

**Application number:** VV004xxx76

**Client number:** 4388xxxx

08 April 2025

Dear Wei Tan

**Concerns about a temporary entry class visa held by:**

**Applicant:**

Wei Tan

**Date of birth:**

xx xxx 1985

**Our concerns about your temporary entry class visa**

We have received information that may impact your General Visitor Visa and may lead to its cancellation:

**Purpose of travel**

Immigration instruction V2.1 states to be granted a visitor visa applicants must meet the requirements under Generic Temporary Instructions for bona fide applications as set out at E5, and be coming to New Zealand for a lawful purpose. V2.1.1 further states that for the purposes of applying the 'lawful purpose' test in the provision relating to bona fide applicants, visitors are considered to be coming for a lawful purpose if they are coming for such purposes as holidaying, sightseeing, or business consultation (see V3.5).

- In July 2019, you submitted an application for a Visitor Visa under the General category. In this application, you declared the purpose of the visit was for holiday/vacation. In addition to this declaration, you provided a cover letter in which you stated your intention to go skiing, and visit some of [your] suppliers in New Zealand.
- Immigration records show that following the grant of this Visitor Visa General, you travelled to New Zealand on one occasion in 2023.
- In March 2023, you submitted an application for a Visitor Visa under the General category. In this application, you declared the purpose of the visit was for holiday/vacation. In addition to this declaration, you provided a cover letter in which you stated you used to travel to New Zealand for skiing and vacationing, and that you were thinking of visiting some old business partners during your visit.

Immigration New Zealand has received information, submitted with your child's application **VV0177xxxx**, which shows that you have a business in New Zealand – WINTER xxxxxx LTD. Immigration New Zealand has identified that the business, WINTER xxxxxx LTD, lists you as the sole director and was registered as an Incorporation on 23 May 2023.

Immigration records show that you were in New Zealand 10 – 19 May 2023. It therefore appears that during your time in New Zealand on a visitor visa, you have facilitated the starting of a New

Zealand based business. This time spent does not align with previous declared intentions of your travels for which your visitor visa was granted.

### **False and misleading information**

Immigration instruction A5.45.5 states that a person will not be granted a temporary entry class visa if they, in the course of a prior application for a New Zealand visa made any statement or provided any information, evidence or submission, either personally or through an agent, that was false or misleading, or withheld material information which may have affected the decision on the application.

This provision appears to apply to you for the following reasons:

- As outlined in the **purpose of travel** concerns above, you appear to have withheld or provided misleading information about your intentions for your travel to New Zealand.
- Within your visitor visa application **VV0040xxxx** you have declared your relationship status as single. This declaration appears to be false, as Immigration New Zealand has received information, submitted with your child's application **VV0177xxxx**, which shows that you have been married since 2020.

We have not yet made a decision on this matter. You can make comments or provide further information in response to our concerns.

Your visa has not yet been cancelled. You have the opportunity to provide any comments on the concerns outlined in this letter before further action is taken.

If you attempt to travel to New Zealand in the coming days an INZ Border Officer may decide under the Immigration Act 2009 that you should not be allowed to board a flight to New Zealand while these concerns are being addressed.

### **If you do not send additional comments or information**

If you do not send further information by **29 April 2025** we will make a decision on your visa based on the information we have received so far. We are likely to cancel your General Visitor visa based on this information.

### **You may provide further information by 29 April 2025**

If you make further comments or provide more information, it must be sent to this email address [paige.anderson@mbie.govt.nz](mailto:paige.anderson@mbie.govt.nz)

All supporting documents must be original or certified copies of originals and, if not in English, must be translated into English by a reliable, independent translation agency.

### **Cancelling temporary entry class visas**

Section 66 of the Immigration Act 2009 allows a temporary entry class visa to be cancelled in cases where the holder is outside New Zealand and it is determined there is sufficient reason.

### **False or misleading information**

Providing false or misleading information or withholding information may also lead to your visa being cancelled.

### **Contact us**

If you have any questions, you can:

- call our Immigration Contact Centre on 0508 55 88 55 or 09 914 4100

- find answers to frequently asked questions or lodge an email enquiry online at [www.immigration.govt.nz/help](http://www.immigration.govt.nz/help).

You will need to tell us your application and client numbers (see the top of this letter). Please be ready to quote them when you phone.

Yours sincerely

Paige Anderson  
Senior Immigration Officer  
Immigration New Zealand

## Immigration Instructions

### A5.45.5 Ineligibility due to convictions, charges, investigations and false information

- a. A person will not be granted a temporary entry class visa if they have been convicted at any time (which includes up to the date of the final decision of the application) of:
  - i. an offence against the immigration, citizenship or passport laws of any country; or
  - ii. any offence for which they have been imprisoned
  - iii. an offence in New Zealand for which the court has the power to impose imprisonment for a term of three months or more (which includes, but is not limited to, potential sentences "not exceeding three months" or "up to and including three months").
- b. A person will not be granted a temporary entry class visa if, as at the time of making the application or during its processing, they:
  - i. have been charged with an offence, which on conviction, could make section 15 of the Immigration Act 2009 apply to that applicant; or
  - ii. are under investigation for, or wanted for questioning about, an offence described in (b)(i) above.
- c. A person will not be granted a temporary entry class visa if they:
  - i. in the course of a prior application for a New Zealand visa or entry permission (or a permit under the Immigration Act 1987) made any statement or provided any information, evidence or submission, either personally or through an agent, that was false or misleading, or withheld material information which may have affected the decision on the application; or
  - ii. did not take reasonable steps, from the time their application was made until the time the application was decided, to ensure that an immigration officer was made aware of any relevant fact, including any material change in circumstances that occurred after a prior application for a New Zealand visa (or a permit under the Immigration Act 1987) was made, if that fact or change of circumstances may have affected the decision on the application, or may have affected a decision to grant entry permission in reliance on the visa for which the application was made; or
  - iii. in support of any application by another person for a New Zealand visa or entry permission (or a permit under the Immigration Act 1987), made any statement or provided any information, evidence or submission that was false or misleading.
- d. Applicants who will not be granted a temporary entry class visa include any person who, either personally or through an agent, notified an expression of interest (EOI) in applying for a visa, or who was included in the EOI, and:
  - i. the EOI was one in which the applicant was expressing interest in applying for residence, or the current application for a temporary entry class visa is not associated to that EOI; and
  - ii. false or misleading information was provided as part of the EOI, or associated submission; or
  - iii. relevant, potentially prejudicial information was withheld from the EOI or associated submission.
- e. The disqualifying criteria at (c) and (d) above do not apply to an applicant who was less than 18 years old at the time that (as the case may be):

