on to declare his conviction at D6. His first answer at D6 was 'More than 20 years ago. It was declared and character waiver in previous work visa applications.' This answer related to question D1 about his conviction. His second answer at D6 was 'Please refer file/AMS notes work visa application declined.' This answer related to question D4 about declined visas. Furthermore, INZ should be familiar with his immigration file. He has a long immigration history from 2005 until present. INZ will be aware that he did declare his conviction when he first came to NZ.....This conviction is now more than 20 year old. He has been open in his dealings with INZ and has maintained a clean record for two decades. Previous IOs found him to be of good character (with full knowledge that he has a conviction) and it should be no different with this application."</p>

Layer ID	678d346d-8808-498e-a4c3-b798386e4a5c
Preview Image	<div data-bbox="432 286 1238 891"> <p>Taking into account the explanation, did the applicant provide false information on this page of the application form?</p> <div data-bbox="587 562 1078 786">   </div> <div data-bbox="456 835 491 880">  </div> </div>

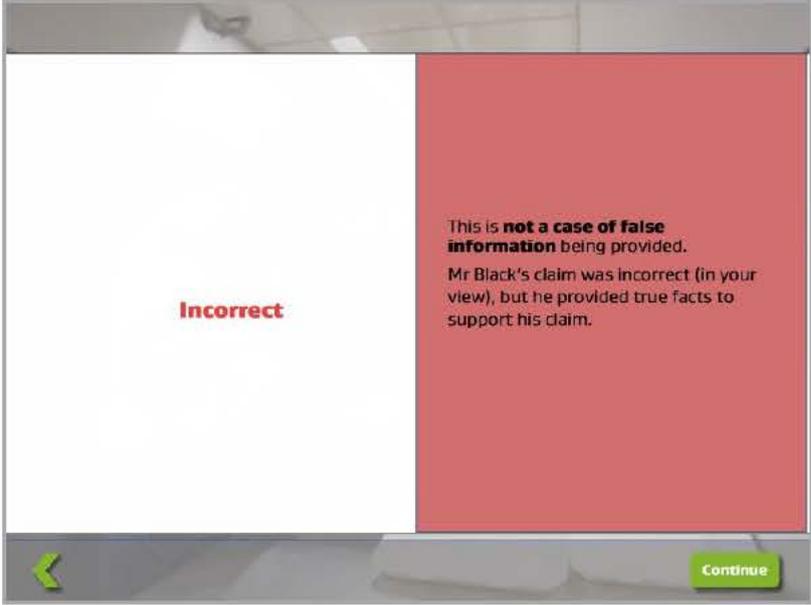
Layer ID	5320836f-8020-4927-ad6f-ad20a7cf99d3
Preview Image	<div data-bbox="432 1193 1238 1798"> <div data-bbox="432 1249 820 1727"> <p>This is not a case of false information being provided.</p> <p>it's important in this case to take a holistic view at what's happening. Recall that the IAC says that false information is a purported fact or set of facts which is not true.</p> <p>The applicant has, now that we understand the situation, pretty clearly talked about the conviction that was more than 20 years ago. Yes, there was an incorrect declaration at D1, but it's plausible that was a mistake. Also, even though you could say he didn't provide much detail about his conviction, he did say 'refer to declined application notes' which would have had those details.</p> <p>The situation derived from the 'set of facts' on the whole page is true.</p> </div> <div data-bbox="903 1469 1129 1507"> <p>CORRECT!</p> </div> <div data-bbox="432 1738 1238 1798"> <div data-bbox="456 1742 491 1787">  </div> <div data-bbox="1118 1749 1206 1776"> <p>Continue</p> </div> </div> </div>

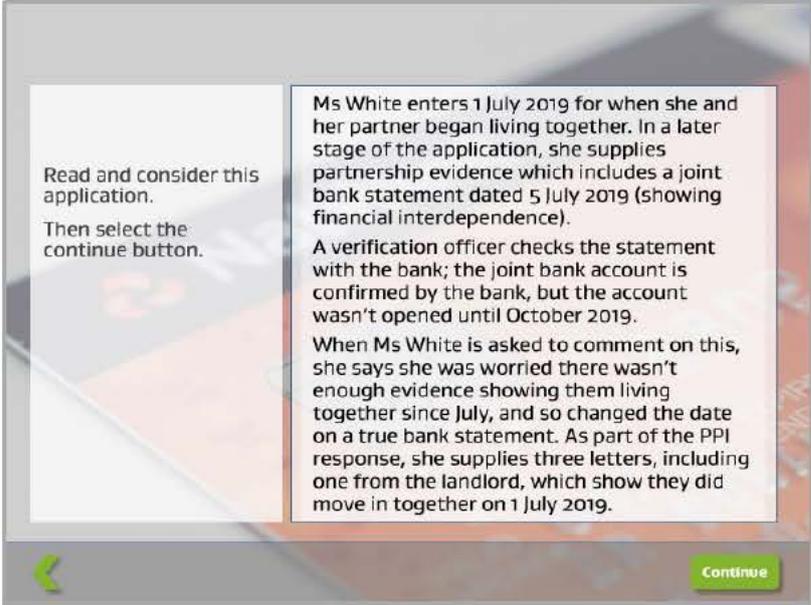
Layer ID	4a3c128a-e165-4f9e-a510-87030ea621c0
Preview Image	 <p>The screenshot shows a quiz slide with a white background and a red text box on the right. The word "Incorrect" is written in red in the center. The red text box contains the following text:</p> <p>This is not a case of false information being provided.</p> <p>It's important in this case to take a holistic view at what's happening. Recall that the IAC says that false information is a purported fact or set of facts which is not true.</p> <p>The applicant has, now that we understand the situation, pretty clearly talked about the conviction that was more than 20 years ago. Yes, there was an incorrect declaration at D1, but it's plausible that was a mistake. Also, even though you could say he didn't provide much detail about his conviction, he did say 'refer to declined application notes' which would have had those details.</p> <p>The situation derived from the 'set of facts' on the whole page is true.</p> <p>At the bottom of the slide, there is a green left arrow and a green "Continue" button.</p>

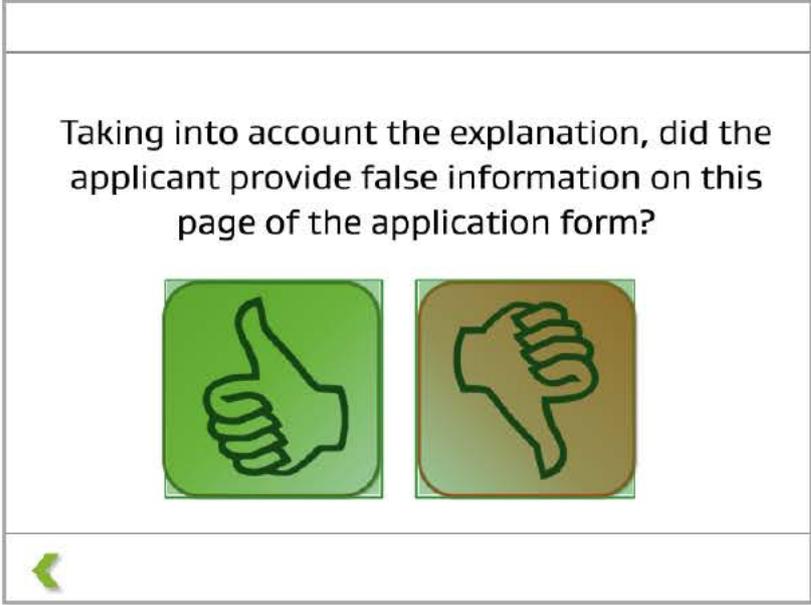
Slide ID	59b0a850-5b75-4443-bf2a-9ed2ba97ecef
Preview Image	 <p>The screenshot shows a quiz slide with a background image of a kitchen. A white text box on the left contains instructions, and a larger white text box on the right contains a scenario. A green "Resource" icon is in the top right corner. The text in the white boxes is:</p> <p>Read and consider this application.</p> <p>Select the Resource Icon (top right) to learn more.</p> <p>Then select the continue button.</p> <p>Mr Black enters 'chef' for the current employment question in the application form. You note that his employment agreement he provided (which is dated 1 year ago), says he is a cook.</p> <p>You ring him to explain the discrepancy. He says that on top of his normal cooking duties, he often shows newer cooks what to do, at least once a week makes suggestions to his manager on recipes (in fact, one new recipe he developed on his own is now on the menu), and for two weeks a few months ago, he was put in charge of the kitchen and ordered food supplies and managed the bookkeeping.</p> <p>You ring the head chef and he confirms these details. Mr Black thinks these facts are enough of a match with the ANZSCO to justify his claim.</p> <p>At the bottom of the slide, there is a green left arrow and a green "Continue" button.</p>

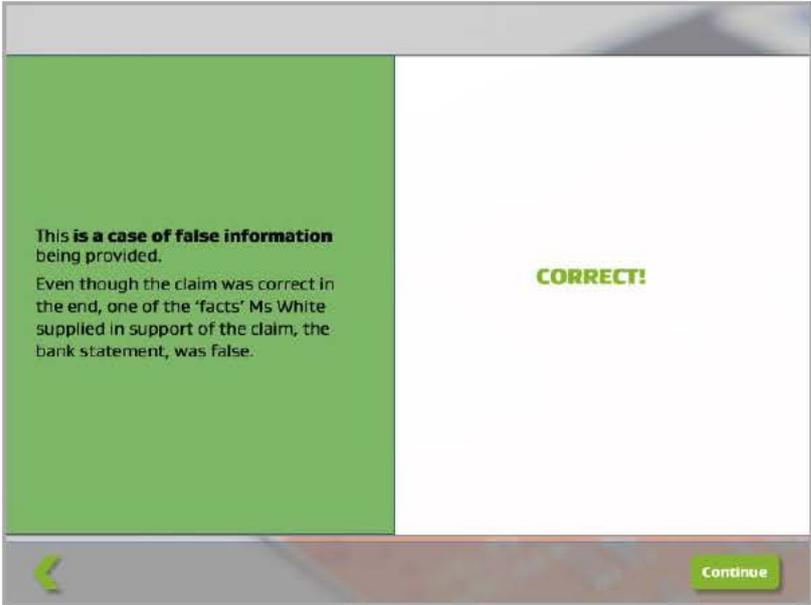
Layer ID	19723048-addc-455c-a80a-94090dbd53aa				
Preview Image	 <table border="1" data-bbox="432 349 1233 824"> <thead> <tr> <th data-bbox="432 349 831 383">ANZSCO - Chef</th> <th data-bbox="831 349 1233 383">ANZSCO - Cook</th> </tr> </thead> <tbody> <tr> <td data-bbox="432 383 831 824"> <ul style="list-style-type: none"> planning menus, estimating food and labour costs, and ordering food supplies monitoring quality of dishes at all stages of preparation and presentation discussing food preparation issues with Managers, Dietitians and kitchen and waiting staff demonstrating techniques and advising on cooking procedures preparing and cooking food explaining and enforcing hygiene regulations may select and train staff may freeze and preserve foods </td> <td data-bbox="831 383 1233 824"> <ul style="list-style-type: none"> examining foodstuffs to ensure quality regulating temperatures of ovens, grills and other cooking equipment preparing and cooking food seasoning food during cooking portioning food, placing it on plates, and adding gravies, sauces and garnishes storing food in temperature controlled facilities preparing food to meet special dietary requirements may plan menus and estimate food requirements may train other kitchen staff and apprentices </td> </tr> </tbody> </table>	ANZSCO - Chef	ANZSCO - Cook	<ul style="list-style-type: none"> planning menus, estimating food and labour costs, and ordering food supplies monitoring quality of dishes at all stages of preparation and presentation discussing food preparation issues with Managers, Dietitians and kitchen and waiting staff demonstrating techniques and advising on cooking procedures preparing and cooking food explaining and enforcing hygiene regulations may select and train staff may freeze and preserve foods 	<ul style="list-style-type: none"> examining foodstuffs to ensure quality regulating temperatures of ovens, grills and other cooking equipment preparing and cooking food seasoning food during cooking portioning food, placing it on plates, and adding gravies, sauces and garnishes storing food in temperature controlled facilities preparing food to meet special dietary requirements may plan menus and estimate food requirements may train other kitchen staff and apprentices
ANZSCO - Chef	ANZSCO - Cook				
<ul style="list-style-type: none"> planning menus, estimating food and labour costs, and ordering food supplies monitoring quality of dishes at all stages of preparation and presentation discussing food preparation issues with Managers, Dietitians and kitchen and waiting staff demonstrating techniques and advising on cooking procedures preparing and cooking food explaining and enforcing hygiene regulations may select and train staff may freeze and preserve foods 	<ul style="list-style-type: none"> examining foodstuffs to ensure quality regulating temperatures of ovens, grills and other cooking equipment preparing and cooking food seasoning food during cooking portioning food, placing it on plates, and adding gravies, sauces and garnishes storing food in temperature controlled facilities preparing food to meet special dietary requirements may plan menus and estimate food requirements may train other kitchen staff and apprentices 				

Layer ID	da658f1d-c6c9-4af0-9282-5ec4e3968b09
Preview Image	 <p data-bbox="459 1352 772 1464"> This is not a case of false information being provided. Mr Black's claim was incorrect (in your view), but he provided true facts to support his claim. </p> <p data-bbox="963 1397 1075 1420">CORRECT!</p> <p data-bbox="1123 1688 1203 1711">Continue</p>

Layer ID	feb06a57-070c-427f-90c4-1fc3ba8bce40
Preview Image	 <p>This is not a case of false information being provided.</p> <p>Mr Black's claim was incorrect (in your view), but he provided true facts to support his claim.</p>

Slide ID	14c3dc34-a70c-490f-b2ce-2213563468db
Preview Image	 <p>Read and consider this application.</p> <p>Then select the continue button.</p> <p>Ms White enters 1 July 2019 for when she and her partner began living together. In a later stage of the application, she supplies partnership evidence which includes a joint bank statement dated 5 July 2019 (showing financial interdependence).</p> <p>A verification officer checks the statement with the bank; the joint bank account is confirmed by the bank, but the account wasn't opened until October 2019.</p> <p>When Ms White is asked to comment on this, she says she was worried there wasn't enough evidence showing them living together since July, and so changed the date on a true bank statement. As part of the PPI response, she supplies three letters, including one from the landlord, which show they did move in together on 1 July 2019.</p>

Layer ID	68b220e2-7e27-4ff2-808e-878b6e9e7d9d
Preview Image	

Layer ID	5e7dd545-1240-43e9-9fcc-dc9b7a789876
Preview Image	

Layer ID	d2c18471-5a67-463b-8b95-fab1aba0c5d6
Preview Image	 <p>Incorrect</p> <p>This is a case of false information being provided.</p> <p>Even though the claim was correct in the end, one of the 'facts' Ms White supplied in support of the claim, the bank statement, was false.</p> <p>Continue</p>

Layer ID	da437c23-009a-48e8-9f83-f927a49f7a80
Preview Image	 <p>Ka Rawe! Well done!</p> <p>RETRY</p>

Section 58(6) scenarios

Now that you understand when to use Section 58(6), can you spot in what cases s58(6) applies? Look at reasons given by the applicant for the false, misleading or withheld information in the below scenarios, and test your understanding.



Look at the following scenarios. Which ones do you think mean that the application could be declined under s58(6)?

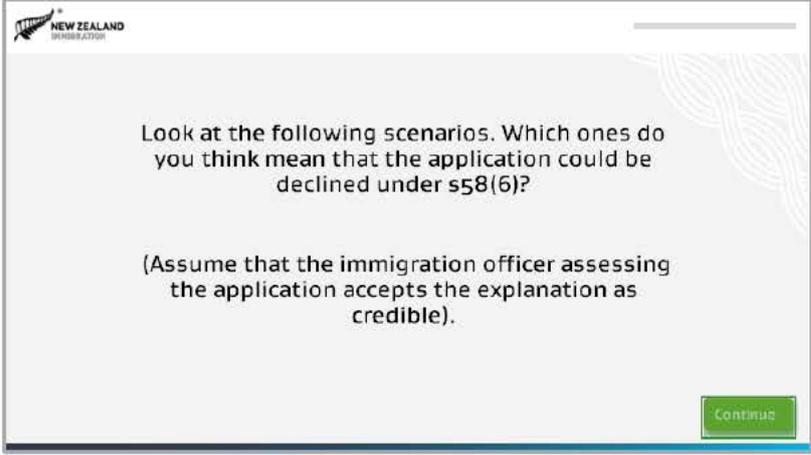
(Assume that the immigration officer assessing the application accepts the explanation as credible).

Continue

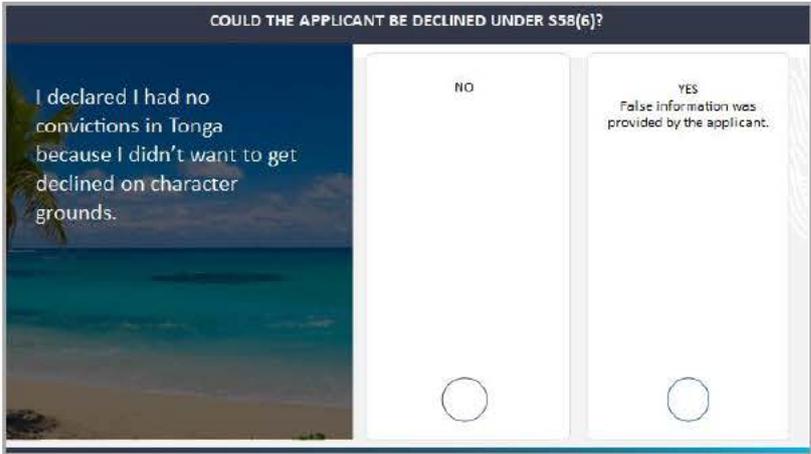


Complete the content above before moving on.

1.1 Results Slide

Slide ID	76210518-a44a-4860-a668-649c4ca2e1ac
Preview Image	

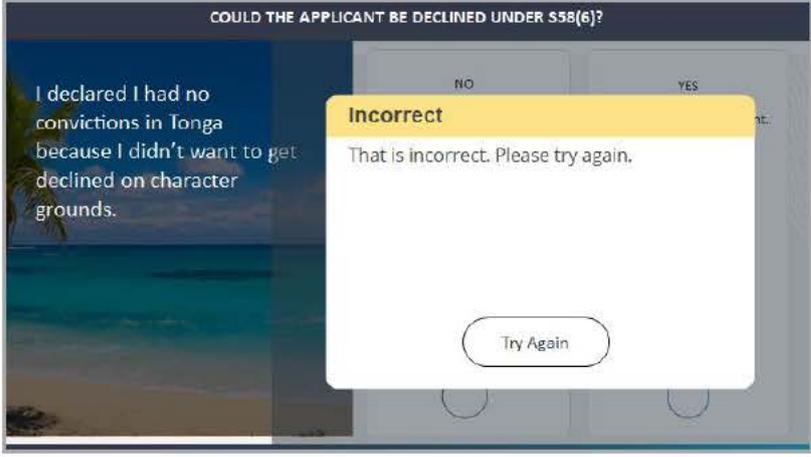
1.2 Question 2

Slide ID	f8368e9f-3510-44c5-894d-b00e15f4c124
Preview Image	

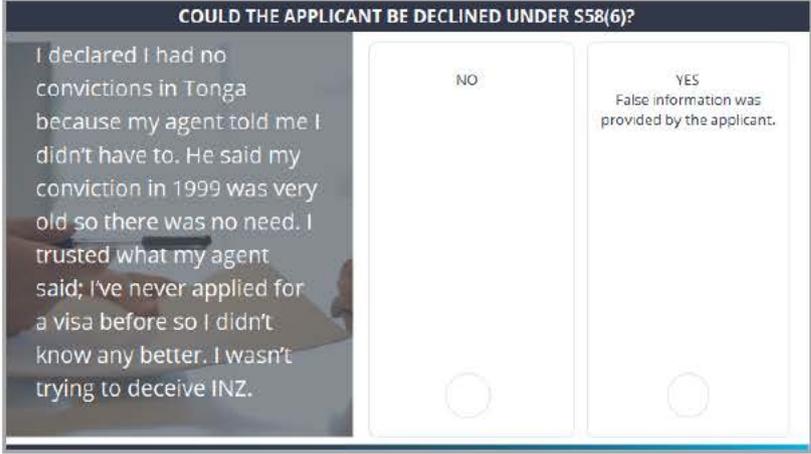
Slide Layer: Correct

Layer ID	05efbb5f-0fe7-4686-aaf5-ef35f8c647d9
Preview Image	 A screenshot of a quiz slide titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The slide features a background image of a tropical beach with turquoise water and a palm tree. On the left, there is a text box that reads: "I declared I had no convictions in Tonga because I didn't want to get declined on character grounds." On the right, there are two radio button options labeled "NO" and "YES". A green feedback box is overlaid on the slide, containing the text: "Correct", "That's right! False information was provided by the applicant.", and a "Continue" button.

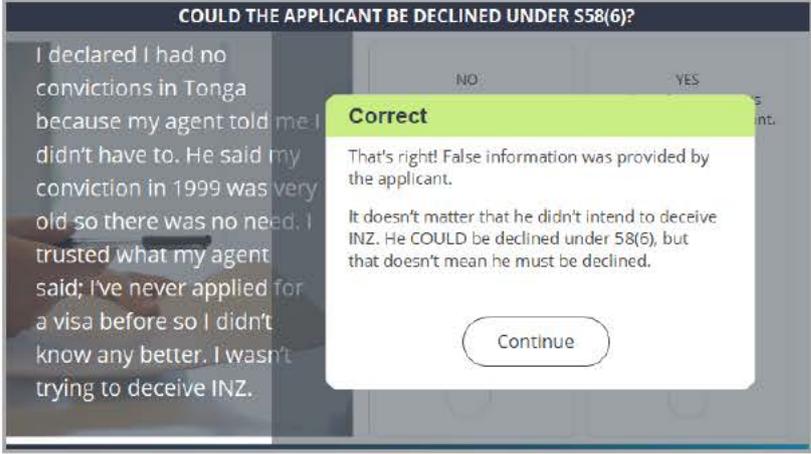
Slide Layer: Try Again

Layer ID	86b9e5aa-3155-4971-a3d9-aede8d99fd62
Preview Image	 A screenshot of a quiz slide titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The slide features a background image of a tropical beach with turquoise water and a palm tree. On the left, there is a text box that reads: "I declared I had no convictions in Tonga because I didn't want to get declined on character grounds." On the right, there are two radio button options labeled "NO" and "YES". A yellow feedback box is overlaid on the slide, containing the text: "Incorrect", "That is incorrect. Please try again.", and a "Try Again" button.

