

## Immigration New Zealand (INZ)

Immigration New Zealand (INZ) is part of the Labour Group of the Ministry of Business, Innovation and Employment (the Ministry). It makes decisions on whether people can visit, study, work or live in New Zealand. The Ombudsman can investigate complaints about INZ's administrative conduct under the Ombudsmen Act (OA), and INZ's decisions on requests for official information under the Official Information Act. This fact sheet focuses on the Ombudsman's role under the OA.

### What types of complaints can the Ombudsman investigate?

The Ombudsman can investigate:

- Decisions made by INZ on:
  - temporary entry (including visitor, work, student and limited visas)
  - whether to accept an expression of interest to apply for residence
  - section 61 and interim visa requests
  - special directions
  - cancellation of temporary entry class visas.
- Advice provided by INZ to the Minister or Associate Minister of Immigration. (The Ombudsman can't investigate a Minister's decision).
- Administrative procedural issues (including procedural issues relating to deportation and the processing of residence and refugee status applications before any decision is made). For example:
  - refusal to accept an application for lodgement
  - delay in processing an application
  - failure to respond to correspondence.

## What types of complaints can't the Ombudsman investigate?

An Ombudsman can't normally investigate decisions made by INZ on:

- residence
- refugee status and protection
- deportation.

This is because there is a right of appeal to the Immigration and Protection Tribunal. An Ombudsman is not normally authorised to investigate decisions that may be appealed to a Tribunal, whether or not the right of appeal has been exercised.

## Complaints about the standard of service or processes followed

INZ has an established system for dealing with complaints about the standard of service provided, or processes followed in making a decision. This system should usually be followed before a complaint is made to the Ombudsman.

The INZ **Client Complaint Resolution Process (CCRP)** has two stages:

1. First, complaints will be considered by the relevant Branch Manager.
2. Then, if a complaint is not resolved, the complainant can raise their concerns with the Deputy Chief Executive Immigration.

[The CCRP is explained here.](#)

A complaint to the Ministry under the CCRP can be **made by writing to:**

Deputy Chief Executive – Immigration

Immigration New Zealand

Ministry of Business, Innovation and Employment

P O Box 1473

Facsimile: 04 915 6278

Wellington 6140

Email: [dcecomplaints@mbie.govt.nz](mailto:dcecomplaints@mbie.govt.nz)

If the Ministry does not provide a satisfactory response after you have gone through both stages of the CCRP, a complaint can be made to the Ombudsman. We will then consider whether the Ombudsman can assist.

## Complaints about the merits of INZ decisions

Some complaints are about the merits of a decision by INZ. This means there are no concerns about the standard of service, or the processes followed by INZ, but you still think the decision was wrong.

Complaints about the merits of a decision by INZ will not usually be considered by the Ministry under the CCRP. They can therefore be made directly to the Ombudsman in the first instance.

Complaints can also be made directly to the Ombudsman if you're unsure whether the CCRP would apply.

When we receive such complaints we may make informal enquiries with INZ to ascertain whether the matter can be dealt with under the CCRP. If it can, we will most likely refer the complaint back through that process in the first instance. Otherwise, we will consider whether the Ombudsman can assist.

## **Making a complaint to the Ombudsman**

Complaints to the Ombudsman about INZ should include, as far as possible, the details set out below. These details will give us a much better chance of being able to advise whether the Ombudsman can help.

1. Your full name and contact details, and INZ client number. (We will not disclose your contact details without contacting you first.)
2. The full names of any family members included in your INZ applications.
3. Whether your matter is urgent. If so, the reasons why.
4. Details of your immigration history.
5. Details of your current immigration status. If you are in New Zealand on a current visa, please advise what type of visa you are on and when your visa will expire.
6. A clear indication of the specific act or decision by INZ that concerns you.
7. Full details of your concerns about that act or decision. In particular, why you consider the conduct of INZ is unfair or unreasonable.
8. The outcome you're seeking.
9. A description of the steps you've taken to resolve your complaint, and whether you are still taking these steps. These might be with INZ through the CCRP, the Associate Minister for Immigration or the Immigration Protection Tribunal.
10. Copies of all relevant correspondence and documents.

Before making a complaint you could consider asking INZ for your file under the Privacy Act. This may help you to understand what happened in your case, and whether to make a complaint to the Ombudsman. Any queries or concerns about Privacy Act requests can be raised with the Privacy Commissioner: [www.privacy.org.nz](http://www.privacy.org.nz).

## **Need more information?**

Visit our [website www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or call us on 0800 802 602.

Ends