

Immigration New Zealand conducts unreasonable interview for residence applicant

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| Legislation | Ombudsmen Act 1975, Immigration Act 1987 |
| Ombudsman | Beverley Wakem |
| Case number(s) | W55867 (previously unpublished) |
| Date | 2007 |

Immigration New Zealand (INZ) accepts its interview of residence applicant had been unreasonable and offered fresh assessment following Ombudsman's investigation

Complainant claimed INZ had conducted an unreasonable interview when he applied for a residence permit and he felt he was left with no other option but to withdraw the application. He noted that at the interview, there was insufficient time for him to present his case, that the INZ officer did not consider the documents he brought to the interview, and that he was unaware that he could have made written submissions with the application.

The complainant claimed that the officer advised that he should withdraw the application but did not tell the applicant that this would mean a loss of his rights to lodge an appeal and that a recent change in policy would preclude him from making another residence application.

The complaint was sustained and INZ accepted the Ombudsman's findings that the interview process had been unreasonable. INZ offered to reassess the application by way of remedy.

The complainant was concerned that INZ would apply the same policy when the application was considered afresh, noting that it appeared INZ had inconsistently (and more stringently) applied policy in his particular case. In this respect, the Ombudsman commented that if INZ had been applying the policy incorrectly (and less stringently) in the past, that it was not unreasonable for INZ to now apply the proper (tighter) criteria to ensure compliance with the policy requirements.

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