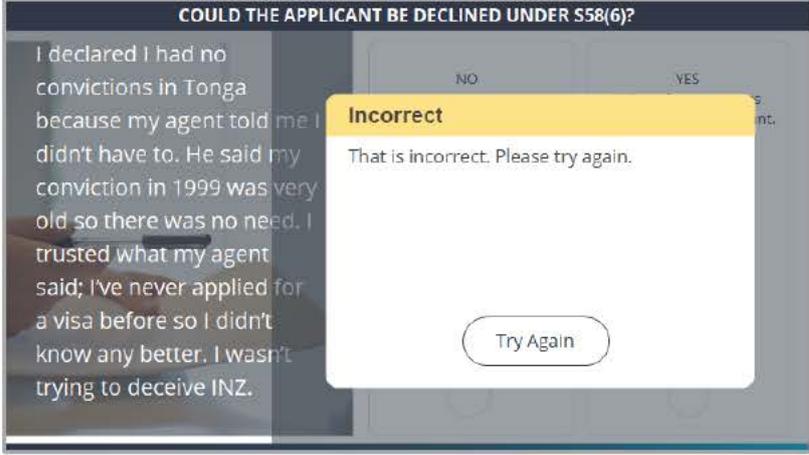
1.3 Question 2

Slide ID	ef58a946-a9db-4b42-9049-a2b352c6dc68
Preview Image	

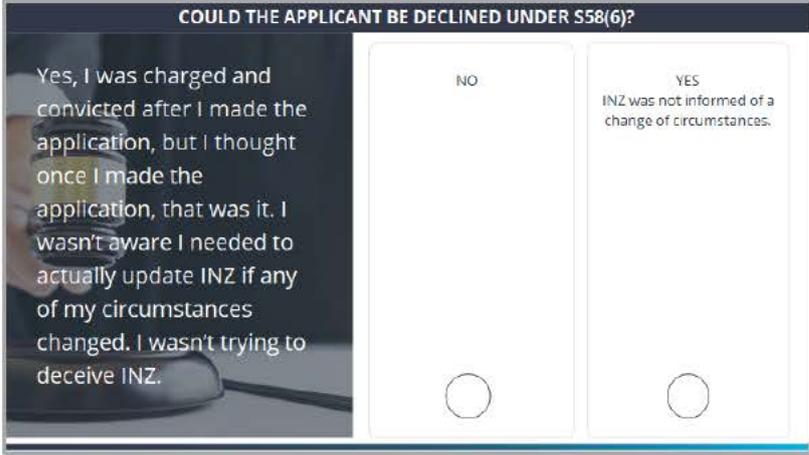
Slide Layer: Correct

Layer ID	8b38f418-d374-4476-a135-d72d7537cf7d
Preview Image	

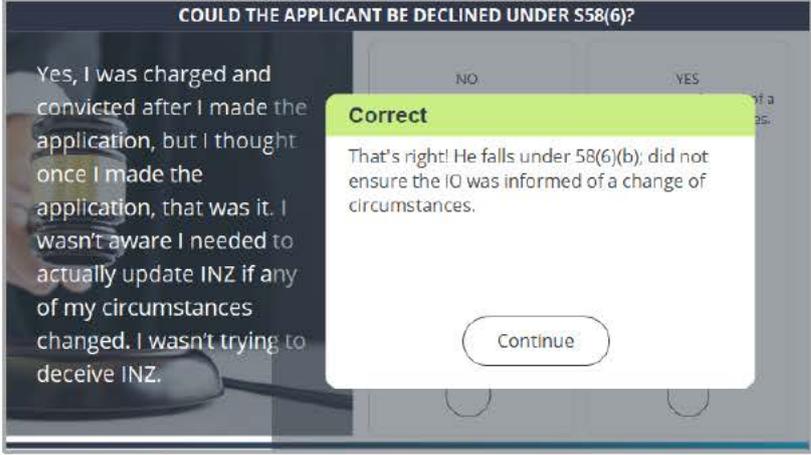
Slide Layer: Try Again

Layer ID	cbd59ffa-15fa-4f15-80cb-ddb492c89022
Preview Image	 <p>The screenshot shows a quiz question titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The question text reads: "I declared I had no convictions in Tonga because my agent told me I didn't have to. He said my conviction in 1999 was very old so there was no need. I trusted what my agent said; I've never applied for a visa before so I didn't know any better. I wasn't trying to deceive INZ." Below the text are two radio button options: "NO" and "YES". A yellow feedback box is overlaid on the screen, stating "Incorrect" and "That is incorrect. Please try again." with a "Try Again" button.</p>

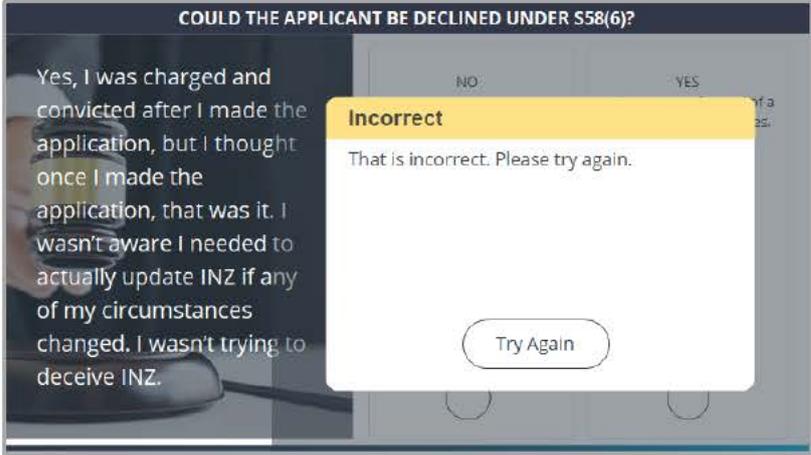
1.4 Question 2

Slide ID	e2c7f017-2b7c-41a4-80ba-71c3ab1c3bdf
Preview Image	 <p>The screenshot shows a quiz question titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The question text reads: "Yes, I was charged and convicted after I made the application, but I thought once I made the application, that was it. I wasn't aware I needed to actually update INZ if any of my circumstances changed. I wasn't trying to deceive INZ." Below the text are two radio button options: "NO" and "YES". The "YES" option has a sub-label: "INZ was not informed of a change of circumstances."</p>

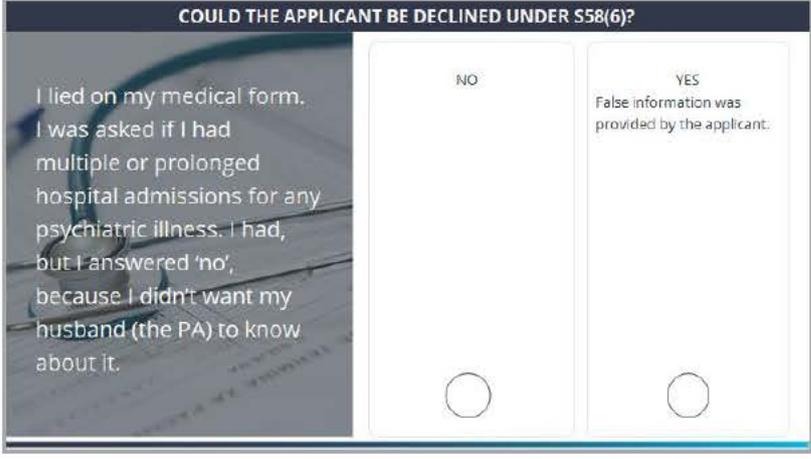
Slide Layer: Correct

Layer ID	165b3897-e6df-4c42-9814-53311c311549
Preview Image	 <p>The screenshot shows a quiz slide titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The background text reads: "Yes, I was charged and convicted after I made the application, but I thought once I made the application, that was it. I wasn't aware I needed to actually update INZ if any of my circumstances changed. I wasn't trying to deceive INZ." There are "NO" and "YES" options. A green "Correct" notification box is overlaid, containing the text: "That's right! He falls under 58(6)(b); did not ensure the IO was informed of a change of circumstances." and a "Continue" button.</p>

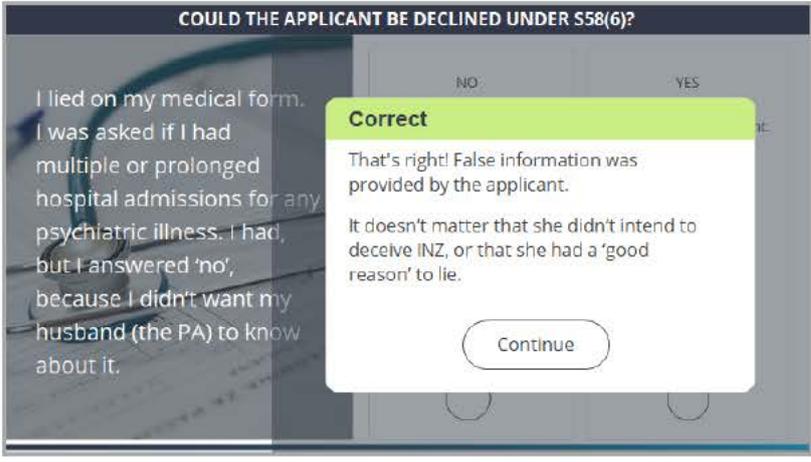
Slide Layer: Try Again

Layer ID	8b787c9b-55ac-4dd7-87b1-3b6b4f643791
Preview Image	 <p>The screenshot shows the same quiz slide as above. A yellow "Incorrect" notification box is overlaid, containing the text: "That is incorrect. Please try again." and a "Try Again" button.</p>

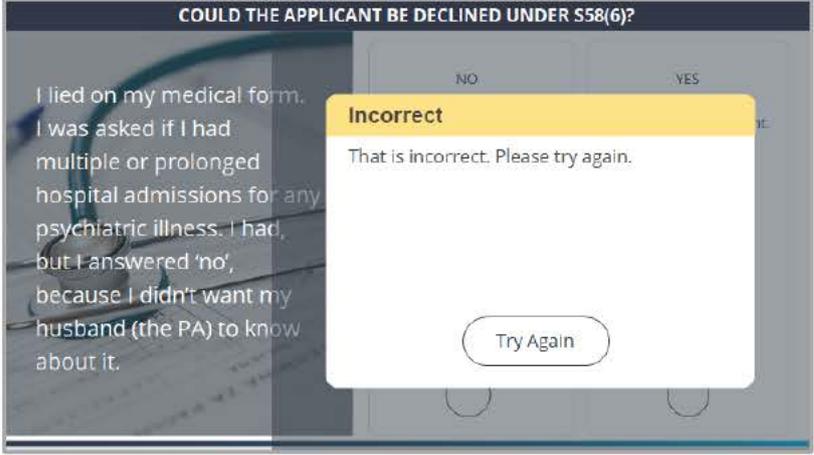
1.5 Question 2

Slide ID	b9d33302-ba9f-459c-bafe-dfc111698bab
Preview Image	

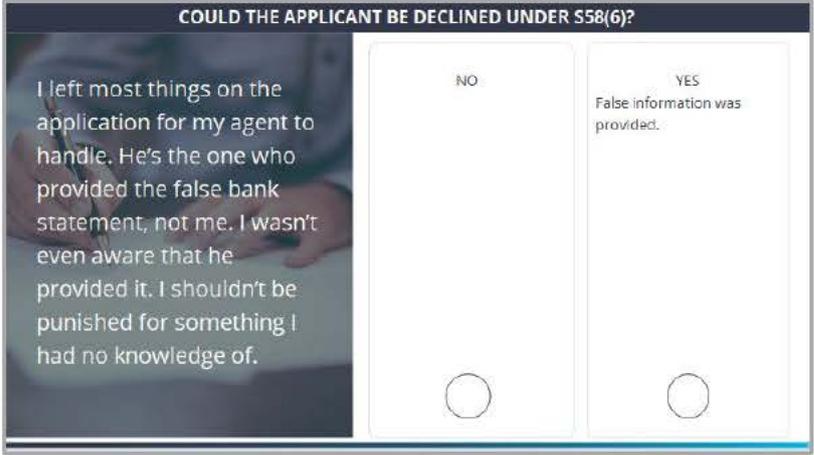
Slide Layer: Correct

Layer ID	4232e68b-2ccc-4529-a3d5-a146c07e7f0d
Preview Image	

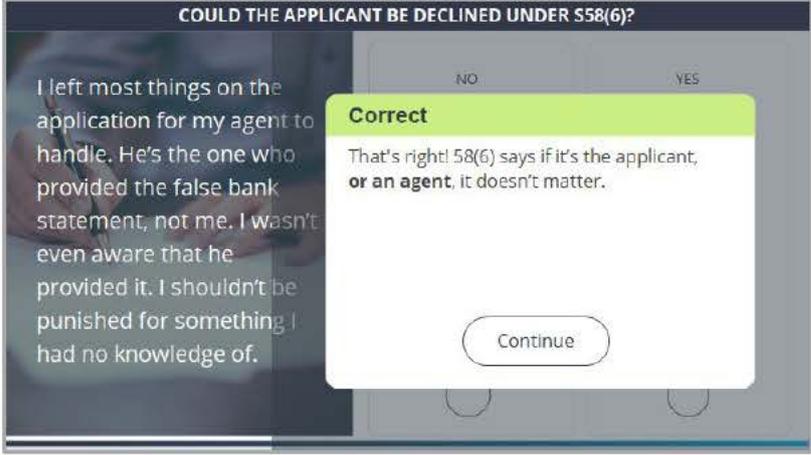
Slide Layer: Try Again

Layer ID	6e9804c2-9b28-4041-9dfb-26ad6b1186a6
Preview Image	 <p>The screenshot shows a quiz question titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The question text reads: "I lied on my medical form. I was asked if I had multiple or prolonged hospital admissions for any psychiatric illness. I had, but I answered 'no', because I didn't want my husband (the PA) to know about it." Below the text are two radio button options: "NO" and "YES". A yellow feedback box is overlaid on the screen, containing the text "Incorrect" and "That is incorrect. Please try again." with a "Try Again" button below it.</p>

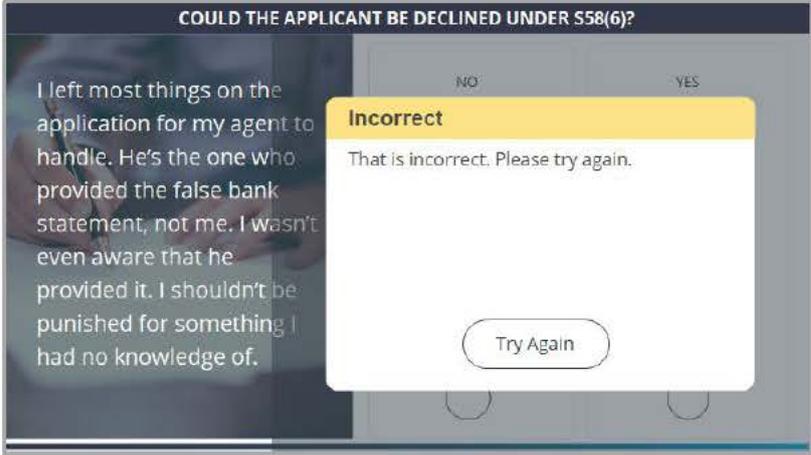
1.6 Question 2

Slide ID	37eb76ff-c8d9-4099-a8c0-a0fa9db114d5
Preview Image	 <p>The screenshot shows a quiz question titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The question text reads: "I left most things on the application for my agent to handle. He's the one who provided the false bank statement, not me. I wasn't even aware that he provided it. I shouldn't be punished for something I had no knowledge of." Below the text are two radio button options: "NO" and "YES". The "YES" option is accompanied by the text "False information was provided."</p>

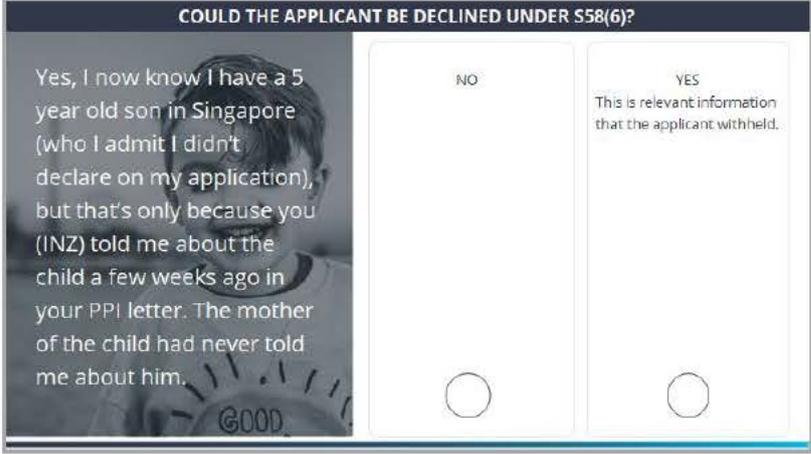
Slide Layer: Correct

Layer ID	7d5a66a1-40c7-4056-90b4-128ae236ccf9
Preview Image	 <p>The screenshot shows a quiz slide titled "COULD THE APPLICANT BE DECLINED UNDER 558(6)?". The background features a person's face and a text overlay: "I left most things on the application for my agent to handle. He's the one who provided the false bank statement, not me. I wasn't even aware that he provided it. I shouldn't be punished for something I had no knowledge of." Below the text are two radio buttons labeled "NO" and "YES". A green feedback box is overlaid on the right, containing the text: "Correct", "That's right! 58(6) says if it's the applicant, or an agent, it doesn't matter.", and a "Continue" button.</p>

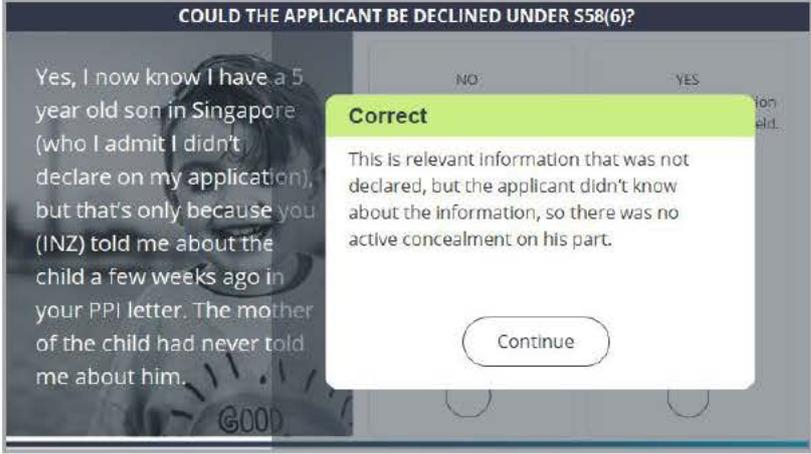
Slide Layer: Try Again

Layer ID	caff4569-b8a0-4b07-a0d8-17c86a940db0
Preview Image	 <p>The screenshot shows the same quiz slide as above. A yellow feedback box is overlaid on the right, containing the text: "Incorrect", "That is incorrect. Please try again.", and a "Try Again" button.</p>

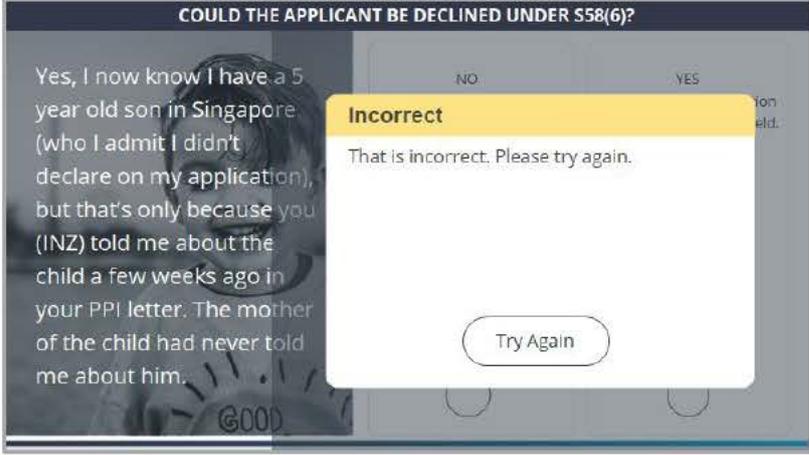
1.7 Question 2

Slide ID	301731b5-8867-4a21-ade4-2845ff456e2a
Preview Image	 <p>COULD THE APPLICANT BE DECLINED UNDER S58(6)?</p> <p>Yes, I now know I have a 5 year old son in Singapore (who I admit I didn't declare on my application), but that's only because you (INZ) told me about the child a few weeks ago in your PPI letter. The mother of the child had never told me about him.</p> <p>NO</p> <p>YES This is relevant information that the applicant withheld.</p>

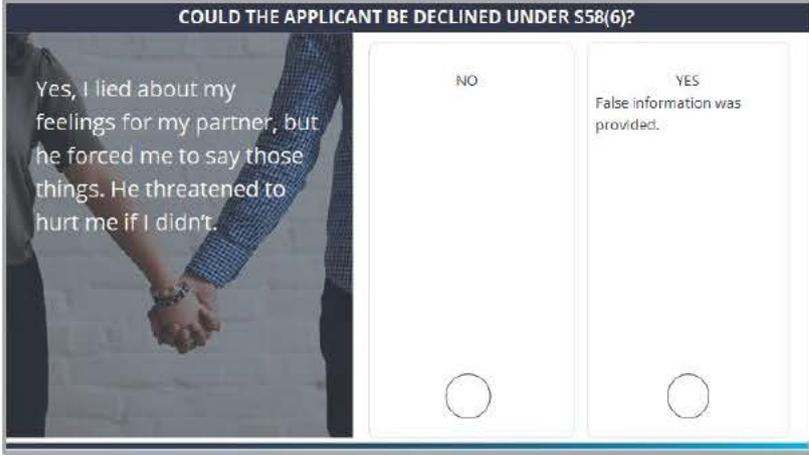
Slide Layer: Correct

Layer ID	15ed91d1-4561-4788-9243-2f877ba59e23
Preview Image	 <p>COULD THE APPLICANT BE DECLINED UNDER S58(6)?</p> <p>Yes, I now know I have a 5 year old son in Singapore (who I admit I didn't declare on my application), but that's only because you (INZ) told me about the child a few weeks ago in your PPI letter. The mother of the child had never told me about him.</p> <p>NO</p> <p>YES This is relevant information that the applicant withheld.</p> <p>Correct</p> <p>This is relevant information that was not declared, but the applicant didn't know about the information, so there was no active concealment on his part.</p> <p>Continue</p>

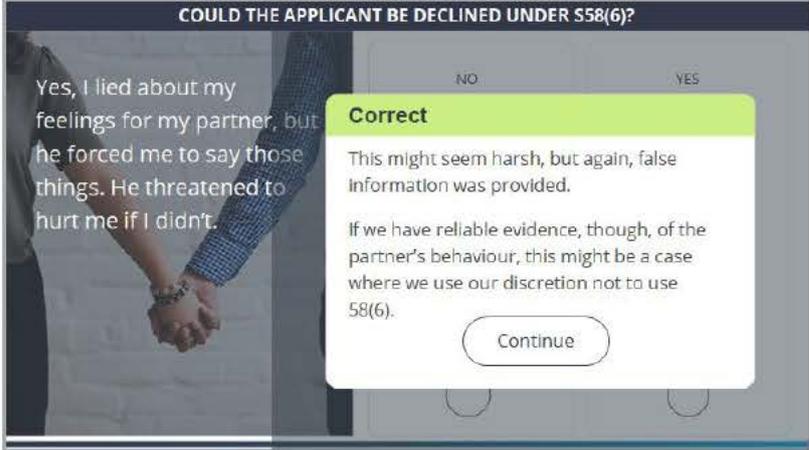
Slide Layer: Try Again

Layer ID	84ef5783-1a0a-4c45-b75b-6a324bd2f650
Preview Image	 <p>The screenshot shows a quiz question titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The question text reads: "Yes, I now know I have a 5 year old son in Singapore (who I admit I didn't declare on my application), but that's only because you (INZ) told me about the child a few weeks ago in your PPI letter. The mother of the child had never told me about him." The question is followed by two radio button options: "NO" and "YES". A yellow feedback box is overlaid on the screen, stating "Incorrect" and "That is incorrect, Please try again." with a "Try Again" button at the bottom.</p>

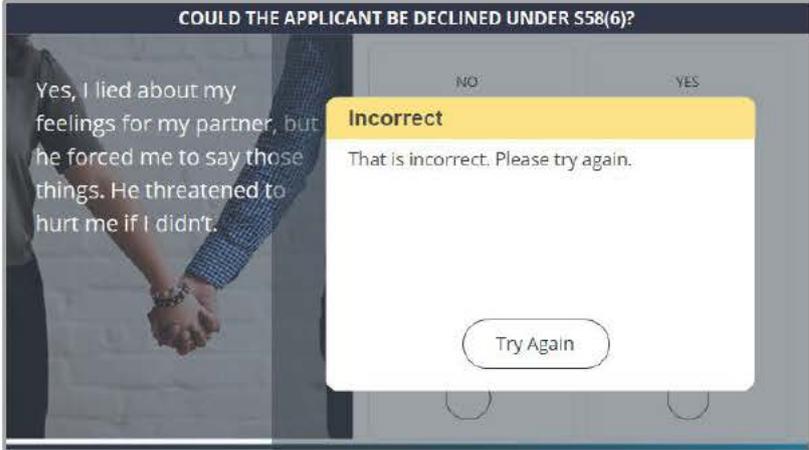
1.8 Question 2

Slide ID	ac3f8953-caea-4349-8ffa-a629ff0c107a
Preview Image	 <p>The screenshot shows a quiz question titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The question text reads: "Yes, I lied about my feelings for my partner, but he forced me to say those things. He threatened to hurt me if I didn't." The question is followed by two radio button options: "NO" and "YES". The "YES" option has a sub-label "False information was provided." below it.</p>

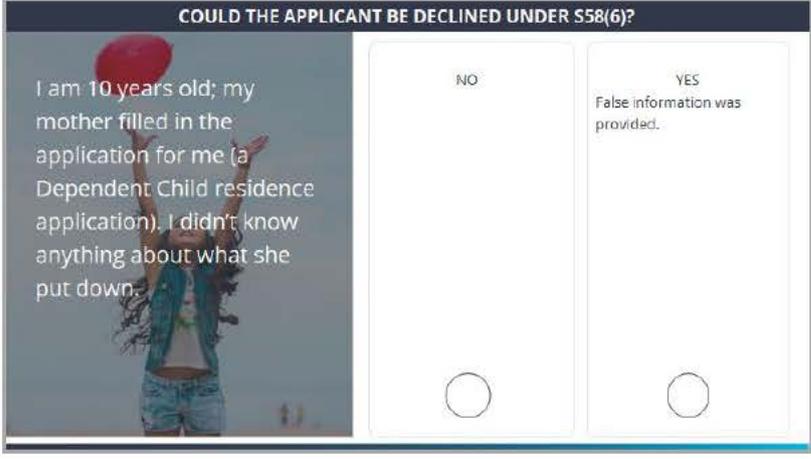
Slide Layer: Correct

Layer ID	6f0ab9e6-b3e5-4112-9fa2-9a1ebc0bd6eb
Preview Image	 <p>The screenshot shows a quiz interface with a dark header containing the question: "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". Below the header, there is a text box on the left with the text: "Yes, I lied about my feelings for my partner, but he forced me to say those things. He threatened to hurt me if I didn't." To the right of the text box are two radio button options: "NO" and "YES". A green feedback box is overlaid on the right side of the screen, containing the text: "Correct", "This might seem harsh, but again, false information was provided.", "If we have reliable evidence, though, of the partner's behaviour, this might be a case where we use our discretion not to use 58(6).", and a "Continue" button.</p>

