

**Application number:** 18516498

**Client number:** 71568909

15 May 2019

Alexandre Bianchi  
2 clementine  
vienne  
vienne 38200  
France

Dear Alexandre Bianchi

**Application for a work visa for:**

**Applicant:**

Alexandre Bianchi

**Date of birth:**

24 November 1993

Thank you for your application for a temporary entry class visa under work visa, which we received on 15 May 2019.

**Our assessment of your application**

We have completed an initial assessment of your application and it appears you may not meet the good character requirements for a temporary entry class visa.

The provision in character instructions A5.45 (copy attached), that appears to affect you is A5.45 (b) Applicants who will not normally be granted a temporary entry class visa, unless granted a character waiver include any person who: in the course of applying for a New Zealand visa, has made any statement or provided any information, evidence or submission that was false, misleading or forged, or withheld material information.

On the 11<sup>th</sup> May 2019 you submitted an application for the Netherlands Working Holiday. When a client submits an application they are advising Immigration New Zealand that they are from the country the application is from.

When completing an application for a country there are indicators in the application that identifies the country the application is for (such as the pre-set country when entering the passport details), as well as prompts which ask if you are sure that you want to submit the application. Despite these checks you completed and submitted an application for a country you were not a citizen of.

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.

**You may provide further information**

Any comments or further information must be provided by 22 May 2019. If you don't agree that the provisions we have outlined in this letter apply, you will need to provide us evidence to support this.

Please note that any documents you provide not already in English must be translated into English by a recognised, independent translation service.

### **What happens if you do not send any comments or additional information?**

If you do not send us any comments or additional information by the date above, we will make a decision on your application based on the information you have already given us.

### **False or misleading information**

Please note that providing false or misleading information or withholding information may make you ineligible for a visa.

### **What happens if your circumstances change?**

You must tell us about any changes to your circumstances that may affect your application for a visa, including changes to:

- the personal or family circumstances of any person included in the application
- changes to your address or contact details (including postal address, email address, and telephone number)
- changes to your business or employment
- your study, if you are applying for a student visa.

If you do not tell us about changes to your circumstances, we may refuse to grant you a visa or if you are in New Zealand, you may become liable for deportation.

### **Contact us**

If you have any questions, you can:

- email me at [Amy.Grossetta@mbie.govt.nz](mailto:Amy.Grossetta@mbie.govt.nz)
- call our Immigration Contact Centre on 0508 55 88 55 or 09 914 4100, or for those outside of New Zealand +64 9 914 4100, or
- find answers to frequently asked questions or email us your enquiry online at <http://kb.immigration.govt.nz/>

You will need to tell us your application and client numbers when you contact us (you will find these at the top of this letter). Please have them with you and be ready to quote them if you phone us.

Yours sincerely

Amy Grossetta  
Immigration Officer  
Immigration New Zealand

# A5.45 Applicants normally ineligible for a temporary entry class visa unless granted a character waiver

Applicants who will not normally be granted a temporary entry class visa, unless granted a character waiver include any person who:

- a. has been convicted at any time of an offence against the immigration, citizenship or passport laws of any country; or
- b. in the course of applying for a New Zealand visa, has made any statement or provided any information, evidence or submission that was false, misleading or forged, or withheld material information; or
- c. at the time of application:
  - i. has been charged with an offence, which on conviction, would make section 15 of the Immigration Act 2009 apply to that applicant; or
  - ii. is under investigation for such an offence; or
  - iii. is wanted for questioning about such an offence; or
- d. has been convicted at any time of:
  - i. any offence for which they have been imprisoned; or
  - ii. an offence in New Zealand for which the court has the power to impose imprisonment for a term of three months or more; or
- e. in support of any application by another person for a New Zealand visa (or a permit under the Immigration Act 1987), has made any statement or provided any information, evidence or submission that was false, misleading or forged.

**Note:**

- When considering whether or not an applicant has committed an act that comes under A5.45 (b) or (e) above, immigration officers should establish whether, on the balance of probabilities, it is more likely than not that the applicant committed such an act.
- A5.45 (d) does not apply to individuals undergoing an appeal process against their liability for deportation who have applied for a temporary entry class visa of the same class and type they currently hold.
- For the avoidance of doubt, any offence in New Zealand that has the potential to result in a term of imprisonment of three months falls within the scope of A5.45(d)(ii). This includes, but is not limited

to, potential sentences "not exceeding three months" or "up to and including three months".

### **A5.45.1 Action**

- a. An immigration officer must:
  - i. not automatically decline the application; and
  - ii. if applicable consider, the significance of the false, misleading or forged information provided, or information withheld, and 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;
  - iii. consider whether the applicant's reason for travel to New Zealand, and any surrounding circumstances, are compelling enough to justify making an exception to the character requirement, taking into account the public interest; and
  - iv. record reasons for deciding whether to waive or decline to waive the good character requirements; and
  - v. if they decide to decline the application, raise an 'Alert' against the applicant.
  
- b. Any decision to determine the application in accordance with A5.45 must be made by an immigration officer with Schedule 1 - 3 delegations.

**Effective 30/03/2015**