

Immigration Service delay to seek refugee status information was reasonable

Legislation	Ombudsmen Act
Ombudsman	Anand Satyanand
Case number(s)	W41318
Date	2001

Length of time taken to complete inquiries in relation to refugee status of complainant—NZIS had not caused significant delays—difficulties in obtaining crucial information—NZIS did not act unfairly or unreasonably

A complaint was made about delay by the New Zealand Immigration Service (NZIS) in completing inquiries in relation to the refugee status of a person. The complainant had been recognised as a refugee by the NZIS. However, while a residence application was being considered, some questions arose in respect of which the NZIS decided further inquiries needed to be made. The NZIS commenced these inquiries, which included contacting both an international organisation and the government of another country. It was considered that the inquiries were necessary to determine whether the complainant should be recognised as a refugee who needed the protection of New Zealand.

The inquiries took a significant period of time, with over 13 months having elapsed before a complaint was made. Despite the lengthy period, the view was formed that there had not been an unreasonable delay by the NZIS in its pursuit of the matter. While it is desirable that administrative actions be conducted on a timely basis whenever possible, in some instances it can take time to conduct inquiries that are considered necessary, and to obtain responses to such inquiries. In this case, it was apparent that the NZIS had endeavoured to progress the matter, and that the complainant had been kept informed of progress over the months. There did not appear to have been significant delays by the NZIS, but rather difficulties in obtaining the information sought by the NZIS.

The NZIS had decided that it was crucial to continue to wait for the outcome of the inquiries. On the basis of information that had been obtained by the NZIS to that point, it did not appear unreasonable for the NZIS to consider it necessary to continue to wait for a final outcome. While the complainant's concern as to the length of time that had elapsed was appreciated,

the view was formed that the NZIS had not acted unfairly or unreasonably in pursuing the inquiries.

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