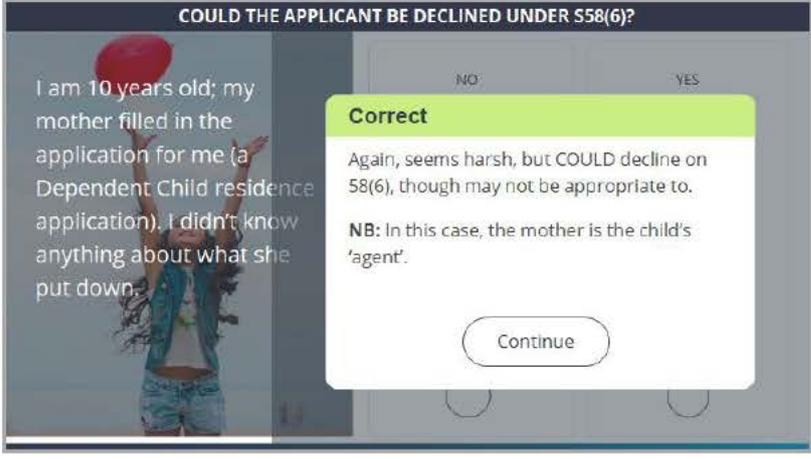
Slide Layer: Try Again

Layer ID	34ea4daf-3897-413b-9a86-b07b37aeae9b
Preview Image	 <p>The screenshot shows the same quiz interface as above. The text box on the left and the "NO" and "YES" options are visible. A yellow feedback box is overlaid on the right side of the screen, containing the text: "Incorrect", "That is incorrect. Please try again.", and a "Try Again" button.</p>

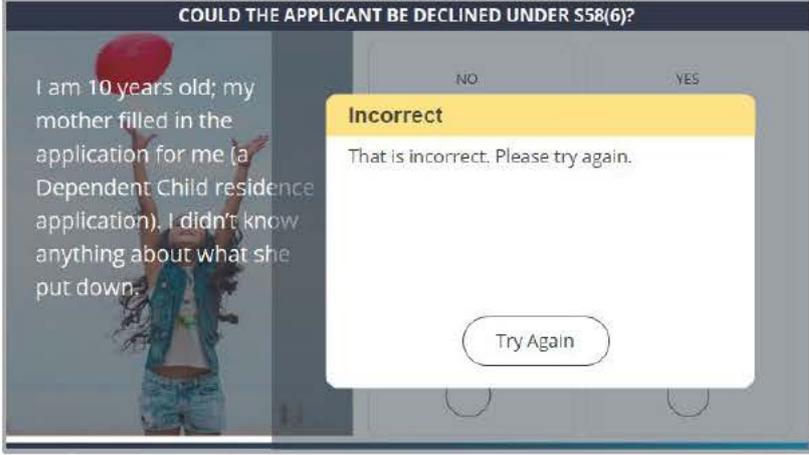
1.9 Question 2

Slide ID	44b0f0b0-185b-41d8-962e-cc2ac7d90571
Preview Image	

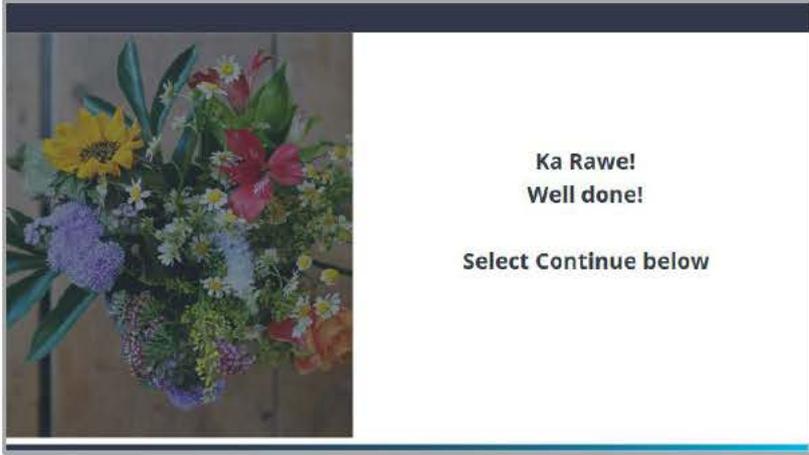
Slide Layer: Correct

Layer ID	ffadfe4f-efae-46e3-893f-e524522d781a
Preview Image	

Slide Layer: Try Again

Layer ID	70d84c7e-5df1-4a5a-aaad-3bef7b99724c
Preview Image	 A screenshot of a quiz interface. The question is "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The text on the left reads: "I am 10 years old; my mother filled in the application for me (a Dependent Child residence application). I didn't know anything about what she put down." There are two radio button options: "NO" and "YES". A yellow "Incorrect" message box is overlaid on the right, stating "That is incorrect. Please try again." with a "Try Again" button below it.

1.10 Question 2

Slide ID	62643b49-0738-40ed-ac0b-fda1a74b9faa
Preview Image	 A screenshot of a quiz slide. On the left is a photograph of a large bouquet of colorful flowers. On the right, the text reads: "Ka Rawe! Well done!" followed by "Select Continue below".

Remember...

- Remember that s58(6) is engaged in any application where false or misleading information has been provided or relevant information intentionally withheld. Even where s58(6) is engaged, you can still decide to grant a visa anyway.

- For s58(6) to be engaged, it is not necessary that the applicant has or had the intent to deceive INZ. For example, to figure out if they intended to deceive INZ, or was 'innocent' etc. It is very important that everyone in INZ stands firm on this, as you may get pressure from lawyers/advisers who will push us on this point. However, for s58(6) to be engaged, this is NOT the case.
- In many cases, we don't even have to establish whether the applicant knew that false information was provided, or that the information provided was false. However, for 'withheld information' you do need to be satisfied that it's more likely than not, that the applicant knew the information 'that they have withheld' for avoidance of doubt.
- In application forms, in the declaration section, it does tell applicants of their obligation to update INZ on changes of circumstances. It's human nature not to read the fine print, but, from a law perspective, the reason 'I didn't know of my obligations' does not excuse them.

Using PPI where false information is an issue

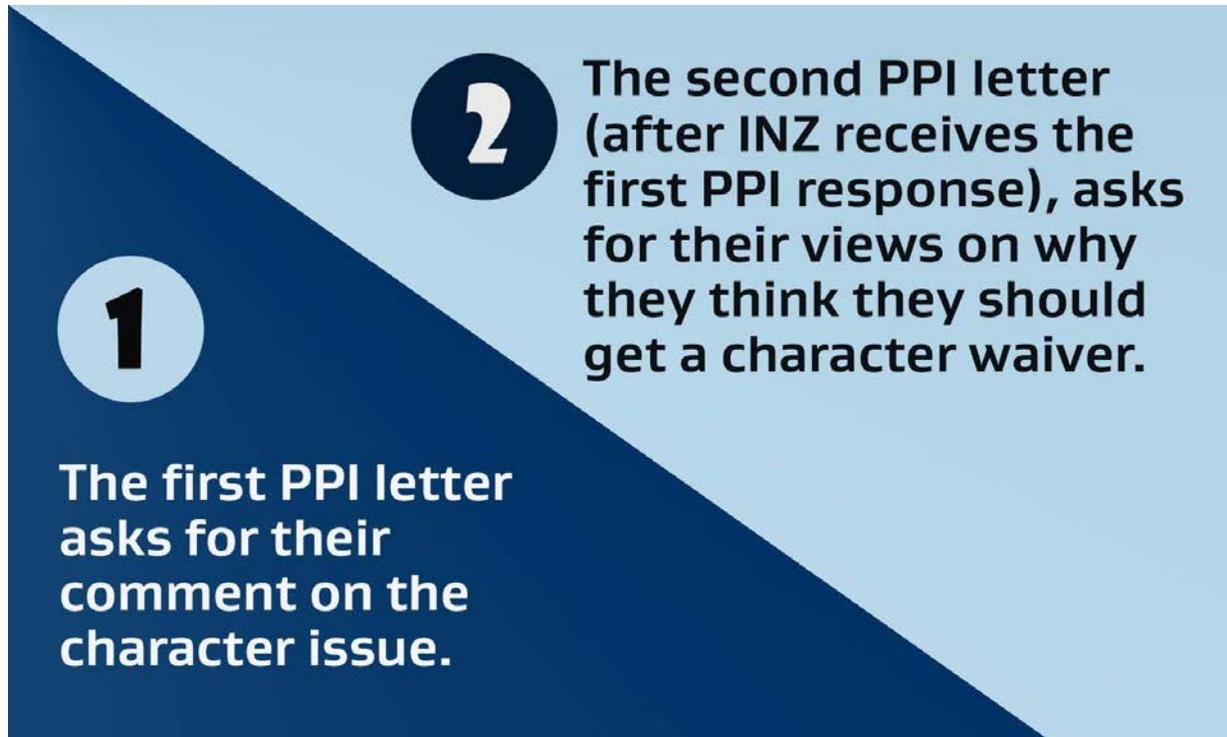
Where false information is an issue in an application, it presents special challenges to the PPI process. A key processing change and new PPI letter templates, however, should make things easier and more efficient. You should also keep in mind some important principles.

Here's what you need to know

- 1 **Combined PPI letter** – you will often be sending what might be called a 'combined PPI letter', instead of two separate PPI letters at different times.
- 2 **Take extra care** – we should take extra care when drafting PPI letters when false and misleading information is in play.

1. Combined PPI letter

In a normal PPI process, you just ask them to comment on the problem or issue (such as “We don’t think you have sufficient work experience, please comment”) But in cases where there is a character issue, INZ has in the past usually provided two opportunities to comment (see image)



However, you’ll now be asking the applicant to comment on both things in **ONE letter**, or a ‘combined PPI’ letter. The template letters for these are carefully worded to make it clear we are not pre-determining that they in fact provided false information.

(Note this will be for all character cases, not just false/misleading cases). A similar combined PPI process will happen for section 58(6) cases.

CHARACTER CASES

58(6) CASES

In character cases, the two things are:

1. We think false information was provided in a **past application** – what do you have to say; **AND...**
2. Tell us why you think we should give you a **character waiver**.

CHARACTER CASES

58(6) CASES

In 58(6) cases, the two things you'll be asking them to comment on are:

1. We think false information was provided in the **current application** – what do you have to say; **AND...**
2. Tell us why you think we should give you **a visa** anyway.

2. Taking extra care

There are two key things to keep in mind when drafting PPI letters where false information is an issue. Select the flip cards to reveal more. You will need to scroll down

First, we should no longer be telling people that we think “**you** provided false information”.

Instead, we should say that we think “false information was provided.” There are a several reasons for this:

1. They might not have personally provided it themselves, i.e., it could have been their agent instead.
2. The changes to character instructions now make it clear that you don't have to establish they personally provided it; taking away the need for you to accuse them directly. *(Scroll down)*.
3. Telling them “**you** provided” unnecessarily puts the applicant into a more defensive position (compared to simply saying false information was provided) and could add further stress to the applicant who already may feel upset about receiving a PPI letter.

Second, we need to strike a balance between giving them too little information about our concerns, and giving them too much.

1. Too little information may mean they don't have a fair opportunity to comment on the accusation.

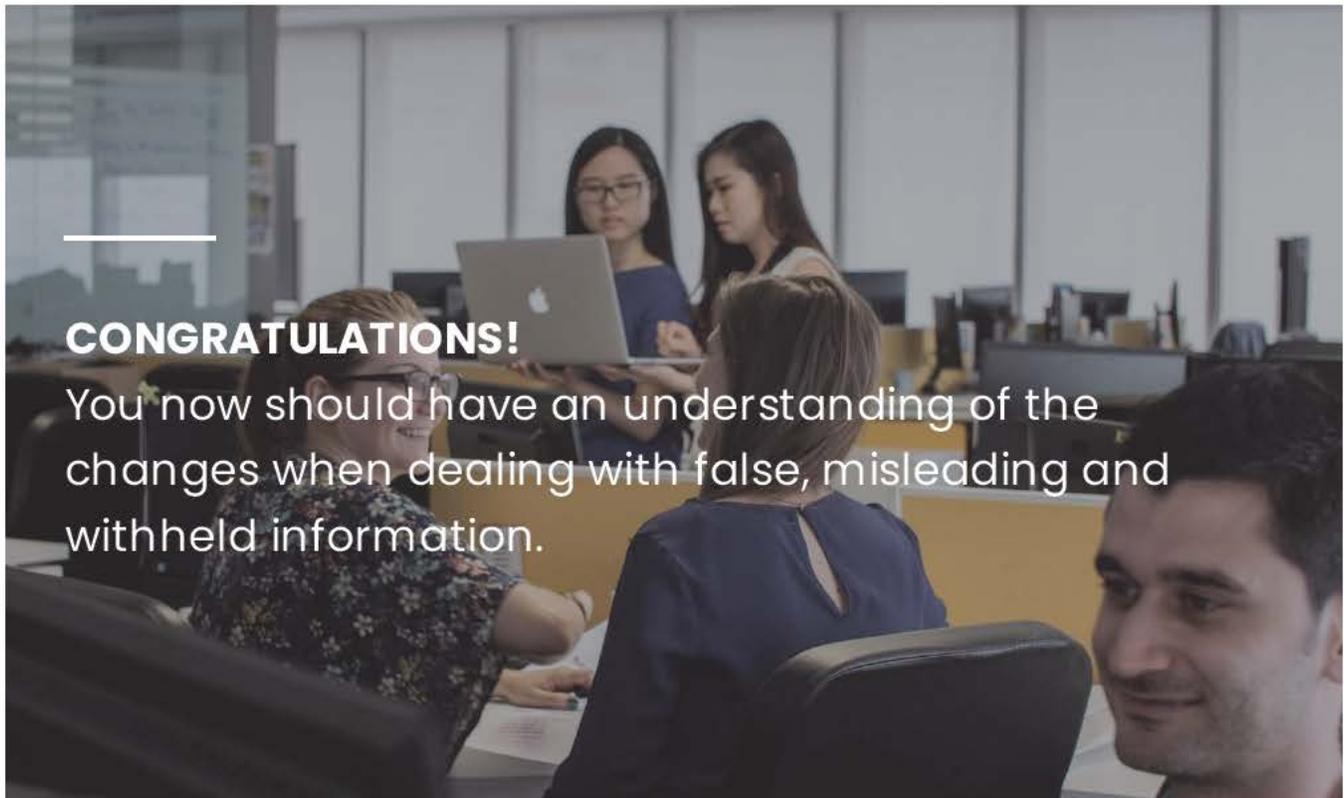
2. Too much information, especially regarding any verification activity we have done which casts doubt on what the applicant has told us, may either, *(scroll down)*:

- Reveal our verification methods; or
- Put the source of our information at risk; or
- Harm our relationships with other governments or agencies, who provide information to us on a confidential basis.

You'll discuss this further and consider some PPI examples in the training session you attend.

CONTINUE

Conclusion



For IOs, TAs and SIOs, this module will be supported with an in-branch workshop giving an opportunity to gain confidence and competency, by practising these changes and using the new templates.

New Templates (To be used from 25 September)

FM template (for 58.6 and other)

[MAKO LINK](#)

v316b Character template temporary

- post 25 Sep 2023

[MAKO LINK](#)

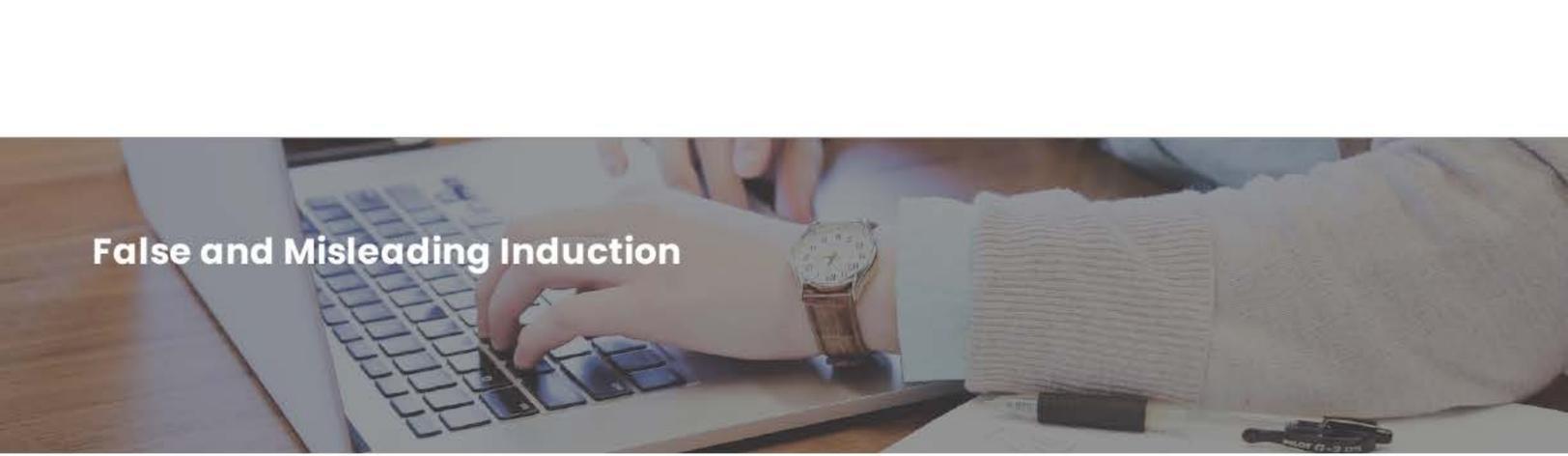
V317b Character template residence

post 25 Sep 2023

[MAKO LINK](#)

Click the Exit Course button to return to Learn@INZ

[EXIT COURSE](#)



False and Misleading Induction

The New Zealand immigration system relies on factual information provided by applicants to determine in each particular case if the requirements allowing the grant of a visa are met.

The Immigration Act (the Act) imposes a strict obligation on applicants to **truthfully** inform Immigration New Zealand (INZ) of **all material facts**, including when their circumstances change after they make their application.

This module will assist you to assess visa applications which contain false or misleading information, or where there is relevant information that is withheld.

It should take around **20 minutes** to complete.

Let's begin!

INTRODUCTION

- False vs misleading
- Withholding information
- False Information - Legal Provisions
- Using section 58(6) vs character
- Mistakes, opinions and exaggerated claims
- Section 58(6) scenarios
- Using PPI where false information is an issue
- Conclusion

False vs misleading

Let's begin by clarifying the difference between false and misleading, as outlined in the Internal Administration Circular 23/01 (below).

Select the images below to see the definitions.



"False information is a purported fact or set of facts, which is not true."

In order for an IO to consider whether information is false, it may be useful to consider if it contradicts other information which is more likely to be true.



"Misleading information does not directly contradict other 'true' information, but suggests an interpretation of the person's situation that is untrue or provides an incomplete picture of their situation."



Review each example above before moving on.

Let's look at a couple of examples...

False Information



An applicant states they have a bachelor's degree from the Awesome Institute and provides a certificate as evidence of this qualification.

The Institute tells INZ however, that according to their records, the applicant does not have a qualification.

The statement by the applicant and the certificate can be considered to be false information if you consider the statement from the Awesome Institute more likely to be true.

Step 1

Things to note

There are minimum of two pieces of information that need to be assessed. In this example, the first piece is the certificate provided by the applicant, the second piece is the information provided by the Institute.

You will need to evaluate each piece of information to make a decision as to the best of your ability as to which piece of information is more likely to be true.

Step 2

Why might the information from the Institute be more likely true?

- The Institute is a long running institute with (one would assume), robust record keeping systems.
- There would not appear to be any reason, no ulterior motive, as to why the Institute would tell INZ that the person does not have a qualification from there.

Step 3

Why might the information from the Institute be incorrect?

- The name given to them by INZ may have been mis-spelt or was simply slightly different to what they had in their records, or other details (like date of birth), given to them by INZ were incorrect.
- The officer at the Institute may be a new staff member and did not know that he/she had to check two or three different databases.

Step 4

Misleading Information



An applicant submits a work experience reference detailing only the more skilled tasks that were required in performing the majority of lesser skill duties.

While the work reference does not contradict the actual duties of the applicant, it misrepresents the skill required of the job by omitting information required to establish a complete understanding of their work experience.

Step 5

Misleading

In this example, the applicant is only telling a part truth. It's not a lie, but it's not the complete picture. So, we would say that it's not really 'false' information, but it IS 'misleading'.

False vs Misleading

When we communicate to our applicants on a specific issue, when appropriate, it's best that we use one or the other word, not both.

It's important we keep the concepts of 'false' and 'misleading' somewhat separate and clear in our minds.

Although both false and misleading require PPI, it is important to identify and communicate clearly what our concern actually is.

This is not to say there's not some overlap. Anything that is 'false' is also 'misleading'. But not everything that is misleading is also false.

Before continuing, please read Internal Administration Circular (IAC) 23/01



IAC 23-01.pdf
24.6 KB



CONTINUE

Withholding information

The third way someone can fall under Failure, Misleading and withheld information is if they *"withheld information that was potentially prejudicial to the grant of the visa"*

This is sometimes called withholding relevant information or concealing relevant information. The IA (Para 12) states:

*"Information is withheld when **an applicant, or their agent**, knows about information relevant to their Expression of Interest (EOI) or visa application and they or their agent **fails to disclose it** to an immigration officer. Information is relevant to an EOI or application when it is relevant to factors immigration officers must consider, irrespective of whether the information would have in fact changed the officer's decision."*

Example:

An applicant for a student visa is engaged to a person who is unlawfully in New Zealand. The applicant does not declare in their application they are engaged, nor do they name the person in the section of the application form that asks for the name of contacts in New Zealand.

False Information – Legal Provisions



Several provisions found in the Operational Manual allow for the decline of visa applications.

Several provisions found in the Operational Manual allow for the decline of a visa application if there is an instance of false or misleading information provided, or relevant information withheld. The correct provision to use, depends on the circumstances.

For **current applications** with false or misleading information, the correct provision is **Section 58 of the Act**, which states:

"It is the responsibility of an applicant for a visa to ensure that all information, evidence, and submissions that the applicant wishes to have considered in support of the application are provided when the application is made."

There are two main requirements for the information to be acceptable:

- 1 Complete
- 2 Honest

Subsection 6 of Section 58 gives IOs the power to decline applications where these requirements are not met.

Click on the cards below to read more.

Character instructions

False, misleading or withheld information can also be dealt with in immigration instructions called 'Character instructions'. **Every visa applicant must meet these instructions.**

You will learn about the difference between character instructions and section 58 in the next part of this module.

Instructions in the Skilled Migrant and Parent Categories

A third set of provisions dealing with false information is found in the Skilled Migrant and Parent Categories. (See paragraphs 7 and 27 of the IAC). These allow for the decline of applications where false information is found in the related EOI.

You will learn more about these provisions, if you are assigned to process one or both of these categories.

CONTINUE

Using section 58(6) vs character

It's important to know **WHEN** to use Section 58(6) or character instructions and **HOW** to use each appropriately.

Using Section 58(6)

False information in the current application

Section 58(6) of the Immigration Act says:

(6) It is sufficient grounds for the Minister or an immigration officer to decline to grant a visa to a person if the Minister or officer is satisfied that the person,

- (a) whether personally or through an agent, in applying for the visa submitted **false or misleading information** or **withheld** relevant information that was potentially prejudicial to the grant of the visa; or*
- (b) did not ensure that an immigration officer was informed of any **material change in circumstances** ... between the time of making the application and the time of a decision on the application.*

A24, in the Operational Manual outlines this further. But it's important to note, that **even if the applicant has no knowledge of the false information, and only the agent was responsible for providing it, the applicant still falls under section 58(6) or A24.1(f)**.

This is spelled out in A24.5(a) and clarifies that even if an agent un-knowingly provides false information, section 58(6) still applies – see A24.5(d).

Using character instructions

False information in a past application

Character instruction A5.25.5(b)(i) says that a person will not be granted a residence class visa if they:

*“in the course of **a prior application** for a New Zealand visa **or entry permission** (or a permit under the Immigration Act 1987) made any statement or provided any information, evidence or submission, **either***

personally or through an agent that was false or misleading or withheld material information which may have affected the decision on the application.

Also, important to note in A5.25:

- provisions regarding **failure to update INZ** after notification is made
- false information in a **reconsideration, an EOI, or a Variation of conditions (VOC)/Variation of Travel Conditions (VOTC) application** constitutes a character issue
- exceptions for children and migrant exploitation – previous false information does not count as a character issue

Like section A24, **even if the applicant has no knowledge of the false information, and only the agent was responsible for providing it, the applicant still falls under character instructions at A5.25 or A5.45.**

CONTINUE

Quick knowledge check

In each of these provisions, whether the applicant knew about the false information or intended to deceive INZ, it doesn't matter.

