

Second chance at visas for some Pacific people following Ombudsman immigration investigation

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Chief Ombudsman Dame Beverley Wakem says Pacific people who believe they were not treated fairly when Immigration New Zealand implemented policies enabling Pacific residency quotas may now get another chance to be considered.

Following Dame Beverley's investigation, the Department of Labour has acknowledged systemic failures in the way the policy was implemented between the period of November 15, 2004 to March 31, 2005.

Since the conclusion of the investigation, Dame Beverley has held discussions with the Department and with its successor, the Ministry of Business, Innovation and Employment on an appropriate remedy to be offered to affected people.

Under the remedy, Immigration New Zealand will invite people who meet agreed requirements to submit a visa request for consideration under s 61 of the Immigration Act 2009.

Dame Beverley is urging anyone who thinks they may meet the criteria to look at the self-assessment form on the website of the Office of the Ombudsman www.ombudsman.parliament.nz.

"There are 15 criteria and those who qualify for the remedy must meet all of them. The self-assessment form is the best place to start and if there are any queries we have people available at the Office who can help."

The criteria cover people from Tonga, Samoa, Tuvalu, Kiribati or Fiji, who are overstayers in New Zealand, and who made a request to Immigration New Zealand under s 35A of the Immigration Act 1987 between November 15, 2004 and March 31, 2005 and were refused. Those applying must have been between 18 and 45 on March 31, 2005 and must have had a job offer or been in employment when the request was made.

Dame Beverley says her Office received a number of complaints about the process and began an investigation focusing on systemic issues that had been identified.

“A common theme running through the complaints was a lack of understanding and certainty among members of the relevant Pacific communities,” she says.

“Complainants also believed there were inconsistencies in Immigration New Zealand’s decision making which deprived them of the opportunity to regularise their status at a time when Immigration New Zealand appeared to be encouraging well-settled overstayers to come forward. “

The Department of Labour accepted that the guidance for immigration officers was late and unclear and inconsistent advice was consequently given to some overstayers. As well there was an incorrect expectation created that the policies offered an opportunity for overstayers to change their immigration status and this expectation was not managed.

Dame Beverley says the remedy is a fair outcome, and she is pleased that the Ministry has agreed all those who may have been affected by Immigration New Zealand’s actions at the time can be considered.

Ends

For more information contact the Office of the Ombudsman on 0800 802 602.

Further information can be found at www.ombudsman.parliament.nz