True

False

SUBMIT

Connect the correct section, with when you would use it.

SUBMIT

Both A5.45 and A24 require that an O carry out a character waiver process before making a decision to decline.

- True
- False

SUBMIT

False and Misleading Scenarios

Consider the following scenarios. Was false or misleading information provided or relevant information withheld?

Drag and release each scenario into its correct folder. (They will disappear when correct).

Mr Flower signs a form declaring that all of the submitted information is correct; it is later discovered that some of the information was not correct.

Mr Flower explains to INZ that he had his agent fill in the form and that he didn't actually check the answers. Setting aside the discovered incorrect information, what can we say about the declaration itself? Was it false, misleading or was there an element of withholding?



False Information



Misleading Information



Withheld Information



CORRECT

Misleading (but also could be false, or element of withholding).

It is misleading to declare that "I have provided true and correct information" without checking and ensuring that the said information is indeed true and correct.

NEXT



False Information



Misleading Information



Withheld Information

In section G of form INZ1000, it asks the applicant to list the countries they have lived in for 12 months or more in the last 10 years.

Miss Turnip lists USA, China, and Japan, but doesn't list South Korea (where she lived for 14 months).



False Information



Misleading Information



Withheld Information

Mr Avocado submits a passport believing it to be

 **CORRECT**

The information was relevant because she would have needed to obtain a PC from South Korea.

NEXT



False Information



Misleading Information



Withheld Information

Mr Avocado submits a passport believing it to be genuine. A passport checker reveals it was not issued by the governing authority.

Mr Avocado's brother had obtained it for him by using (without Mr Avocado's knowledge) a private company to create the passport. The personal details on the passport (such as date of birth etc) are accurate.



False Information

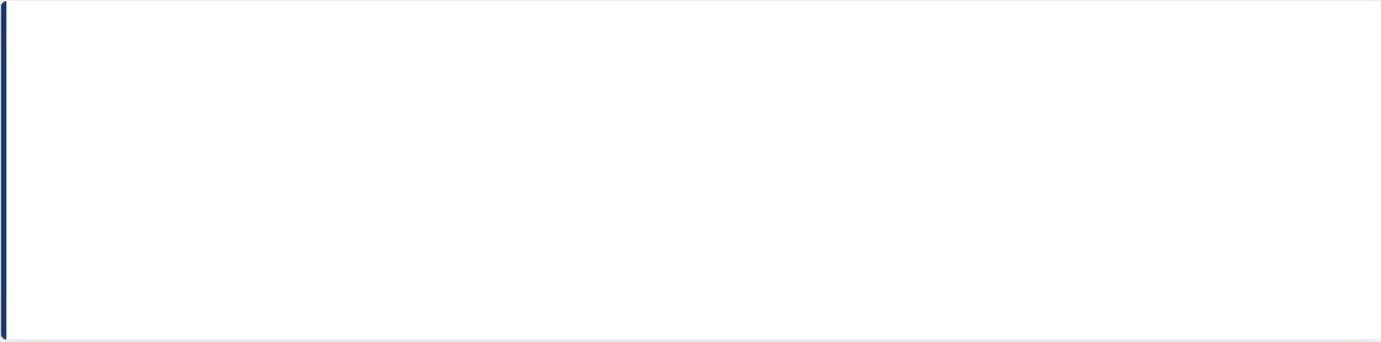
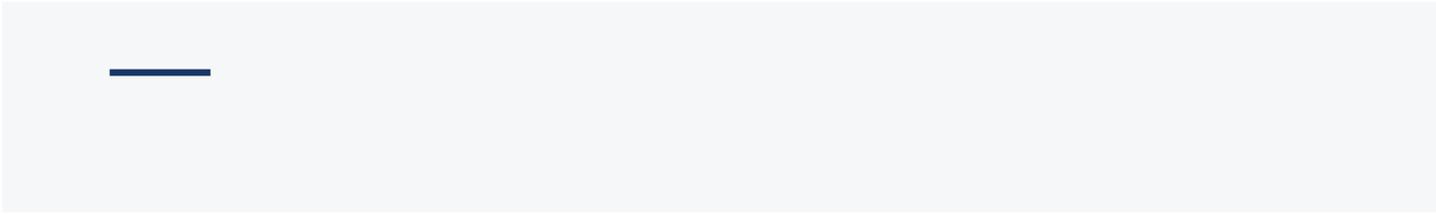


Misleading Information



Withheld Information





Read and consider this character declaration (from a real application in 2014).

Select each box to have a closer look at the content.

Then select the continue button.

Section D Your character

All applicants must complete this section. If your application is declined for character reasons, Immigration New Zealand may place a notation in your passport indicating that you applied for a visa for New Zealand.

For more information about the questions in this section, see 'Completing Section D: Your character' in the Work Visa Guide.

1a Have you been convicted of any crime of any offence, including any driving offence? Please note that this includes any conviction of an offence of New Zealand subsequently created or named by 'Lapsed' legislation.

Yes No

1b Are you currently:

- under investigation Yes No
- wanted for questioning Yes No
- facing charges for any offence in any country? Yes No

1c Have you ever been:

- excluded Yes No
- refused entry Yes No
- removed or deported from any country, including New Zealand? Yes No

1d Have you ever been refused a requirement to visit, work, study or reside in any country? Yes No

1e Have you ever been a member of, or adhered to, any terrorist organisation? Yes No

1f Have you had (or currently have) an association with, membership of, or involvement with, any government, regime, group or agency that has advocated or committed war crimes, crimes against humanity and/or other gross human rights abuses? Yes No

If you have answered yes to any of the questions above give full details. This includes full details of any charges, convictions and the sentence or penalty imposed. Continue on a separate piece of paper if necessary.

Answer: about 20 years ago, it was declared and character was refused previous work visa applications. Please refer to file/AMM notes with visa application declined.

Continue

CONTINUE

Slide ID

20f21d7d-1f35-4247-92ea-c0de2960865b

Preview Image

The image shows a digital form titled "Section 4 Character Declaration" for a New Zealand visa application. The form contains several questions with checkboxes for "Yes" and "No". Handwritten green annotations highlight specific parts of the form:

- A green box highlights the question: "Have you been convicted of any crime, including any driving offences? Please note that this includes any convictions outside of New Zealand not currently deemed to be 'spent' by your local agencies." The "No" checkbox is checked.
- Another green box highlights the question: "Are you currently: under investigation, wanted for questioning, or facing charges for any offence in any country?" The "No" checkboxes are checked.
- A third green box highlights the question: "Have you ever been: included, refused entry, removed or deported from any country, including New Zealand?" The "No" checkboxes are checked.
- A fourth green box highlights the question: "Have you ever been refused a visa/entry to visit, work, study or reside in any country?" The "No" checkbox is checked.
- A fifth green box highlights the question: "Have you ever been a member of, or adhered to, any terrorist organisation?" The "No" checkbox is checked.
- A sixth green box highlights the question: "Have you had (or currently have) an association with, membership of, or involvement with, any government, regime, group or agency that has advocated or committed war crimes, crimes against humanity and/or other gross human rights abuses?" The "No" checkbox is checked.
- A final green box highlights a note: "If you have answered yes to any of the questions above give full details. This includes full details of any charges, convictions and the sentence or penalty imposed. Continue on a separate piece of paper if necessary." Below this note, handwritten text reads: "Please note - 20 years ago it was declared and charged in my court. My wife's previous work visa applications. Please note - Date/dates notes, work visa application declined".

At the bottom right of the form, there is a green "Continue" button.

Read and consider this character declaration (from a real application in 2014).

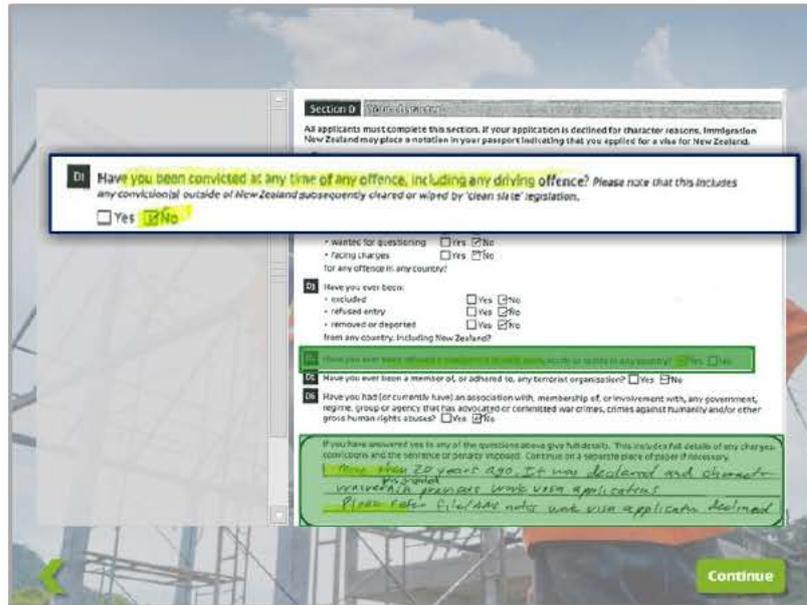
Select each box to have a closer look at the content.

Then select the continue button.

Layer ID 

b72f7026-c0c2-4d60-9e5f-3c216b2ce812

Preview Image



Section 0 Your character

All applicants must complete this section. If your application is declined for character reasons, Immigration New Zealand may place a notation in your passport indicating that you applied for a visa for New Zealand.

D1 Have you been convicted at any time of any offence, including any driving offence? Please note that this includes any convictions outside of New Zealand subsequently cleared or wiped by 'clean slate' legislation.

Yes No

Are you currently:

- under investigation Yes No
- wanted for questioning Yes No
- facing charges Yes No

for any offence in any country?

D2 Have you ever been:

- excluded Yes No
- refused entry Yes No
- removed or deported Yes No

from any country, including New Zealand?

D3 Have you ever been refused a visa/permit to visit, work, study or reside in any country? Yes No

D4 Have you ever been a member of, or adhered to, any terrorist organisation? Yes No

D5 Have you had (or currently have) an association with, membership of, or involvement with, any government, regime, group or agency that has advocated or committed war crimes, crimes against humanity and/or other gross human rights abuses? Yes No

If you have answered yes to any of the questions above give full details. This includes full details of any charges, convictions and the sentence or penalty imposed. Continue on a separate page of paper if necessary.

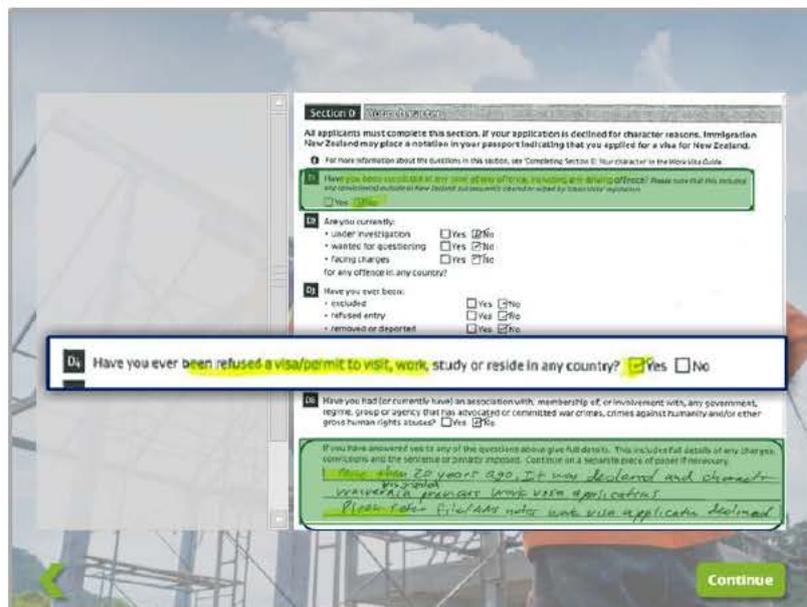
I have never been refused a visa/permit to visit, work, study or reside in any country. Please take this/ADs into your visa application decision.

Continue

Layer ID 

af98792a-ff35-4bda-b6cb-2922423fb8b4

Preview Image



Section 0 Your character

All applicants must complete this section. If your application is declined for character reasons, Immigration New Zealand may place a notation in your passport indicating that you applied for a visa for New Zealand.

For more information about the questions in this section, see 'Completing Section 0: Your character' in the New Zealand Visa Guide.

D1 Have you been convicted at any time of any offence, including any driving offence? Please note that this includes any convictions outside of New Zealand subsequently cleared or wiped by 'clean slate' legislation.

Yes No

D2 Are you currently:

- under investigation Yes No
- wanted for questioning Yes No
- facing charges Yes No

for any offence in any country?

D3 Have you ever been:

- excluded Yes No
- refused entry Yes No
- removed or deported Yes No

from any country, including New Zealand?

D4 Have you ever been refused a visa/permit to visit, work, study or reside in any country? Yes No

D5 Have you ever been a member of, or adhered to, any terrorist organisation? Yes No

D6 Have you had (or currently have) an association with, membership of, or involvement with, any government, regime, group or agency that has advocated or committed war crimes, crimes against humanity and/or other gross human rights abuses? Yes No

If you have answered yes to any of the questions above give full details. This includes full details of any charges, convictions and the sentence or penalty imposed. Continue on a separate page of paper if necessary.

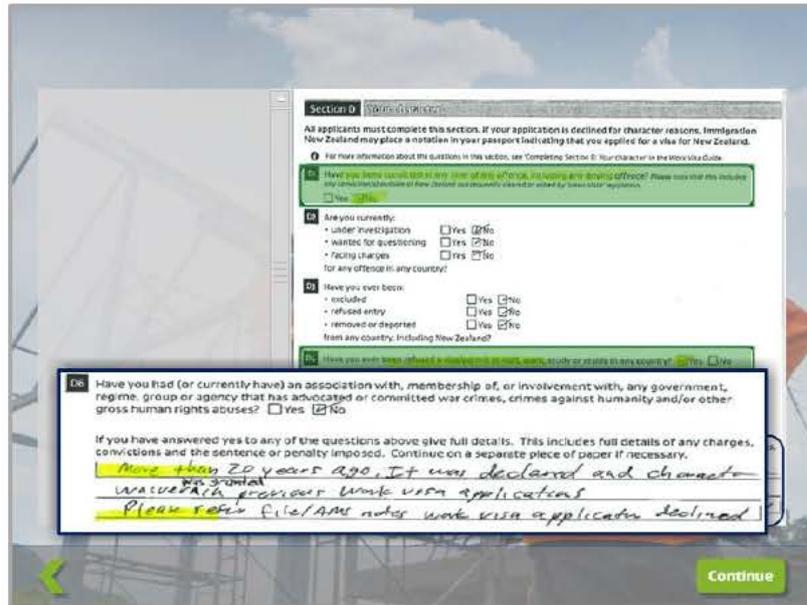
I have never been refused a visa/permit to visit, work, study or reside in any country. Please take this/ADs into your visa application decision.

Continue

Layer ID 

2665433c-ed11-42d8-ae9b-42e7ef0a8795

Preview Image



Section D Your character

All applicants must complete this section. If your application is declined for character reasons, Immigration New Zealand may place a notation in your passport indicating that you applied for a visa for New Zealand.

For more information about the questions in this section, see 'Completing Section D: Your character' in the [New Zealand Visa Guide](#).

D1 Have you been convicted for any crime of any offence, including any driving offence? Please tick the box that applies to you. Yes No

D2 Are you currently:

- under investigation Yes No
- wanted for questioning Yes No
- facing charges Yes No

for any offence in any country?

D3 Have you ever been:

- excluded Yes No
- refused entry Yes No
- removed or deported Yes No

from any country, including New Zealand?

D4 Have you ever been refused a visa or entry permit, work, study or transit in any country? Yes No

D6 Have you had (or currently have) an association with, membership of, or involvement with, any government, regime, group or agency that has advocated or committed war crimes, crimes against humanity and/or other gross human rights abuses? Yes No

If you have answered yes to any of the questions above give full details. This includes full details of any charges, convictions and the sentence or penalty imposed. Continue on a separate piece of paper if necessary.

More than 20 years ago. It was declared and character waiver given. Waive visa applications.

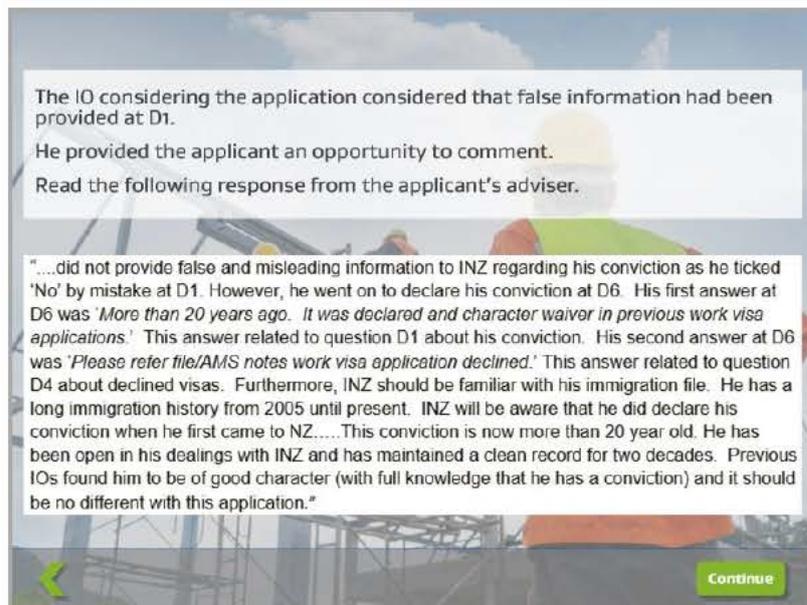
Please refer file/AMS notes work visa application declined.

[Continue](#)

Slide ID 

343f0d49-9015-44b4-bc3c-1d27eb46299d

Preview Image



The IO considering the application considered that false information had been provided at D1.

He provided the applicant an opportunity to comment.

Read the following response from the applicant's adviser.

"...did not provide false and misleading information to INZ regarding his conviction as he ticked 'No' by mistake at D1. However, he went on to declare his conviction at D6. His first answer at D6 was 'More than 20 years ago. It was declared and character waiver in previous work visa applications.' This answer related to question D1 about his conviction. His second answer at D6 was 'Please refer file/AMS notes work visa application declined.' This answer related to question D4 about declined visas. Furthermore, INZ should be familiar with his immigration file. He has a long immigration history from 2005 until present. INZ will be aware that he did declare his conviction when he first came to NZ.....This conviction is now more than 20 year old. He has been open in his dealings with INZ and has maintained a clean record for two decades. Previous IOs found him to be of good character (with full knowledge that he has a conviction) and it should be no different with this application."

[Continue](#)

Layer ID 

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Preview
Image

Taking into account the explanation, did the applicant provide false information on this page of the application form?



Layer ID 

5320836f-8020-4927-ad6f-ad20a7cf99d3

Preview
Image

This is **not a case of false information** being provided.

It's important in this case to take a holistic view at what's happening. Recall that the IAC says that false information is a purported fact or set of facts which is not true.

The applicant has, now that we understand the situation, pretty clearly talked about the conviction that was more than 20 years ago. Yes, there was an incorrect declaration at D1, but it's plausible that was a mistake. Also, even though you could say he didn't provide much detail about his conviction, he did say 'refer to declined application notes' which would have had those details.

The situation derived from the 'set of facts' on the **whole** page is true.

CORRECT!

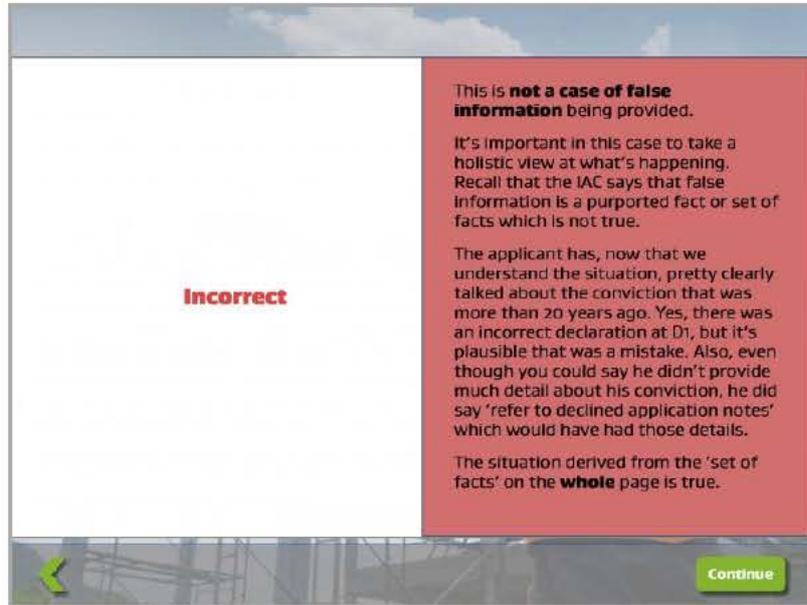


Continue

Layer ID 

4a3c128a-e165-4f9e-a510-87030ea621c0

Preview Image



Incorrect

This is **not a case of false information** being provided.

It's important in this case to take a holistic view at what's happening. Recall that the IAC says that false information is a purported fact or set of facts which is not true.

The applicant has, now that we understand the situation, pretty clearly talked about the conviction that was more than 20 years ago. Yes, there was an incorrect declaration at D1, but it's plausible that was a mistake. Also, even though you could say he didn't provide much detail about his conviction, he did say 'refer to declined application notes' which would have had those details.

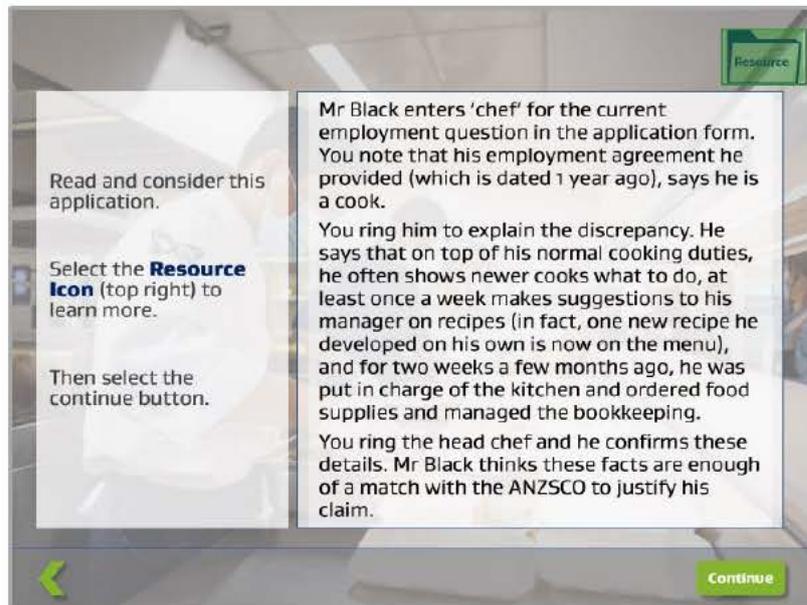
The situation derived from the 'set of facts' on the **whole** page is true.

Slide ID 

59b0a850-5b75-4443-bf2a-9ed2ba97ecef

Preview Image



Read and consider this application.

Select the **Resource Icon** (top right) to learn more.

Then select the continue button.



Mr Black enters 'chef' for the current employment question in the application form. You note that his employment agreement he provided (which is dated 1 year ago), says he is a cook.

You ring him to explain the discrepancy. He says that on top of his normal cooking duties, he often shows newer cooks what to do, at least once a week makes suggestions to his manager on recipes (in fact, one new recipe he developed on his own is now on the menu), and for two weeks a few months ago, he was put in charge of the kitchen and ordered food supplies and managed the bookkeeping.

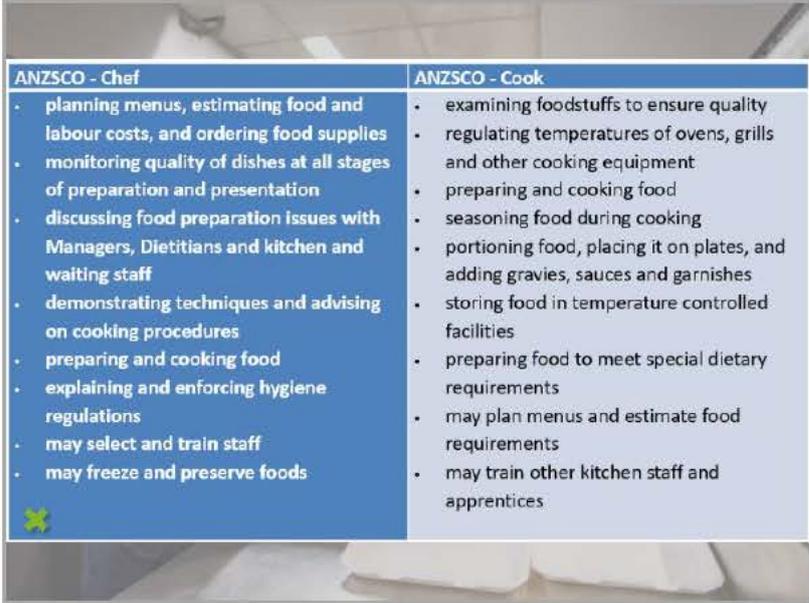
You ring the head chef and he confirms these details. Mr Black thinks these facts are enough of a match with the ANZSCO to justify his claim.

Layer ID 

19723048-addc-455c-a80a-94090dbd53aa

Preview Image



ANZSCO - Chef	ANZSCO - Cook
<ul style="list-style-type: none">• planning menus, estimating food and labour costs, and ordering food supplies• monitoring quality of dishes at all stages of preparation and presentation• discussing food preparation issues with Managers, Dietitians and kitchen and waiting staff• demonstrating techniques and advising on cooking procedures• preparing and cooking food• explaining and enforcing hygiene regulations• may select and train staff• may freeze and preserve foods 	<ul style="list-style-type: none">• examining foodstuffs to ensure quality• regulating temperatures of ovens, grills and other cooking equipment• preparing and cooking food• seasoning food during cooking• portioning food, placing it on plates, and adding gravies, sauces and garnishes• storing food in temperature controlled facilities• preparing food to meet special dietary requirements• may plan menus and estimate food requirements• may train other kitchen staff and apprentices

Layer ID 

da658f1d-c6c9-4af0-9282-5ec4e3968b09

Preview Image



This is **not a case of false information** being provided.
Mr Black's claim was incorrect (in your view), but he provided true facts to support his claim.

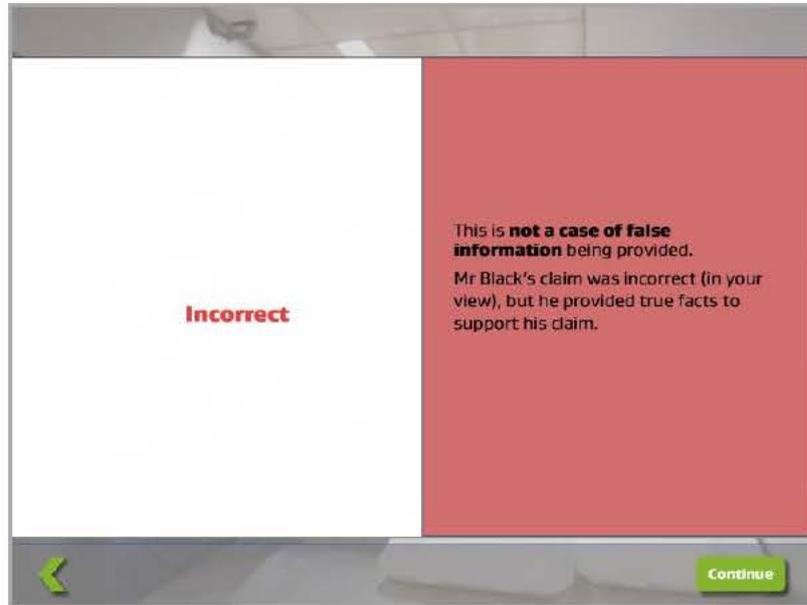
CORRECT!

Layer ID 

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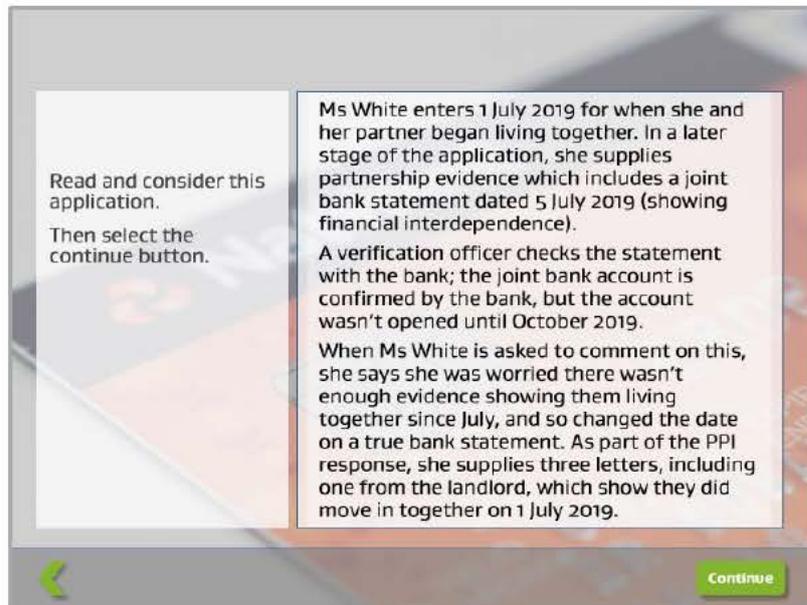
Preview
Image



Slide ID 

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Preview
Image



Layer ID 

68b220e2-7e27-4ff2-808e-878b6e9e7d9d

Preview
Image

Taking into account the explanation, did the applicant provide false information on this page of the application form?



Layer ID 

5e7dd545-1240-43e9-9fcc-dc9b7a789876

Preview
Image

This is a case of false information being provided.
Even though the claim was correct in the end, one of the 'facts' Ms White supplied in support of the claim, the bank statement, was false.

CORRECT!



Continue

Layer ID 

d2c18471-5a67-463b-8b95-fab1aba0c5d6

Preview
Image



Layer ID 

da437c23-009a-48e8-9f83-f927a49f7a80

Preview
Image



Section 58(6) scenarios

Now that you understand when to use Section 58(6), can you spot in what cases s58(6) applies? Look at reasons given by the applicant for the false, misleading or withheld information in the below scenarios, and test your understanding.



Look at the following scenarios. Which ones do you think mean that the application could be declined under s58(6)?

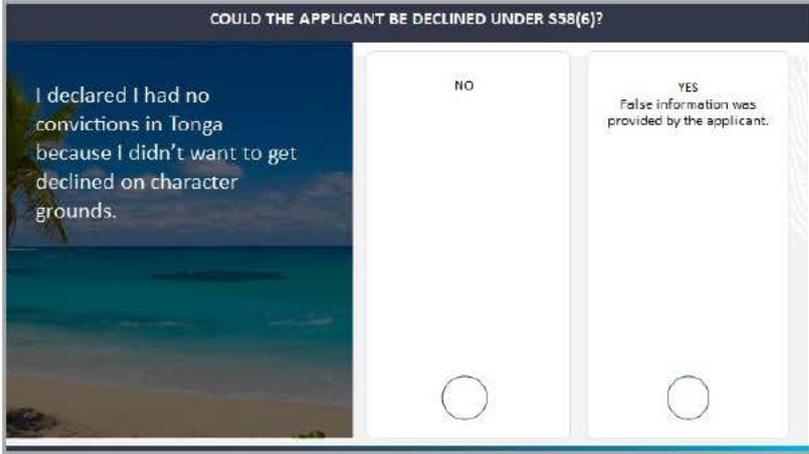
(Assume that the immigration officer assessing the application accepts the explanation as credible).

Continue

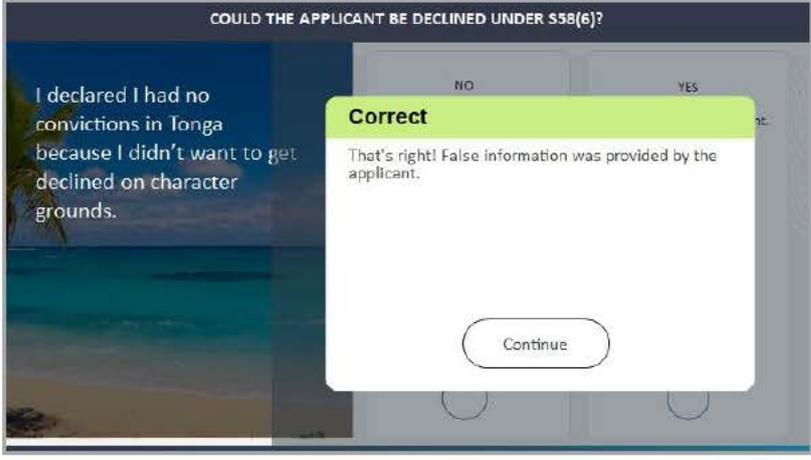


Complete the content above before moving on.

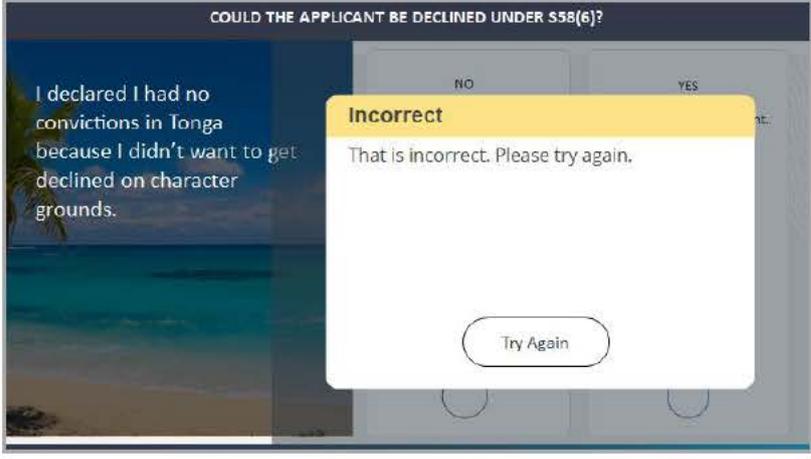
1.2 Question 2

Slide ID	f8368e9f-3510-44c5-894d-b00e15f4c124
Preview Image	 <p>COULD THE APPLICANT BE DECLINED UNDER S38(6)?</p> <p>I declared I had no convictions in Tonga because I didn't want to get declined on character grounds.</p> <p>NO</p> <p>YES False information was provided by the applicant.</p>

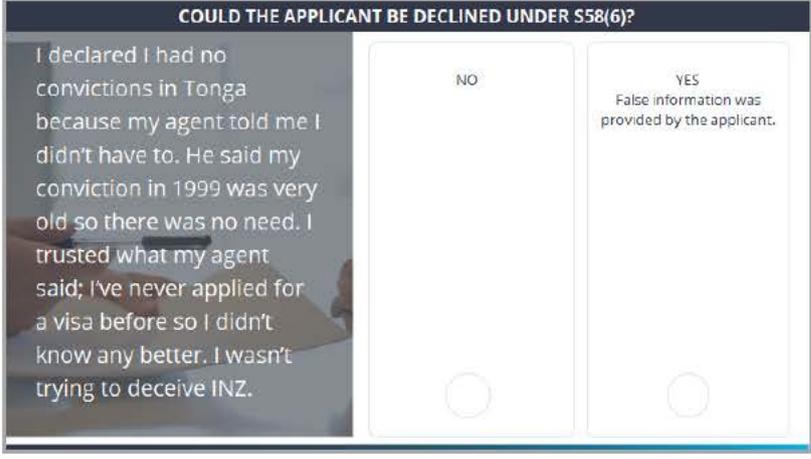
Slide Layer: Correct

Layer ID 	05efbb5f-0fe7-4686-aaf5-ef35f8c647d9
Preview Image	 <p>The screenshot shows a quiz slide titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The background features a tropical beach scene. On the left, there is a text box with the text: "I declared I had no convictions in Tonga because I didn't want to get declined on character grounds." On the right, there are two buttons labeled "NO" and "YES". A green feedback box is overlaid on the right side, containing the text: "Correct That's right! False information was provided by the applicant." Below the feedback box is a "Continue" button.</p>

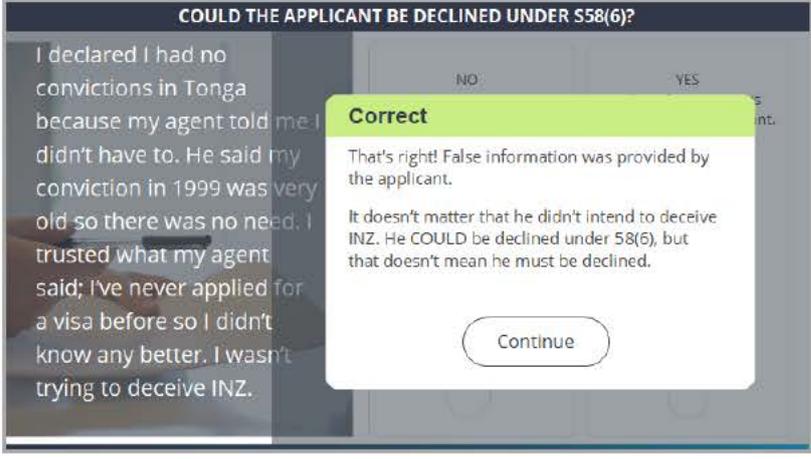
Slide Layer: Try Again

Layer ID 	86b9e5aa-3155-4971-a3d9-aede8d99fd62
Preview Image	 <p>The screenshot shows a quiz slide titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The background features a tropical beach scene. On the left, there is a text box with the text: "I declared I had no convictions in Tonga because I didn't want to get declined on character grounds." On the right, there are two buttons labeled "NO" and "YES". A yellow feedback box is overlaid on the right side, containing the text: "Incorrect That is incorrect. Please try again." Below the feedback box is a "Try Again" button.</p>

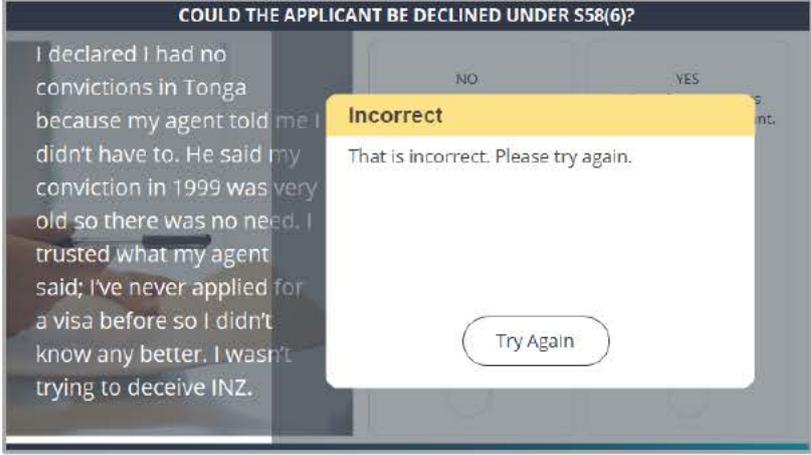
1.3 Question 2

Slide ID 	ef58a946-a9db-4b42-9049-a2b352c6dc68
Preview Image	

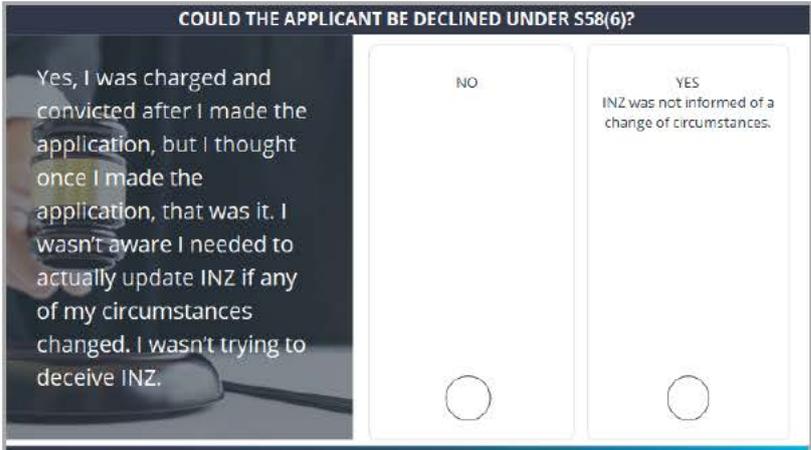
Slide Layer: Correct

Layer ID 	8b38f418-d374-4476-a135-d72d7537cf7d
Preview Image	

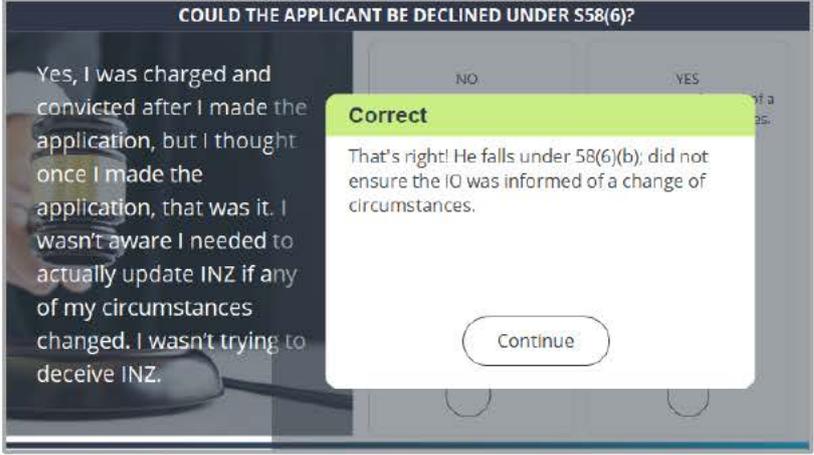
Slide Layer: Try Again

Layer ID 	cbd59ffa-15fa-4f15-80cb-ddb492c89022
Preview Image	 <p>The screenshot shows a quiz question titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The question text reads: "I declared I had no convictions in Tonga because my agent told me I didn't have to. He said my conviction in 1999 was very old so there was no need. I trusted what my agent said; I've never applied for a visa before so I didn't know any better. I wasn't trying to deceive INZ." Below the text are two radio button options: "NO" and "YES". A yellow feedback box is overlaid on the screen, containing the text "Incorrect" and "That is incorrect. Please try again." with a "Try Again" button.</p>

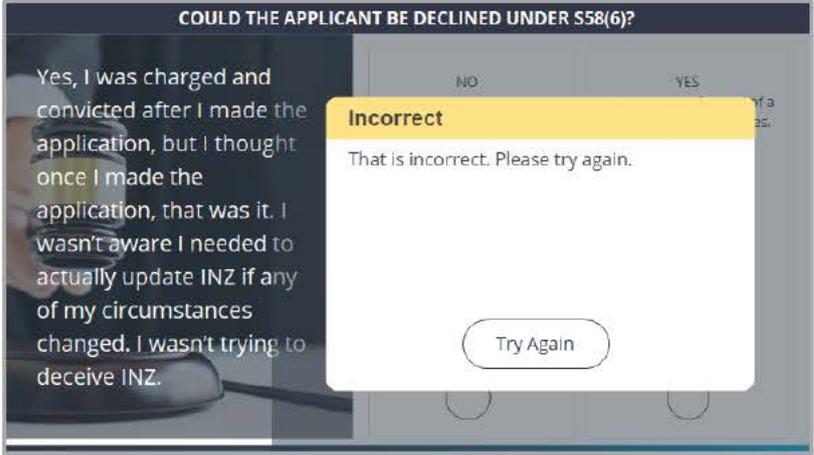
1.4 Question 2

Slide ID 	e2c7f017-2b7c-41a4-80ba-71c3ab1c3bdf
Preview Image	 <p>The screenshot shows a quiz question titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The question text reads: "Yes, I was charged and convicted after I made the application, but I thought once I made the application, that was it. I wasn't aware I needed to actually update INZ if any of my circumstances changed. I wasn't trying to deceive INZ." Below the text are two radio button options: "NO" and "YES". The "YES" option has a sub-label: "INZ was not informed of a change of circumstances."</p>

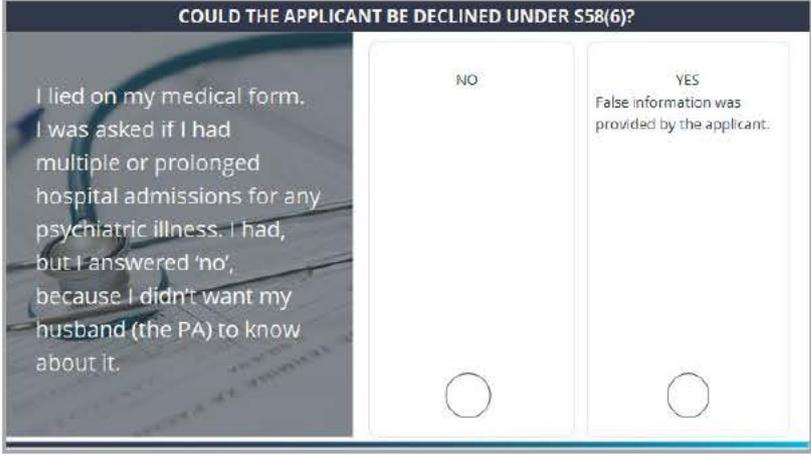
Slide Layer: Correct

Layer ID 	165b3897-e6df-4c42-9814-53311c311549
Preview Image	 <p>The screenshot shows a quiz slide titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The background text reads: "Yes, I was charged and convicted after I made the application, but I thought once I made the application, that was it. I wasn't aware I needed to actually update INZ if any of my circumstances changed. I wasn't trying to deceive INZ." There are two buttons: "NO" and "YES". A green "Correct" message box is overlaid, stating: "That's right! He falls under 58(6)(b); did not ensure the IO was informed of a change of circumstances." A "Continue" button is at the bottom of the message box.</p>

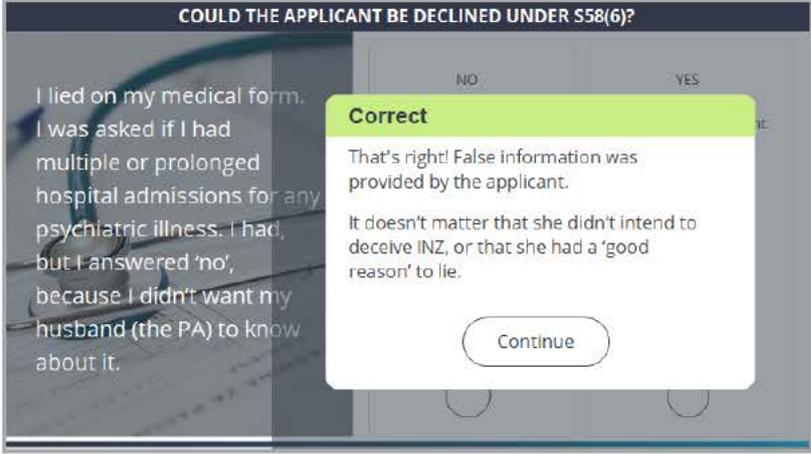
Slide Layer: Try Again

Layer ID 	8b787c9b-55ac-4dd7-87b1-3b6b4f643791
Preview Image	 <p>The screenshot shows the same quiz slide as above. A yellow "Incorrect" message box is overlaid, stating: "That is incorrect. Please try again." A "Try Again" button is at the bottom of the message box.</p>

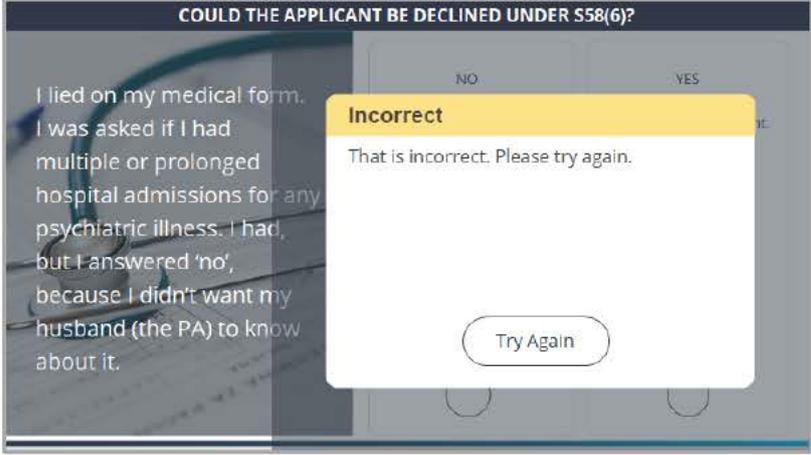
1.5 Question 2

Slide ID 	b9d33302-ba9f-459c-bafe-dfc111698bab
Preview Image	

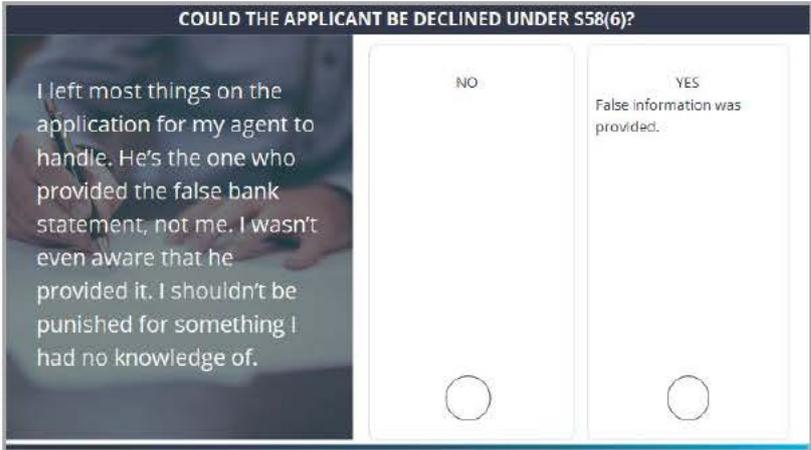
Slide Layer: Correct

Layer ID 	4232e68b-2ccc-4529-a3d5-a146c07e7f0d
Preview Image	

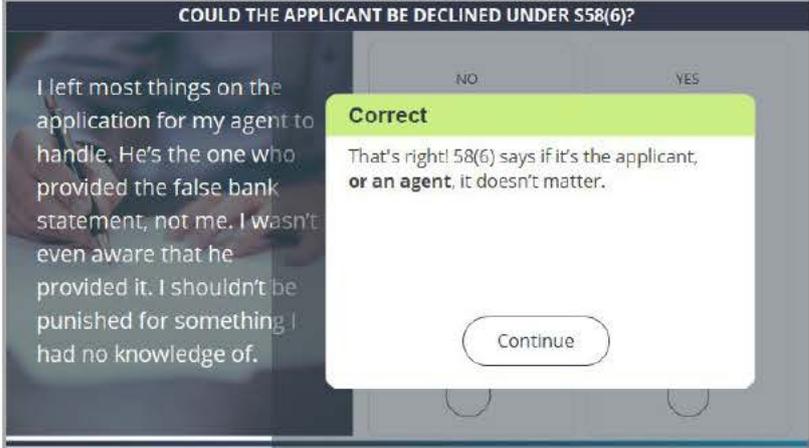
Slide Layer: Try Again

Layer ID 	6e9804c2-9b28-4041-9dfb-26ad6b1186a6
Preview Image	 <p>The screenshot shows a quiz question titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The question text reads: "I lied on my medical form. I was asked if I had multiple or prolonged hospital admissions for any psychiatric illness. I had, but I answered 'no', because I didn't want my husband (the PA) to know about it." There are two radio button options: "NO" and "YES". A yellow "Incorrect" feedback box is overlaid on the screen, containing the text "That is incorrect. Please try again." and a "Try Again" button.</p>

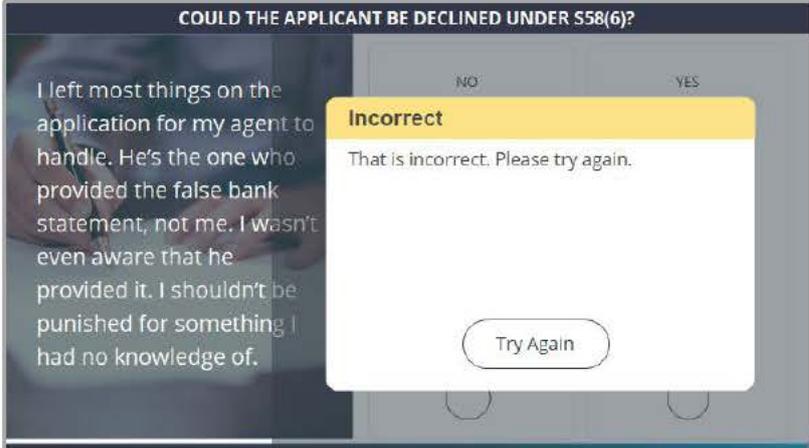
1.6 Question 2

Slide ID 	37eb76ff-c8d9-4099-a8c0-a0fa9db114d5
Preview Image	 <p>The screenshot shows a quiz question titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The question text reads: "I left most things on the application for my agent to handle. He's the one who provided the false bank statement, not me. I wasn't even aware that he provided it. I shouldn't be punished for something I had no knowledge of." There are two radio button options: "NO" and "YES". The "YES" option is accompanied by the text "False information was provided."</p>

Slide Layer: Correct

Layer ID 	7d5a66a1-40c7-4056-90b4-128ae236ccf9
Preview Image	 <p>The screenshot shows a quiz slide titled "COULD THE APPLICANT BE DECLINED UNDER 558(6)?". The background text reads: "I left most things on the application for my agent to handle. He's the one who provided the false bank statement, not me. I wasn't even aware that he provided it. I shouldn't be punished for something I had no knowledge of." There are two buttons: "NO" and "YES". A green feedback box says "Correct" and "That's right! 58(6) says if it's the applicant, or an agent, it doesn't matter." with a "Continue" button.</p>

Slide Layer: Try Again

Layer ID 	caff4569-b8a0-4b07-a0d8-17c86a940db0
Preview Image	 <p>The screenshot shows the same quiz slide as above. A yellow feedback box says "Incorrect" and "That is incorrect. Please try again." with a "Try Again" button.</p>

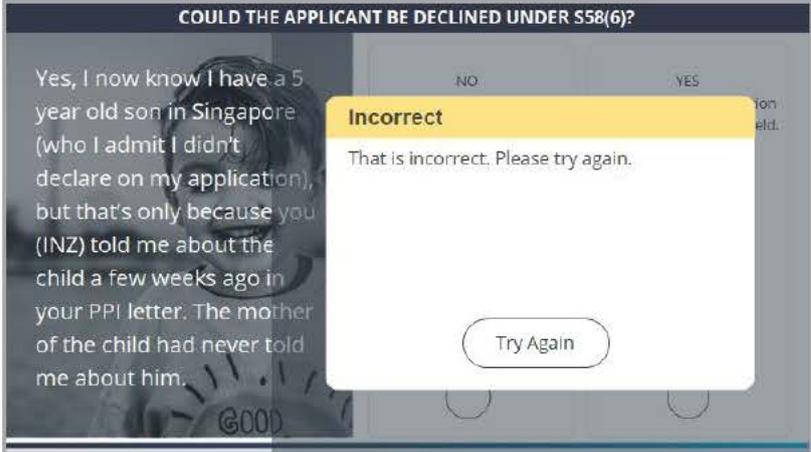
1.7 Question 2

Slide ID 	301731b5-8867-4a21-ade4-2845ff456e2a
Preview Image	

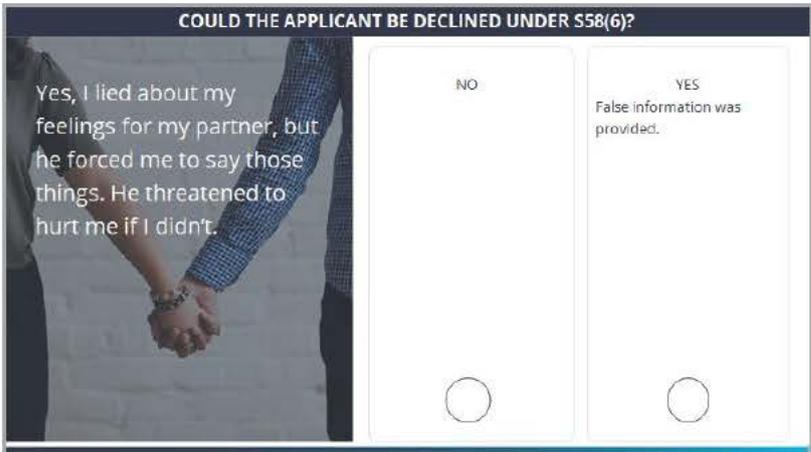
Slide Layer: Correct

Layer ID 	15ed91d1-4561-4788-9243-2f877ba59e23
Preview Image	

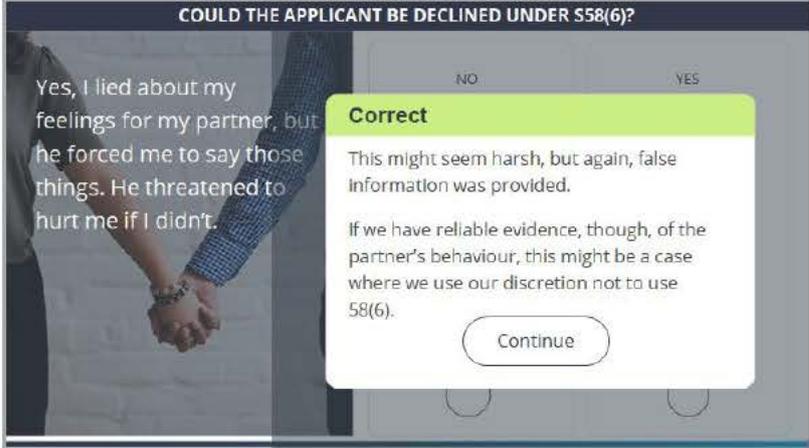
Slide Layer: Try Again

Layer ID	84ef5783-1a0a-4c45-b75b-6a324bd2f650
Preview Image	 <p>The screenshot shows a quiz question titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The question text reads: "Yes, I now know I have a 5 year old son in Singapore (who I admit I didn't declare on my application), but that's only because you (INZ) told me about the child a few weeks ago in your PPI letter. The mother of the child had never told me about him." There are two answer options: "NO" and "YES". A yellow feedback box is overlaid on the screen, stating "Incorrect" and "That is incorrect, Please try again." with a "Try Again" button.</p>

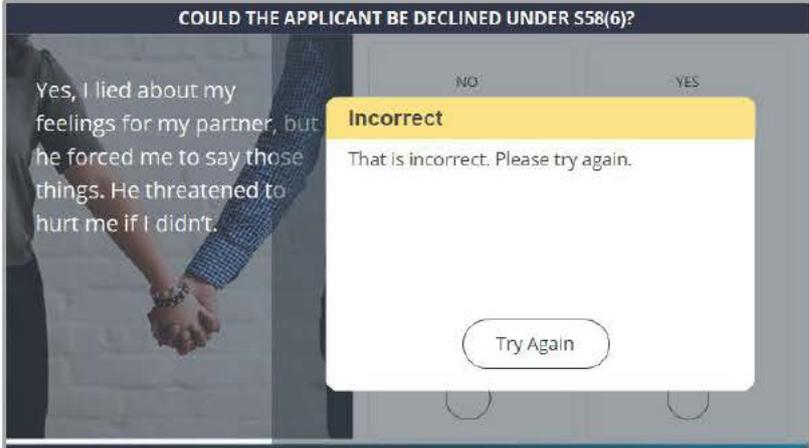
1.8 Question 2

Slide ID	ac3f8953-caea-4349-8ffa-a629ff0c107a
Preview Image	 <p>The screenshot shows a quiz question titled "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The question text reads: "Yes, I lied about my feelings for my partner, but he forced me to say those things. He threatened to hurt me if I didn't." There are two answer options: "NO" and "YES". The "YES" option has a sub-note: "False information was provided." Both options have a radio button below them.</p>

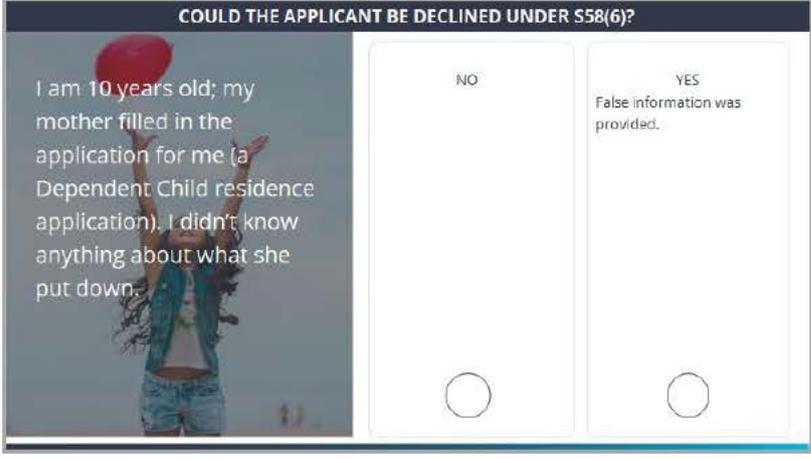
Slide Layer: Correct

Layer ID	6f0ab9e6-b3e5-4112-9fa2-9a1ebc0bd6eb
Preview Image	 <p>The screenshot shows a quiz interface with a dark header containing the question: "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". Below the header, there is a text box on the left with the text: "Yes, I lied about my feelings for my partner, but he forced me to say those things. He threatened to hurt me if I didn't." To the right of the text box are two radio button options: "NO" and "YES". A green feedback box is overlaid on the right side of the screen, containing the text: "Correct", "This might seem harsh, but again, false information was provided.", "If we have reliable evidence, though, of the partner's behaviour, this might be a case where we use our discretion not to use 58(6).", and a "Continue" button.</p>

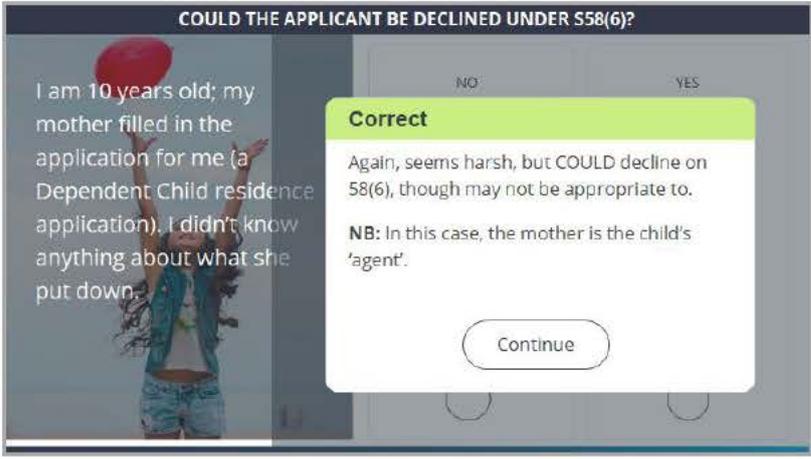
Slide Layer: Try Again

Layer ID	34ea4daf-3897-413b-9a86-b07b37aeae9b
Preview Image	 <p>The screenshot shows the same quiz interface as above. The text box on the left is the same. The "NO" radio button is selected. A yellow feedback box is overlaid on the right side of the screen, containing the text: "Incorrect", "That is incorrect. Please try again.", and a "Try Again" button.</p>

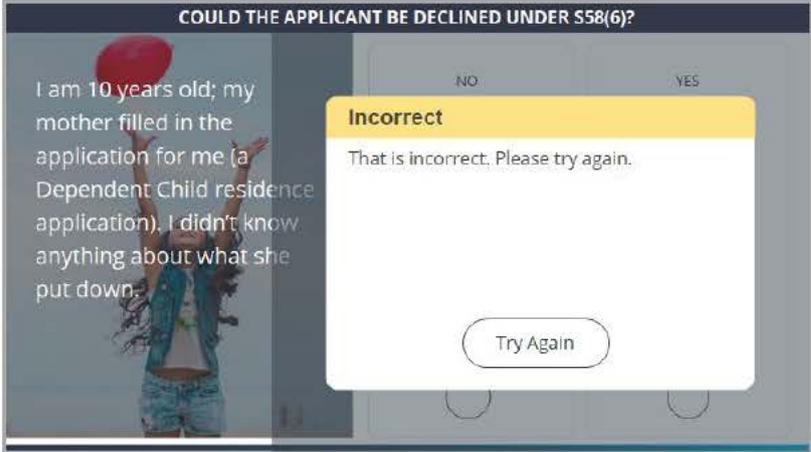
1.9 Question 2

Slide ID	44b0f0b0-185b-41d8-962e-cc2ac7d90571
Preview Image	

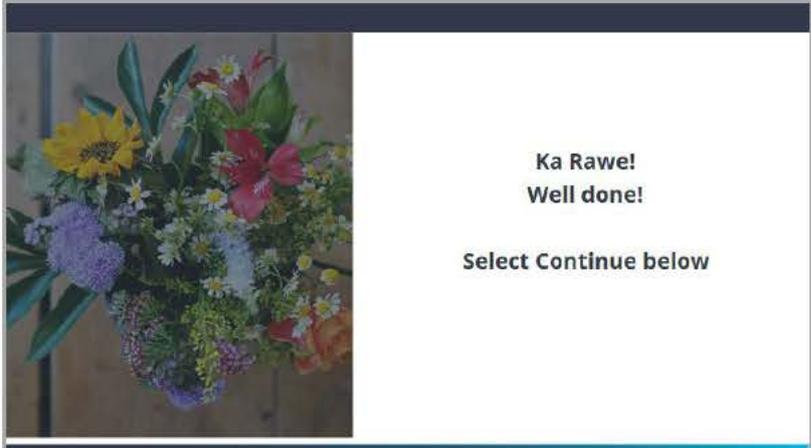
Slide Layer: Correct

Layer ID	ffadfe4f-efae-46e3-893f-e524522d781a
Preview Image	

Slide Layer: Try Again

Layer ID	70d84c7e-5df1-4a5a-aaad-3bef7b99724c
Preview Image	 A screenshot of a quiz interface. The question is "COULD THE APPLICANT BE DECLINED UNDER S58(6)?". The text on the left reads: "I am 10 years old; my mother filled in the application for me (a Dependent Child residence application). I didn't know anything about what she put down." There are two radio button options, "NO" and "YES". A yellow feedback box says "Incorrect" and "That is incorrect. Please try again." with a "Try Again" button below it.

1.10 Question 2

Slide ID	62643b49-0738-40ed-ac0b-fda1a74b9faa
Preview Image	 A screenshot of a quiz interface. On the left is an image of a bouquet of flowers. On the right, the text reads: "Ka Rawe! Well done! Select Continue below".

Remember...

- Remember that s58(6) is engaged in any application where false or misleading information has been provided or relevant information intentionally withheld.
- For s58(6) to be engaged, it is not necessary that the applicant has or had the intent to deceive INZ.
- In many cases, we don't even have to establish whether the applicant **knew** that false information was provided, or that the information provided was false.
- However, for 'withheld information' you do need to be satisfied that it's more likely than not, that the applicant knew the information 'that they have withheld'.
- In application forms, in the declaration section, it does tell applicants of their obligation to update INZ on changes of circumstances. It's human nature not to read the fine print, but, from a law perspective, the reason 'I didn't know of my obligations' does not excuse them.
- Even where s58(6) is engaged, you can still decide to grant a visa anyway. As part of your decision on whether to grant a visa or not, you can include consideration of 'how much' they were involved in the provision of the false information, or what their intentions were. (See the IAC, paragraphs 27 and 31.)

CONTINUE

Using PPI where false information is an issue

You will have done an induction course on general PPI letter writing. However, where false information is an issue in an application, it presents special challenges to the PPI process. You should keep in mind some important principles.

Here's what you need to know

- 1 **Combined PPI letter** – you will be sending what might be called a 'combined PPI letter', instead of two separate PPI letters at different times.
- 2 **Take extra care** – we should take extra care when drafting PPI letters when false and misleading information is in play.

1. Combined PPI letter

In a normal PPI process, you ask applicants to comment on the problem or issue (such as “We don't think you have sufficient work experience, please comment”).

But in cases where there is a **character issue**, INZ ask the applicant to comment the issue and why they should get a waiver/ visa.

The template letters for these are carefully worded to make it clear we are not pre-determining that they in fact provided false information.

CHARACTER CASES

58(6) CASES

In character cases, the PPI letter asks:

1. We think false information was provided in a **past application** – what do you have to say;
AND...
2. Tell us why you think we should give you a **character waiver**.

CHARACTER CASES

58(6) CASES

In 58(6) cases, the two things you'll be asking them to comment on are:

- 1 We think false information was provided in the **current application** – what do you have to say; **AND**...
2. Tell us why you think we should give you **a visa** anyway.

NOTE: This is for **ALL character cases**, not just false/misleading cases. A similar combined PPI process happens for section 58(6) cases.

2. Taking extra care

There are two key things to keep in mind when drafting PPI letters where false information is an issue. Select the flip cards to reveal more. You will need to scroll down.

First, we should not be telling people that we think **“you provided false information”**.

Instead, we should say that we think “false information was provided. There are several reasons for this:

- 1 They might not have personally provided it themselves, i.e., it could have been their agent instead.
2. The changes to character instructions now make it clear that you don't have to establish they personally provided it; taking away the need for you to accuse them directly. (*Scroll down*).
3. Telling them **“you provided”** unnecessarily puts the applicant into a more defensive position (compared to simply saying false information was provided) and will further stress to the applicant who already may feel upset about receiving a PPI letter.

Second, we need to strike a balance between giving them too little information about our concerns, and giving them too much.

1. Too little information may mean they don't have a fair opportunity to comment on the accusation.
2. Too much information, especially regarding any verification activity we have done which casts doubt on what the applicant has told us, may either, (*scroll down*):
 - Reveal our verification methods; or
 - Put the source of our information at risk; or
 - Harm our relationships with other governments or agencies, who provide information to us on a confidential basis.

CONTINUE

Conclusion

Key messages:

- 1 **Section 58(6)** is used for **current** applications containing false or misleading information.
- 2 **Character instructions** is used for **past** applications containing false or misleading information.
- 3 The applicant's **intention** is not needed to be established by the IO before the IO is able to decline on s58(6) or character.

ⓘ **The decision to decline on false information is not an automatic decision; IOs need to follow the process as per the IAC and SOPs. The application can be approved where circumstances justify it.**



Potentially prejudicial information (PPI) false information guidance

Important Note: Operational Policy, Risk & Verification, and Legal Services must be consulted before the release of this, or any part of this, guidance under the OIA.

Last updated: 25 September 2023

1. The definition of PPI (which must be put to the applicant) for onshore and residence applicants is any information that may adversely impact on the outcome of the application (see [E7.15](#) and [R5.20.5](#)). There is a narrower definition of PPI at [E7.15.1](#) for temporary entry visa applicants who are offshore, which essentially means that INZ does not have to put PPI to such an applicant where that information is known by them.
2. In general, where false, misleading, or withheld information is potentially going to lead to a decline decision, the applicant should be given **one** opportunity (unless a specific principle in paragraph five applies) to both respond to the concern that information provided may be false, misleading or may have been withheld, and to make a case why a visa should be granted despite the false, misleading, or withheld information.
3. Occasionally, a PPI process prior to a decline decision on false-information grounds will not be needed for temporary entry class visa applications made offshore and where the person is aware of the adverse information, or that adverse information is publicly available. For example, an offshore applicant supplies, in a 2022 application, a work experience letter claiming they worked in a Middle East country from March to July 2018, but the person's passport stamps show they were in Australia for most of 2018. In such a case, the application could be declined using section 58(6) of the Immigration Act 2009 (the Act) without the need to put the matter to the applicant in a PPI letter. This is because the applicant is "necessarily aware" of both the letter and the passport (see [E7.15.1\(b\)](#)).
4. However, an offshore applicant (including for a temporary entry class visa) must be given the opportunity to comment on information they are not likely aware of, such as any information from a third party which casts doubt on whatever they had provided; for example, an automated online bank portal, or a verification phone call to a bank manager, may reveal that the bank statement provided in a visa application is fraudulent. Although the bank statement does not fit the [E7.15.1](#) definition of PPI (since the applicant provided it), the information directly from the bank does, and so the applicant, if the application is potentially going to be declined using s58(6) on this basis, must be provided the opportunity to comment on the discrepancy between the two pieces of information (the bank statement vs. the information Immigration New Zealand (INZ) received directly from the bank).
5. Other principles include:
 - a) If there are other (non-false) issues that need to be addressed in any event, it may be appropriate and efficient to include in the PPI letter the false information issue. An Immigration Officer (IO) should consult with their Technical Advisor (TA) on the best way forward.
 - b) If an applicant has been asked to comment on another ('non-false') issue but not on the issue of false, misleading, or withheld information, and that non-false issue (after the response) is now resolved and the only barrier is the false info issue, then an IO must PPI, regardless of any

rules/guidance to the contrary. It would be unfair to decline for false, misleading, or withheld information after asking for comments only about a different issue.

- c) A second PPI letter may be necessary if the first PPI letter was unclear. An example of this may arise when a person fails to declare a conviction, and the first PPI letter does not clarify that the applicant must address *two* character issues: the issue of the conviction, and the issue of not declaring the conviction. If the response is not adequate because it only addresses the conviction, INZ may be partly to blame for that inadequacy due to the poor PPI letter, and so fairness demands that another PPI letter should be sent.
- d) No PPI letters are necessary in a ‘conceded character’ case, i.e., where the applicant (or their adviser), when making an application, declares or concedes they have a character issue because of previous false, misleading, or withheld information, and also makes submissions as to why a character waiver should be granted.

6. IOs must continue to be reasonable in their decision-making. Although there may be cases which technically do not require an IO to ask for comment, IOs should still be reasonable in their approach and continue to engage with applicants if appropriate. For example, in a case where a small amount of information could be sufficient to enable an IO to make a decision on the application the IO should not be averse to contacting the applicant (e.g., by phone or email), rather than simply declining the application on the basis of information that they have on hand.

The following table of scenarios may be useful for deciding whether or not to give an opportunity to comment to an offshore visa applicant. For all applicants, the last two columns provide guidance on to how to write the PPI letter, in light of any risks of divulging third party information.

Key to Table

No shading	We must PPI	Orange	Though it’s not PPI, INZ needs to get further info to determine which provision applies
Green	No need to PPI	Yellow	Though it’s not PPI, INZ has to ask for comment on why they want a waiver

Other notes: PA = publicly available

A (*) in column 3 means → OR, you could say that the PPI is the contradiction between the two pieces of information

No	Situation	What is the possible PPI Is it in fact PPI?	Why is it PPI (or not PPI)	Outcome	Any risks in divulging our source?	What would we say (and wouldn’t say) in PPI letter
1	Mr A supplies a work experience letter. The IO rings the manager listed on the letter, Ms Rogers, who says Mr A never worked for the company	The information from the phone call with the manager, Ms Rogers* Yes, it is PPI	The information from the manager is not known to Mr A, and not PA	IO must PPI – s58(6)	No risk in divulging verification method Personal safety of Ms Rogers if the IO divulges exact	“We contacted your employer, who advised you never worked for the company” Don’t say, “We contacted Ms Rogers...”

No	Situation	What is the possible PPI Is it in fact PPI?	Why is it PPI (or not PPI)	Outcome	Any risks in divulging our source?	What would we say (and wouldn't say) in PPI letter
					name/position they contacted	
2	Ms B supplies a work experience letter from ABC company in a hypothetical country (HC). The VO checks HC's tax records, which are available only to certain immigration agencies (including INZ); the records indicate Ms B never worked there	The tax department records* Yes	The information from the tax department is not known to Ms B, and not PA	IO must PPI – s58(6)	INZ would not want to divulge exactly how the records were obtained	"We undertook a verification check with HC tax authorities; the records indicate you never worked for ABC ¹ "
3	Ms Bx supplies a work experience letter from Sri Lanka. The VO checks Sri Lankan tax department records online (which are open source); the records suggest Ms Bx never worked there	The tax department records* No	It is PA	Even though INZ is not bound to PPI, the IO might want to ²	No	If a decision is made to PPI, the IO could say, "We undertook a verification check with Sri Lankan tax authorities; the records indicate you never worked for ABC" [Could also attach information: see Footnote 1]
4	Mr C supplies a work experience letter in his July 2022 application (the current one), suggesting he was working in Fiji between January and August 2018, but in a 2019 application (which was approved), he said he spent four	The contradiction between the two 'facts' No	Mr C provided both sets of facts	We must PPI, in part to see whether provision 58(6)	N/A	N/A

¹ In some cases, the tax record can be attached to the email, as long as it doesn't indicate how it was obtained, and INZ has permission from the relevant authority to release it.

² There might be an explanation of why the tax records don't indicate the person worked there, including, for example, the person hadn't worked there long enough, or hadn't earned above a certain threshold to have to pay tax. On a case-by-case basis, the IO should check with their TA or IM as to whether the applicant should be PPI-ed.

No	Situation	What is the possible PPI Is it in fact PPI?	Why is it PPI (or not PPI)	Outcome	Any risks in divulging our source?	What would we say (and wouldn't say) in PPI letter
	months with his partner in Samoa between March and June 2018			or A5.45 applies ³		
5	Mr C supplies the same work experience letter as above, but he had no prior visa application. AMS records show he was in NZ (visa free) between 1 February and 30 April 2018, which doesn't match with the letter he provided	The AMS travel information* Yes	The AMS information isn't known by Mr C* (NB: see next scenario)	Must PPI, though admittedly, this is a close call	No	"Your electronic travel records show you were in NZ between 1 February and 30 April 2018"
6	Mr C supplies the same work experience letter as above, except that AMS shows that in January 2022, he received all the AMS information about himself (including travel history) after a privacy request, OR , the IO has on hand Mr C's physical passport or a scan showing the arrival and departure stamps into/out of Auckland	The AMS travel information* No	He has the AMS travel information OR He has provided his passport showing the stamps	Don't PPI. Can decline on 58(6)	N/A	N/A
7	Ms D is from Samoa. In a 2019 application, she declared 9-year-old Alofa as her sibling in a family declaration form. In 2021, Alofa applied for a visa as Ms D's child (Ms D signed the form on his behalf), claiming	The contradictory family declarations in the past No	Ms D provided both declarations in 2019 and 2021	This case falls under A5.45 ⁴ , not 58(6). Although it is not PPI, INZ still must ask her	N/A	N/A

³ Even though neither 'fact' meets the definition of PPI, we can't know for certain (unless we had a third and/or fourth piece of information to tilt us in that direction) that the current statement is false, and so 58(6) by definition cannot be used.

⁴ She either provided misleading information in her own application in 2019, OR false information in her 2021 application.

No	Situation	What is the possible PPI Is it in fact PPI?	Why is it PPI (or not PPI)	Outcome	Any risks in divulging our source?	What would we say (and wouldn't say) in PPI letter
	he was culturally adopted by her in 2018. The application is declined. In 2022, Ms D applies for a WV offshore. That application is now the one the IO is assessing; there is no family declaration needed since it's a WV application			why she should get a waiver		
8	Ms F provides a work experience letter dated June 2022, but the logo doesn't match the company logo on the website, nor any other published documentation available from the company. Also, the IO happens to notice that one of the key managers that allegedly signed the work experience letter also has his signature on the website. The signatures don't match	The website information (logo and signature)* No	The information is PA	Do not PPI. Can decline on 58(6)	N/A	N/A
9	Mr G provides a copy of his driver's license, issued from Province Bagel in Country Pizza. INZ's verification toolkit indicates that 70% of the licenses from the relevant office in Province Bagel have shown to be fraudulently obtained, i.e., through bribery. There is a certain characteristic of these fraudulently obtained documents which is in the toolkit. The license matches this characteristic	The toolkit intelligence* Yes	Obviously, Mr G does not have access to our toolkit	Must PPI	Verification method	"Your document has been compared against a genuine document and does not contain the required security features. We are therefore not satisfied that the document is genuine" Don't say: "We suspect your license is fraudulent due to the incorrect font on the front and a spelling error on the back"

No	Situation	What is the possible PPI Is it in fact PPI?	Why is it PPI (or not PPI)	Outcome	Any risks in divulging our source?	What would we say (and wouldn't say) in PPI letter
10	Ms H provides a bank statement that is clearly incorrect, e.g., the amounts don't add up and the name of the bank is spelled incorrectly	The bank statement No	Ms H knows and submitted the statement	Do not PPI. Can decline on 58(6)	N/A	N/A
11	Applicant is a business traveller and provides an invitation to a fictional event. IO knows it is fictional due to open source searching	The website showing there is no such event No**	PA **though need to be open to chance that the event was recently cancelled	Do not PPI. Can decline on 58(6) (though IO should be careful - see **)	N/A	N/A
12	Applicant is a business traveller and provides an invitation to a fictional event. IO knows it is fictional due to a call to the venue	The information from the phone call to the venue Yes	Not PA, and applicant doesn't know	Must PPI - 58(6)	No	"We contacted the venue and they confirmed that there is no such event"
13	Mr K claims to have travelled to the US and provides a scan of the US visa in his passport (or the visa approval letter). INZ verifies the US visa and is advised by the Embassy that it is fake	Information from the Embassy* Yes	Not PA, and applicant doesn't know	Must PPI - 58(6)	We do not want to reveal source (i.e., the Embassy) to keep NZ's relationship with it safe	"We have undertaken checks of your US visa and have determined this visa is not genuine"
14	INZ receives information from the applicant's family member indicating that something on a current or past visa application is incorrect	The family member's information	Not PA, and applicant doesn't know	Must PPI - 58(6)	Revealing source could damage family relationship ⁵ or could be a safety risk	Discuss with TA. Might have to be generic; "We have received information that..."

Legal professional privilege

No	Situation	What is the possible PPI Is it in fact PPI?	Why is it PPI (or not PPI)	Outcome	Any risks in divulging our source?	What would we say (and wouldn't say) in PPI letter
		Yes			Before we PPI, we need to consider: a) is the information from the family member reliable? b) if reliable, is it an option to ask them if OK to tell applicant who the source is (discuss with TA/Legal)	Could potentially get legal advice. See Example 16
15	Applicant declares no charges, investigations, or convictions, but information from Crimestoppers, ICC, etc., says otherwise. [Assume the information regarding the charges is not in the public arena]	The information from Crimestoppers, etc. Yes	Not PA, and applicant does not know	Need to PPI, but with a lot of caution; try to confirm with Police, and ask them if we can use the information	Yes, it could put someone's safety at risk and/or compromise a Police investigation	Case by case; if NZ Police confirm there's an investigation but don't want it divulged to applicant, contact R&V and Legal for advice
16	Similar to Example 14 , except it's a partner, and it's a partnership application	The adverse info from the partner* Yes	Not PA, and applicant doesn't know	Need to PPI, but with a lot of caution; likely would need legal advice in	In extreme cases, the source of the information could be at risk of violence	Legal professional privilege

No	Situation	What is the possible PPI Is it in fact PPI?	Why is it PPI (or not PPI)	Outcome	Any risks in divulging our source?	What would we say (and wouldn't say) in PPI letter
				this particular case		
17	An applicant's hidden agent is not declared in an online application, but INZ recognises (through various intelligence methods) that there very likely is a hidden agent involved	The conclusion INZ has drawn from various intelligence methods that there's a hidden agent	Not PA, and applicant doesn't know	Need to PPI with caution	Yes, INZ intelligence methods	'Based on the information submitted, we hold concerns that your application may have been submitted by someone else. However, in response to the question in your application form which asks if the application was completed by someone else, the answer "no" was provided. This means that false information was provided in your application"

Letter Insert Bank – Character and false and misleading information

Last updated: 21 September 2023 (Mike Harvey)

No	Insert name and message	Text
1.	Character decline - residence	<p><i>Use the following for the “Our decision on your application” section of the relevant residence decline template letter.</i></p> <p>Immigration instruction A5.1 states that applicants for all visas must meet character requirements.</p> <p>Instructions A5.25(a) and A5.25.5(x) state that a person will not be granted a residence class visa, unless granted a character waiver, if they [fill in details for the provision they fall under; use the exact wording of the provision; if they fall under more than one, add another paragraph].</p> <p>Instruction A5.25.5(x) applies [or A5.25.5(x) and A5.25.5(y) apply (if more than one)] to the circumstances of your application. We gave you the opportunity to make comments or provide information about this. We have assessed your response and determined that character requirements are not met. This means that a residence class visa cannot be granted unless the character requirements are waived.</p> <p>You were also invited to make additional comments or provide information to help us decide if the surrounding circumstances of your application justified granting a character waiver. Having considered your response, a character waiver assessment was made in accordance with instruction A5.25.10. I can advise that a character waiver has not been granted. The character and waiver assessment is attached for your information.</p> <p>I have also attached instructions A5.25, A5.25.5 and A5.25.10 for your reference.</p> <p>[Ensure you considered whether the applicant may qualify for residence under other residence categories and add the following paragraph. Delete this instruction]</p> <p>We have also considered your application using the criteria for the other residence categories, but you do not appear to meet the requirements of any other residence category either.</p>
2.	Character decline - temporary	<p><i>Use the following for the “Our decision on your application” section of the relevant temp visa decline template letter.</i></p> <p>Immigration instruction A5.1 states that applicants for all visas must meet character requirements.</p> <p>Instructions A5.45(a) and A5.45.5(x) state that a person will not be granted a temporary entry class visa, unless granted a character waiver, if they [fill in details for the provision they fall under; use the exact wording of the provision; if they fall under more than one, add another paragraph].</p> <p>Instruction A5.45.5(x) applies [or A5.45.5(x) and A5.45.5(y) apply (if more than one)] to the circumstances of your application. We gave you the opportunity to make comments or provide information about this. We have assessed your response and determined that character requirements are not met. This means that a temporary entry class visa cannot be granted unless the character requirements are waived.</p> <p>You were also invited to make additional comments or provide information to help us decide if the surrounding circumstances of your application justified granting a character waiver. Having considered your response, a character waiver assessment was made in accordance with instruction A5.45.10. I can advise that a character waiver has not been granted. The character and waiver assessment is attached for your information.</p> <p>I have also attached instructions A5.45, A5.45.5 and A5.45.10 for your reference.</p> <p>We have considered if requiring a bond or granting a limited visa would lessen our concerns or if there are any special circumstances to justify an exception to immigration instructions, but can find no reason for any of these.</p>
3.	Approve character waiver but decline application	<p><i>Insert this paragraph in decline letters just above these two bullet points:</i></p> <ul style="list-style-type: none"> • [Ensure you considered whether the applicant may qualify for residence under other residence categories and add the following paragraph. Delete this instruction] - for residence declines • <i>We have considered if requiring a bond or granting a limited visa would lessen our concerns or if there are any special circumstances to justify an exception to immigration instructions, but can find no reason for any of these - for temporary entry declines</i> <p>Concerns were previously raised with you that character requirements were not met for this application. Having considered your response to this concern, and your comments regarding why a character waiver is justified, I can advise that we have waived the character requirements for this application, and so it is important for you to understand that we have not declined your application on character grounds. You should also note that the character waiver we have granted does not automatically mean that a character waiver will be granted for future applications that you may submit, because each application is assessed based on the requirements and circumstances at the time.</p>

No	Insert name and message	Text
		<p>NB: Important guidance to immigration officers regarding the 'you' above in the final sentence: If there was only one applicant in this application, change the red type in 'you' to black type and insert the paragraph. However, if:</p> <p>a) There are multiple applicants; and b) One or more of the character concerns was regarding false, misleading or withheld information, then:</p> <p>Potentially any secondary applicants have also been caught by character instructions, except for young children. Please read A5.25.5(b), (c), (f) and (g). If any of them are caught, then you need to add them to the sentence above. For example, if partner Mary and 20-year-old son Tom are caught (because, for example, the false information in a previous application was about Tom's health condition), but 16-year-old Irene isn't caught, then the final sentence should say:</p> <p>"You should also note that the character waiver we have granted (with respect to yourself, your partner Mary, and your son Tom) does not automatically mean that a character waiver will be granted for future applications that you, Mary or Tom may submit, because each application is assessed based on the requirements and circumstances at the time. Your daughter Irene will not need a character waiver as she was under 18 years old at the time of the incident of false, misleading or withheld information."</p>
4.	<p>Approve character waiver and approve application (but warning for future)</p>	<p><i>Insert this paragraph in an appropriate place in an eVisa label or approval letter (AMS or ADEPT). For eVisa labels, you must ensure this paragraph does not appear on the first page.</i></p> <p>Concerns were previously raised with you that character requirements were not met for this application. Having considered your response to this concern, and your comments regarding why a character waiver is justified, I can advise that we have waived the character requirements for this application. Please note, however, that this waiver does not automatically mean that a character waiver will be granted for any future applications you may submit, because each application is assessed based on the requirements and circumstances at the time.</p> <p>NB: Important guidance to immigration officers regarding the 'you' above in the final sentence: If there was only one applicant in this application, change the red type in 'you' to black type and insert the paragraph. However, if:</p> <p>a) There are multiple applicants; and b) One or more of the character concerns was regarding false, misleading or withheld information, then:</p> <p>Potentially any secondary applicants have also been caught by character instructions, except for young children. Please read A5.25.5(b), (c), (f) and (g). If any of them are caught, then you need to add them to the sentence above. For example, if partner Mary and 20-year-old son Tom are caught (because, for example, the false information in a previous application was about Tom's health condition), but 16-year-old Irene isn't caught, then the final sentence should say:</p> <p>"You should also note that the character waiver we have granted (with respect to yourself, your partner Mary, and your son Tom) does not automatically mean that a character waiver will be granted for future applications that you, Mary or Tom may submit, because each application is assessed based on the requirements and circumstances at the time. Your daughter Irene will not need a character waiver as she was under 18 years old at the time of the incident of false, misleading or withheld information."</p>
5.	<p>58(6) decline - temporary</p>	<p><i>Follow these instructions to decline any temporary entry visa application on the grounds of section 58(6) of the Act. The insertions below go into the relevant temporary entry decline template letter. The first paragraph of any decline letter thanks the applicant for the application and advises when INZ received it. If the applicant is from a visa waiver country AND you have decided to suspend their visa waiver status under section 69(2)(d) of the Act, then insert the below as a second paragraph.</i></p> <p>We have made two decisions: the first is about the outcome of your application, and the second is regarding your status as a visa waiver traveller to New Zealand.</p> <p>Insert the paragraphs below for the "Our decision on your application" section of the relevant temp entry decline template letter</p> <p>Section 58(6) of the Immigration Act 2009 states that false, misleading or withheld information in an application is sufficient ground for an immigration officer to decline to grant a visa. Section 58 of the Immigration Act is set out in chapter A24 of the Immigration New Zealand Operational Manual.</p> <p>[Use the two paragraphs below if you have previously PPI'd the applicant about being subject to section 58(6)]</p> <p>Operational instruction A24.10(a) states that applications with false, misleading or withheld information are to be normally declined. A24.10(a) applies to the circumstances of your application. We gave you the opportunity to make comments or provide information about this. We have assessed your response and determined that [false information was provided / misleading information was provided / relevant information was withheld / you did not ensure that an immigration officer was informed of any material change in circumstances between the time of making the application and the time of my decision (which is today) on the application.</p> <p>You were also invited to make additional comments or provide information to help us decide if the surrounding circumstances of your application justified granting a visa. Having considered your response, I made an assessment in accordance with operational instruction A24.10(b). I have decided that it is appropriate to decline your application under section 58(6) of the Immigration Act. The False & Misleading Information Assessment is attached for your information.</p>

No	Insert name and message	Text
		<p>[Use this paragraph if the applicant applied for a visa from offshore and you have NOT previously PPI'd them about being subject to section 58(6). Delete the two paragraphs above.]</p> <p>I have determined that [false information was provided in this application / misleading information was provided in this application / relevant information was withheld in this application / you did not ensure that an immigration officer was informed of any material change in circumstances between the time of making the application and the time of my decision (which is today) on this application.] [Give details] Because of this, your application is being declined under section 58(6) of the Immigration Act. The False & Misleading Information Assessment is attached for your information.</p> <p>I have attached chapter A24 for your reference. You can also find section 58 of the Immigration Act here: https://www.legislation.govt.nz/act/public/2009/0051/latest/DLM1440667.html.</p> <p>[If appropriate, include one of the paragraphs below and the delete the other. You may alternatively delete both options and move on to the paragraph about the bond & limited visa]</p> <p>I am also not satisfied you meet the requirements set out in [visitor/work/ student] visa immigration instructions. [State the reasons you are not satisfied. You must use plain English and refer to the relevant immigration instructions. Attach the relevant immigration instructions as an appendix.] However, I have not declined your application on this basis.</p> <p>I also have concerns you may not meet the requirements set out in [visitor/work/ student] visa immigration instructions. [State the reasons you have concerns. Use plain English and refer to the relevant immigration instructions. Attach the relevant immigration instructions as an appendix.] However, I have not conducted a full assessment of my concerns and I have not declined your application on this basis.</p> <p>[Replace the first paragraph below from the relevant temporary visa decline letter template with the second paragraph]</p> <p>We have considered if requiring a bond or granting a limited visa would lessen our concerns or if there are any special circumstances to justify an exception to immigration instructions, but can find no reason for any of these.</p> <p>We have considered if requiring a bond or granting a limited visa would lessen our concerns, or if there are circumstances to justify the grant of a visa despite the false, misleading or withheld information, but can find no reason for any of these.</p> <p>[Add the following section]</p> <p>Future applications</p> <p>It is important for you to understand that I have not declined this application on character grounds. However, it is possible you will not meet character requirements for any future visa application you may submit, because of my determination that [false information was provided in this application / misleading information was provided in this application / relevant information was withheld in this application / you did not ensure that an immigration officer was informed of any material change in circumstances between the time of making the application and the time of my decision (which is today) on this application.] Therefore, immigration instruction A5.25.5(b) (if you apply for residence) or A5.45.5(c) (if you apply for a visitor, work or student visa) may apply to you, and you would need to be granted a character waiver before a visa could be granted to you.</p> <p>Please see False and Misleading Information for further advice on how false, misleading or withheld information in an application has an impact on future applications, and what options you would have available. I have also attached immigration instructions A5.25 and A5.45 for your reference.</p> <p>[Include the paragraph below if this application included any partner or children 18 or over. Adapt as necessary according to who was included in the application. Delete this instruction.]</p> <p>It is also possible that your partner and your [child/children] who are 18 years old or over may not meet character requirements in any future application they may submit, because of my determination that false or misleading information was provided, or relevant information withheld, in this application. They should also refer to False and Misleading Information for further advice.</p> <p>[If the applicant is from a visa waiver country AND you have decided to suspend their visa waiver status under section 69(2)(d) of the Act, then insert the below section. If there are two or more applicants, ensure the section appears in all of the evisas and that the section is amended appropriately in the approval letter.]</p> <p>Our decision regarding your visa waiver status</p> <p>We have also made a decision regarding your visa waiver status. As a national from [country], you are normally waived from having to apply for a visa before you travel to New Zealand as a visitor. However, by special direction under section 69(2)(d) of the Act, your waiver is now suspended indefinitely. This means that if you wish to travel to New Zealand you will need to first apply for a visa and await an outcome of that application before you travel.</p>
6.	58(6) decline - residence	<p><i>Follow these instructions to decline any residence class visa application on the grounds of section 58(6) of the Act. The insertions below go into the relevant residence decline template letter. The first paragraph of any decline letter thanks the applicant for the application and advises when INZ received it. If the applicant is from a visa waiver country AND you have decided to suspend their visa waiver status under section 69(2)(d) of the Act, then insert the below as a second paragraph.</i></p> <p>We have made two decisions: the first is about the outcome of your application, and the second is regarding your status as a visa waiver traveller to New Zealand.</p> <p>[Insert the paragraphs below for the "Our decision on your application" section of the relevant residence decline template letter]</p>

No	Insert name and message	Text
		<p>Section 58(6) of the Immigration Act 2009 states that false, misleading or withheld information in an application is sufficient ground for an immigration officer to decline to grant a visa. Section 58 of the Immigration Act is set out in chapter A24 of the Immigration New Zealand Operational Manual.</p> <p>Operational instructions A24.10(a) states that applications with false, misleading or withheld information are to be normally declined. A24.10(a) applies to the circumstances of your application. We gave you the opportunity to make comments or provide information about this. We have assessed your response and determined that [false information was provided / misleading information was provided / relevant information was withheld / you did not ensure that an immigration officer was informed of any material change in circumstances between the time of making the application and the time of my decision (which is today) on the application.]</p> <p>You were also invited to make additional comments or provide information to help us decide if the surrounding circumstances of your application justified granting a residence class visa. Having considered your response, I made an assessment in accordance with operational instruction A24.10(b). I have decided that it is appropriate to decline your application under section 58(6) of the Immigration Act. The False & Misleading Information Assessment is attached for your information.</p> <p>I have attached chapter A24 for your reference. You can also find section 58 of the Immigration Act here: https://www.legislation.govt.nz/act/public/2009/0051/latest/DLM1440667.html.</p> <p>[Delete the instruction below and the paragraph starting 'We have also considered...' from the relevant residence decline letter template]</p> <p>[Ensure you considered whether the applicant may qualify for residence under other residence categories and add the following paragraph. Delete this instruction.]</p> <p>We have also considered your application using the criteria for the other residence categories, but you do not appear to meet the requirements of any other residence category either.</p> <p>[Add the following section]</p> <p>Future applications</p> <p>It is important for you to understand that I have not declined this application on character grounds. However, it is possible you will not meet character requirements for any future visa application you may submit, because of my determination that [false information was provided in this application / misleading information was provided in this application / relevant information was withheld in this application / you did not ensure that an immigration officer was informed of any material change in circumstances between the time of making the application and the time of my decision (which is today) on this application.] Therefore, immigration instruction A5.25.5(b) (if you apply for residence) or A5.45.5(c) (if you apply for a visitor, work or student visa) may apply to you, and you would need to be granted a character waiver before a visa could be granted to you.</p> <p>Please see False and Misleading Information for further advice on how false, misleading or withheld information in an application has an impact on future applications, and what options you would have available. I have also attached immigration instructions A5.25 and A5.45 for your reference.</p> <p>[Include the paragraph below if this application included any partner or children 18 or over. Adapt as necessary according to who was included in the application. Delete this instruction.]</p> <p>It is also possible that your partner and your [child/children] who are 18 years old or over may not meet character requirements in any future application they may submit, because of my determination that false or misleading information was provided, or relevant information withheld, in this application. They should also refer to False and Misleading Information for further advice.</p> <p>[If the applicant is from a visa waiver country AND you have decided to suspend their visa waiver status under section 69(2)(d) of the Act, then insert the below section. If there are two or more applicants, amend the heading and paragraph as appropriate.]</p> <p>Our decision regarding your visa waiver status</p> <p>We have also made a decision regarding your visa waiver status. As a national from [country], you are normally waived from having to apply for a visa before you travel to New Zealand as a visitor. However, by special direction under section 69(2)(d) of the Act, your waiver is now suspended indefinitely. This means that if you wish to travel to New Zealand you will need to first apply for a visa and await an outcome of that application before you travel.</p>
7.	<p>S58(6) 'not using' insert (we thought about 58(6) but didn't use, but it may be a character issue in future applications) DECLINE application (on other grounds) [similar to a character waiver]</p>	<p><i>Insert the 'Concerns about....' Section below in decline letters just above these two bullet points:</i></p> <ul style="list-style-type: none"> <i>(for residence declines) We have also considered your application using the criteria for the other residence categories, but you do not appear to meet the requirements of any other residence category either</i> <i>(for temporary entry declines) We have considered if requiring a bond or granting a limited visa would lessen our concerns or if there are any special circumstances to justify an exception to immigration instructions, but can find no reason for any of these.</i> <p>Concerns about false, misleading or withheld information</p> <p>[If the applicant was PPI'd that the application might be declined using section 58(6), use this paragraph]</p>

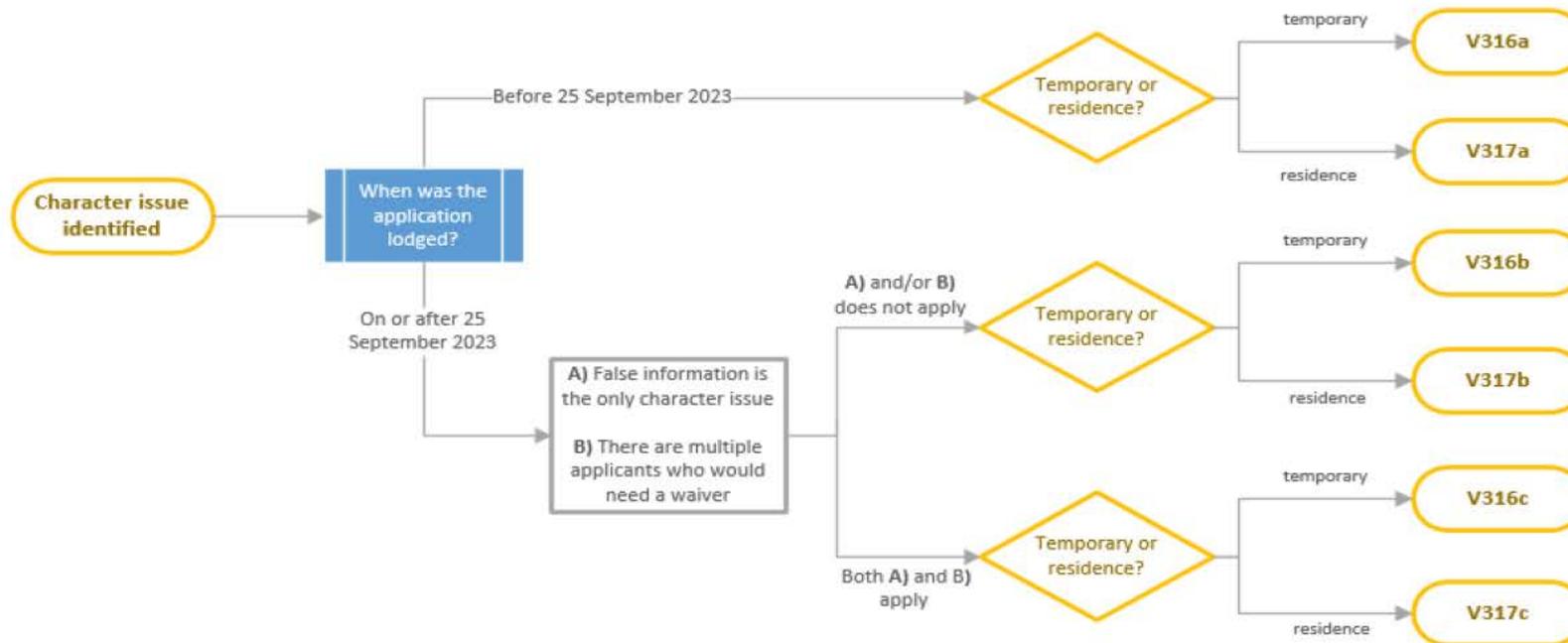
No	Insert name and message	Text
		<p>Concerns were previously raised with you that [false information was provided in this application / misleading information was provided in this application / relevant information was withheld in this application / you did not ensure that an immigration officer was informed of any material change in circumstances between the time of making the application and the time of my decision (which is today) on this application.] Having considered your response, I have confirmed these concerns. But taking into account the circumstances of the application, I have decided not to use section 58(6) of the Act to decline your application, despite the [false information / misleading information / withholding of relevant information / failure to inform of a material change of circumstances.]</p> <p>[If the applicant was NOT PPI'd that the application might be declined using section 58(6), use this paragraph] I have concerns that [false information was provided in this application / misleading information was provided in this application / relevant information was withheld in this application / you did not ensure that an immigration officer was informed of any material change in circumstances between the time of making the application and the time of my decision (which is today) on this application.] [Give details] Because of this, your application could have been declined under section 58(6) of the Immigration Act, which says that false, misleading or withheld information in an application is sufficient ground for an immigration officer to decline to grant a visa. I can advise that I have decided not to use section 58(6) of the Act to decline your application.</p> <p>[Include this paragraph in all cases] However, it is possible you will not meet character requirements for any future visa application you may submit, because of the concerns that [false information was provided in this application / misleading information was provided in this application / relevant information was withheld in this application / you did not ensure that an immigration officer was informed of any material change in circumstances between the time of making the application and the time of my decision (which is today) on this application.] Therefore, character instruction A5.25.5(b) (if you apply for residence) or A5.45.5(c) (if you apply for a visitor, work or student visa) may apply to you, and you would need to be granted a character waiver before a visa could be granted to you.</p> <p>Please see False and Misleading Information for further advice on how false, misleading or withheld information in an application has an impact on future applications, and what options you would have available. I have also attached instructions A5.25 and A5.45 for your reference.</p> <p>[Include the paragraph below if this application included any partner or children 18 or over. Adapt as necessary according to who was included in the application. Delete this instruction.] It is also possible that your partner and your [child/children] who are 18 years old or over may not meet character requirements in any future application they may submit, because of the concerns that false or misleading information was provided, or relevant information withheld, in this application. They should also refer to False and Misleading Information for further advice.</p>
8.	<p>S58(6) 'not using' insert (we thought about 58(6) but didn't use, but it may be a character issue in future applications) APPROVE application [similar to a character waiver]</p>	<p><i>For insertion in an appropriate place in eVisa label, approval letter (AMS or ADEPT). For eVisa labels, you must ensure this section does not appear on the first page</i></p> <p>Our concerns and decision regarding false, misleading or withheld information</p> <p>[If the applicant was PPI'd that the application might be declined using section 58(6), use this paragraph] Concerns were previously raised with you that [false information was provided in this application / misleading information was provided in this application / relevant information was withheld in this application / you did not ensure that an immigration officer was informed of any material change in circumstances between the time of making the application and the time of my decision (which is today) on this application.] Having considered your response, I have confirmed these concerns. But taking into account the circumstances of the application, we have decided not to use section 58(6) of the Act to decline your application, despite the [false information / misleading information / withholding of relevant information / failure to inform of a material change of circumstances.]</p> <p>[If the applicant was NOT PPI'd that the application might be declined using section 58(6), use this paragraph] I have concerns that [false information was provided in this application / misleading information was provided in this application / relevant information was withheld in this application / you did not ensure an immigration officer that I was informed of any material change in circumstances between the time of making the application and the time of my decision (which is today) on this application.] [Give details] Because of this, your application could have been declined under section 58(6) of the Immigration Act, which says that false, misleading or withheld information in an application is sufficient ground for an immigration officer to decline to grant a visa. I can advise that we have decided not to use section 58(6) of the Act to decline your application.</p> <p>[include this paragraph in all cases] However, it is possible you will not meet character requirements for any future visa application you may submit, because of the concerns that [false information was provided in this application / misleading information was provided in this application / relevant information was withheld in this application / you did not ensure that an immigration officer was informed of any material change in circumstances between the time of making the application and the time of my decision (which is today) on this application.] Therefore, character instruction A5.25.5(b) (if you apply for residence) or A5.45.5(c) (if you apply for a visitor, work or student visa) may apply to you, and you would need to be granted a character waiver before a visa could be granted to you.</p> <p>Please see False and Misleading Information for further advice on how false, misleading or withheld information in an application has an impact on future applications, and what options you would have available. I have attached instructions A5.25 and A5.45 for your reference.</p> <p>[Include the paragraph below if this application included any partner or children 18 or over. Adapt as necessary according to who was included in the application. Delete this instruction.] It is also possible that your partner and your [child/children] who are 18 years old or over may not meet character requirements in any future application they may submit, because of the concerns that false or misleading information was provided, or relevant information withheld, in this application. They should also refer to False and Misleading Information for further advice.</p>
9.	Placeholder (to be updated)	

No	Insert name and message	Text
10.	<p>SM3.10.1 etc ‘not using’ insert (we thought about using but didn’t use, but it may be a character issue in future applications)</p> <p>DECLINE OTHER</p>	<p><i>For insertion in the relevant decline letter (Parent, SMC) just below:</i></p> <ul style="list-style-type: none"> <i>We have also considered your application using the criteria for the other residence categories, but you do not appear to meet the requirements of any other residence category either</i> <p>Concerns about false, misleading or withheld information Concerns were previously raised with you that [false information was provided in your expression of interest (EOI) / misleading information was provided in your expression of interest (EOI) / relevant information was withheld in your expression of interest (EOI) / you did not ensure that an immigration officer was informed of any material change in circumstances after submitting your expression of interest (EOI).] Having considered your response, I have confirmed these concerns. But taking into account the circumstances of the application, we have decided not to use immigration instruction [SM3.10.2(a)/F4.5.16(a)/SR3.5.5.1(a)] to decline your application, despite the [false information / misleading information / withholding of relevant information / failure to inform of a material change of circumstances.]</p> <p>However, it is possible you will not meet character requirements for any future visa application you may submit, because of my determination that [false information was provided in your EOI / misleading information was provided in your EOI / relevant information was withheld in your EOI / you did not ensure that an immigration officer was informed of any material change in circumstances after you submitted your EOI.] Therefore, character instruction A5.25.5(c) (if you apply for residence) or A5.45.5(d) (if you apply for a visitor, work or student visa) may apply to you, and you would need to be granted a character waiver before a visa could be granted to you.</p> <p>Please see False and Misleading Information for further advice on how false, misleading or withheld information in an EOI has an impact on future applications, and what options you would have available. I have also attached instructions A5.25 and A5.45 for your reference.</p> <p>[Include the paragraph below if this application included any partner or children 18 or over. Adapt as necessary according to who was included in the application. Delete this instruction.] It is also possible that your partner and your [child/children] who are 18 years old or over may not meet character requirements in any future application they may submit, because of my determination that false or misleading information was provided, or relevant information withheld, in this application. They should also refer to False and Misleading Information for further advice.</p>
11.	<p>SM3.10.1 etc ‘not using’ insert (we thought about using but didn’t use, but it may be a character issue in future applications)</p> <p>APPROVE</p>	<p><i>For insertion in an appropriate place in eVisa label, approval letter (AMS or ADEPT). For eVisa labels, you must ensure this section does not appear on the first page</i></p> <p>Concerns about false, misleading or withheld information Concerns were previously raised with you that [false information was provided in your expression of interest (EOI) / misleading information was provided in your expression of interest (EOI) / relevant information was withheld in your expression of interest (EOI) / you did not ensure that an immigration officer was informed of any material change in circumstances after submitting your expression of interest (EOI).] Having considered your response, I have confirmed these concerns. But taking into account the circumstances of the application, we have decided not to use immigration instruction [SM3.10.2(a)/F4.5.16(a)/SR3.5.5.1(a)] to decline your application, despite the [false information / misleading information / withholding of relevant information / failure to inform of a material change of circumstances.]</p> <p>However, it is possible you will not meet character requirements for any future visa application you may submit, because of my determination that [false information was provided in your EOI / misleading information was provided in your EOI / relevant information was withheld in your EOI / you did not ensure that an immigration officer was informed of any material change in circumstances after you submitted your EOI.] Therefore, character instruction A5.25.5(c) (if you apply for a further residence class visa such as a permanent resident visa) may apply to you, and you would need to be granted a character waiver before a visa could be granted to you.</p> <p>Please see False and Misleading Information for further advice on how false, misleading or withheld information in an EOI has an impact on future applications, and what options you would have available. I have also attached instructions A5.25 and A5.45 for your reference.</p> <p>[Include the paragraph below if this application included any partner or children 18 or over. Adapt as necessary according to who was included in the application. Delete this instruction.] It is also possible that your partner and your [child/children] who are 18 years old or over may not meet character requirements in any future application they may submit, because of my determination that false or misleading information was provided, or relevant information withheld, in this application. They should also refer to False and Misleading Information for further advice.</p>
12.	<p>SM3.10.1 etc and 58(6) ‘not using’ insert (we thought about using but didn’t use either, but it may be a character issue in future applications)</p> <p>DECLINE OTHER</p>	<p><i>For insertion in the relevant decline letter (Parent, SMC) just below:</i></p> <ul style="list-style-type: none"> <i>We have also considered your application using the criteria for the other residence categories, but you do not appear to meet the requirements of any other residence category either</i> <p>Concerns about false, misleading or withheld information Concerns were previously raised with you that [false information was provided in this application / misleading information was provided in this application / relevant information was withheld in this application]. Having considered your response, I have confirmed these concerns and this would be sufficient grounds to decline your application under section 58(6) of the Immigration Act. Please note that because of the same [false /misleading / withheld] information in your previous expression of interest (EOI), we could have also declined your application under immigration instruction [SM3.10.2(a)/F4.5.16(a)/SR3.5.5.1(a)]. But taking into account the circumstances of the application, we have decided not to use section 58(6) of the Act to decline your application, despite the [false information / misleading information / withholding of relevant information]. We have also decided not to use [SM3.10.2(a)/F4.5.16(a)/SR3.5.5.1(a)] to decline your application.</p> <p>However, it is possible you will not meet character requirements for any future visa application you may submit, because of my determination that [false information was provided in this application and your EOI / misleading information was provided in this application and your EOI / relevant information was withheld in this application and your EOI]. Therefore, character instruction A5.25.5(c) (if you apply for residence) or A5.45.5(d) (if you apply for a visitor, work, or student visa) may apply to you, and you would need to be granted a character waiver before such a visa could be granted to you.</p>

No	Insert name and message	Text
		<p>Please see False and Misleading Information for further advice on how false, misleading or withheld information in an EOI or application has an impact on future applications, and what options you would have available. I have also attached instructions A5.25 and A5.45 for your reference.</p> <p>[Include the paragraph below if this application included any partner or children 18 or over. Adapt as necessary according to who was included in the application. Delete this instruction.]</p> <p>It is also possible that your partner and your [child/children] who are 18 years old or over may not meet character requirements in any future application they may submit, because of my determination that false or misleading information was provided, or relevant information withheld, in this application. They should also refer to False and Misleading Information for further advice.</p>
13.	<p>SM3.10.1 etc and 58(6) 'not using' insert (we thought about using but didn't use either, but it may be a character issue in future applications</p> <p>APPROVE</p>	<p><i>For insertion in an appropriate place in eVisa label, approval letter (AMS or ADEPT). For eVisa labels, you must ensure this section does not appear on the first page</i></p> <p>Concerns about false, misleading or withheld information</p> <p>Concerns were previously raised with you that [false information was provided in this application / misleading information was provided in this application / relevant information was withheld in this application]. Having considered your response, I have confirmed these concerns and this would be sufficient grounds to decline your application under section 58(6) of the Immigration Act. Please note that because of the same [false /misleading / withheld] information in your previous expression of interest (EOI), we could have also declined your application under immigration instruction [SM3.10.2(a)/F4.5.16(a)/SR3.5.5.1(a)]. But taking into account the circumstances of the application, we have decided not to use section 58(6) of the Act to decline your application, despite the [false information / misleading information / withholding of relevant information]. We have also decided not to use [SM3.10.2(a)/F4.5.16(a)/SR3.5.5.1(a)] to decline your application.</p> <p>However, it is possible you will not meet character requirements for any future visa application you may submit, because of my determination that [false information was provided in this application and your EOI / misleading information was provided in this application and your EOI / relevant information was withheld in this application and your EOI]. Therefore, character instruction A5.25.5(b) & (c) (if you apply for a further residence class visa such as a permanent resident visa) may apply to you, and you would need to be granted a character waiver before such a visa could be granted to you.</p> <p>Please see False and Misleading Information for further advice on how false, misleading or withheld information in an EOI or application has an impact on future applications, and what options you would have available. I have also attached instructions A5.25 and A5.45 for your reference.</p> <p>[Include the paragraph below if this application included any partner or children 18 or over. Adapt as necessary according to who was included in the application. Delete this instruction.]</p> <p>It is also possible that your partner and your [child/children] who are 18 years old or over may not meet character requirements in any future application they may submit, because of my determination that false or misleading information was provided, or relevant information withheld, in this application. They should also refer to False and Misleading Information for further advice.</p>
14.	<p>We no longer think it's false</p>	<p><i>For insertion into an appropriate place in any decision letter (whether approve or decline); for evisa labels, you must ensure this section does not appear on the first page</i></p> <p>Concerns about false, misleading or withheld information</p> <p>Concerns were previously raised with you that [select one or more]:</p> <ul style="list-style-type: none"> - false information was provided in this application - misleading information was provided in this application - relevant information was withheld in this application - you did not ensure that an immigration officer was informed of any material change in circumstances between the time of making the application and the time of my decision (which is today) on this application - false information was provided in your EOI - misleading information was provided in your EOI - relevant information was withheld in your EOI - you failed to advise me of a material change in circumstances after you submitted an EOI. - false information was provided in this application and your EOI - misleading information was provided in this application and your EOI - relevant information was withheld in this application and your EOI <p>Specifically, the concerns were that [give a complete description of the suspected false, misleading etc information, so that INZ staff in the future understand the nature of what is no longer a concern]. Having considered your response to my request for comments and additional information, I can advise that Immigration New Zealand no longer has these concerns, and there will not be any consequences for you [or your family] in respect of any further application you [or your family] may submit. Please keep this advice for your records.</p>

No	Insert name and message	Text
	NOTE FOR ROWS 15-17 BELOW	Rows 15-17 only speak to character or false/misleading grounds to suspend visa waiver status (or to continue or cancel suspension). It does NOT speak to OTHER reasons why it might be appropriate to suspend (or to continue or cancel suspension)
15.	<p>Visa waiver now suspended</p> <p><i>For use in the indicated inserts as appropriate</i></p>	<p><u>For Inserts 1-3, 7, 10 and 12</u></p> <p>[The first paragraph of any decline letter thanks the applicant for the application and advises when INZ received it. If the applicant is from a visa waiver country AND you have decided to suspend their visa waiver status under section 69(2)(d) of the Act, then insert the below as a second paragraph]</p> <p>We have made two decisions: the first is about the outcome of your application, and the second is regarding your status as a visa waiver traveller to New Zealand.</p> <p>[Also include the section below after the end of the “Our decision on your application” section. If there are two or more applicants, amend the heading and paragraph as appropriate.]</p> <p>Our decision regarding your visa waiver status We have also made a decision regarding your visa waiver status. As a national from [country], you are normally waived from having to apply for a visa before you travel to New Zealand as a visitor. However, by special direction under section 69(2)(d) of the Act, your waiver is now suspended indefinitely. This means that if you wish to travel to New Zealand as a visitor in the future, you will need to first apply for a visa and await an outcome of that application before you travel.</p> <p><u>For inserts 4 & 8 – but you should not suspend a visa waiver person if they’ve been granted a resident visa</u></p> <p>[Insert this section in an appropriate place in the approval letter and/or evisa label. If there are two or more applicants, ensure the section appears in all of the evisas and that the section is amended appropriately in the approval letter.]</p> <p>Our decision regarding your visa waiver status Despite granting you a visa, we have made a decision regarding your visa waiver status. As a national from [country], you are normally waived from having to apply for a visa before you travel to New Zealand as a visitor. However, by special direction under section 69(2)(d) of the Act, your waiver is now suspended indefinitely. This means that if you wish to travel to New Zealand as a visitor in the future, you will need to first apply for a visa and await an outcome of that application before you travel.</p>
16.	<p>Previous visa waiver suspension will continue</p> <p><i>For use in inserts 1-4 as appropriate.</i></p>	<p><u>For Inserts 1-3</u></p> <p>[The first paragraph of any decline letter thanks the applicant for the application and advises when INZ received it. If the applicant is from a visa waiver country AND their visa waiver status is suspended under section 69(2)(d) of the Act, AND you have decided that the suspension should continue, then insert the below as a second paragraph]</p> <p>We have made two decisions: the first is about the outcome of your application, and the second is regarding your status as a visa waiver traveller to New Zealand.</p> <p>[Also include the section below after the end of the “Our decision on your application” section. If there are two or more applicants, amend the heading and paragraph as appropriate.]</p> <p>Our decision regarding your visa waiver status We have also made a decision regarding your visa waiver status. As a national from [country], you are normally waived from having to apply for a visa before you travel to New Zealand as a visitor. However, you may recall that on [date], by special direction under section 69(2)(d) of the Act, your waiver was suspended indefinitely. We have decided that this suspension should continue. This means that if you wish to travel to New Zealand as a visitor in the future, you will need to first apply for a visa and await an outcome of that application before you travel.</p> <p><u>For insert 4 – but if the person has been granted a character waiver in a residence application, you should instead discontinue the suspension – see Insert 17.</u></p> <p>[Insert this section in an appropriate place in the approval letter and/or evisa label. If there are two or more applicants, ensure the section appears in all of the evisas and that the section is amended appropriately in the approval letter.]</p> <p>Our decision regarding your visa waiver status Despite granting you a character waiver for this application, we have made a decision regarding your visa waiver status. As a national from [country], you are normally waived from having to apply for a visa before you travel to New Zealand as a visitor. However, you may recall that on [date], by special direction under section 69(2)(d) of the Act, your waiver was suspended indefinitely. We have decided that this suspension should continue. This means that if you wish to travel to New Zealand as a visitor in the future, you will need to first apply for a visa and await an outcome of that application before you travel.</p>

No	Insert name and message	Text
17.	<p>Previous visa waiver suspension now cancelled</p> <p><i>For use in inserts 3-4 as appropriate.</i></p>	<p>For Insert 3</p> <p>[The first paragraph of any decline letter thanks the applicant for the application and advises when INZ received it. If the applicant is from a visa waiver country AND their visa waiver status is suspended under section 69(2)(d) of the Act, AND you have decided that the suspension should be discontinued, then insert the below as a second paragraph]</p> <p>We have made two decisions: the first is about the outcome of your application, and the second is regarding your status as a visa waiver traveller to New Zealand.</p> <p>[Also include the section below after the end of the “Our decision on your application” section. If there are two or more applicants, amend the heading and paragraph as appropriate.]</p> <p>Our decision regarding your visa waiver status</p> <p>We have also made a decision regarding your visa waiver status. As a national from [country], you are normally waived from having to apply for a visa before you travel to New Zealand as a visitor. You may recall that on [date], by special direction under section 69(2)(d) of the Act, your waiver was suspended indefinitely. We have decided that this suspension should no longer be in force. This means that if you wish to travel to New Zealand as a visitor in the future, you may do so without having to make a visa application offshore.</p> <p>For insert 4</p> <p>[Insert this section in an appropriate place in the approval letter and/or evisa label. If there are two or more applicants, ensure the section appears in all of the evisas and that the section is amended appropriately in the approval letter.]</p> <p>Our decision regarding your visa waiver status</p> <p>We have also made a decision regarding your visa waiver status. As a national from [country], you are normally waived from having to apply for a visa before you travel to New Zealand as a visitor. You may recall that on [date], by special direction under section 69(2)(d) of the Act, your waiver was suspended indefinitely. We have decided that this suspension should no longer be in force. This means that if you wish to travel to New Zealand as a visitor in the future, you may do so without having to make a visa application offshore.</p>



Number	Name of template	Description
V316a	Character and Waiver Assessment Temporary Entry pre 25 Sept 2023	For temporary entry applications lodged before 25 September 2023
V317a	Character and Waiver Assessment Residence [see Note 2]	For residence applications lodged before 25 September 2023
V316b	Character and Waiver Assessment Temporary Entry post 25 Sept 2023	For temporary entry applications lodged on or after 25 September 2023
V317b	Character and Waiver Assessment Residence post 25 Sept 2023	For residence applications lodged on or after 25 September 2023
V316c	Character and Waiver Assessment Visitor Visa False Misleading Issue for Two or More Applicants	For a VV application where two or more applicants are caught by character provisions because of previous incident(s) of FM information (use after 25 September 2023)
V317c	Character and Waiver Assessment Residence False Misleading Issue for Two or More Applicants	For a RV/PRV/SSRV application where two or more applicants are caught by character provisions because of previous incident(s) of FM information (use after 25 September 2023)

NOTES:	1. Old character waiver templates V316 and V317 have been deactivated in TLS. 2. The title of V317a should have included 'pre-25 Sept 2023' but this was left out due to an oversight.
Last updated	22 September 2023 Author: Privacy of natural persons