- i. the prior application was made; or
  - ii. the EOI was submitted; or
  - iii. the statement was made; or
  - iv. the information, evidence, or submission was provided
- f. The disqualifying criteria at (c) and (d) above do not apply if an immigration officer recorded a determination that the relevant incident(s) of false, misleading or withheld information was or were not an issue of character that required a character waiver.
- g. The disqualifying criteria at (c) and (d) above do not apply to a person who was a non-principal applicant or submitter included in the prior application or EOI as a dependent child, provided that information (which was false, misleading or withheld) is not regarding that applicant.

## **V2.1 Visitor visa requirements**

To be granted a visitor visa applicants must:

- a. meet the requirements under Generic Temporary Entry instructions for:
  - i. lodging an application for a temporary entry class visa as set out at [E4](#); and
  - ii. bona fide applicants as set out at [E5](#); and
  - iii. health and character as set out at [A4](#) and [A5](#); and
- b. meet the funds or sponsorship requirements (see [V2.20](#)); and
- c. meet the onward travel requirements, if relevant (see [V2.25](#)); and
- d. be coming to New Zealand for a lawful purpose.

### **V2.1.1 Definition of 'lawful purpose' for visitors**

- a. For the purposes of applying the 'lawful purpose' test in the provision relating to bona fide applicants (see [E5.1](#)), visitors are considered to be coming to New Zealand for a lawful purpose if: they are coming for such purposes as:
  - holidaying;
  - sightseeing;
  - family and social visits;
  - amateur sport;
  - business consultation (see [V3.5](#));
  - medical treatment (see [V3.40](#)); or
- b. guest of government visits (guest of government status is granted by the Visits and Ceremonial Office, Department of Internal Affairs); or they are staying in New Zealand for the purpose of arranging travel to depart, where the applicant is unable to leave because of COVID-19 (see [V3.155](#)); and
- c. they are not intending to undertake employment (see [W2.2.1](#)) or a programme of study or training, with the exception of short-term study (see [V2.35](#) and [U2.5\(b\)](#)).

### **E5.1 Definition of 'bona fide applicant'**

A bona fide applicant for temporary entry is a person who:

- a. genuinely intends a temporary stay in New Zealand for a lawful purpose; and
- b. in the opinion of an immigration officer is not likely:
  - i. to remain in New Zealand unlawfully; or
  - ii. to breach the conditions of any visa granted; or
  - iii. to be unable to leave or be deported from New Zealand (see [E5.10](#)).

### **E5.5 Responsibility of applicant to show genuine intent and lawful purpose**

*See also Immigration Act 2009 ss 45, 46*

*See also Immigration (Visa, Entry Permission, and Related Matter) Regulations 2010 reg 10*

- a. The fact that all the mandatory requirements for lodging an application for temporary entry or entry permission are met is not, in itself, a reason for an immigration officer to approve the application. Except as provided in [E2.35](#), granting a temporary entry class visa or entry permission is discretionary (see [E3.1](#)).
- b. Applicants lodging an application for temporary entry and entry permission must show that they genuinely intend a temporary stay in New Zealand for a lawful purpose.

#### **E5.5.1 Evidence of genuine intent and lawful purpose**

Evidence of genuine intent and lawful purpose submitted by the applicant may include but is not limited to the following:

- a. any information or submissions showing that the applicant has a legitimate need to spend time in New Zealand for a specific period; and
- b. any documents or submissions showing that the applicant meets the requirements of the immigration instructions relevant to the type of temporary entry class visa or entry permission applied for.

### **E5.10 Determining whether an applicant is a 'bona fide applicant'**

- a. When determining whether or not an applicant for temporary entry or entry permission is a bona fide applicant (see [E5.1](#)), immigration officers must take into account:
  - i. any evidence of genuine intent and lawful purpose submitted by the applicant (see [E5.5.1](#)); and
  - ii. the ability of the applicant to leave or be deported from New Zealand to their country of citizenship, including but not limited to:
    - any restrictions on the deportation of the applicant to their country of citizenship, including any restrictions the New Zealand Government has self-imposed;
    - the documentation required by the applicant to return to their country of citizenship; and
  - iii. any relevant information held about previous applications, including but not limited to:

- whether the applicant has previously overstayed;
  - whether the applicant has previously breached visa conditions;
  - whether the applicant has dependants who are unlawfully in New Zealand; and
- iv. the personal circumstances of the applicant, including but not limited to:
- the strength of any family ties in the home country and New Zealand;
  - the nature of any personal, financial, employment or other commitments in the home country and New Zealand;
  - any circumstances that may discourage the applicant from returning to their home country when any visa expires.
- b. Having taken into account all matters in paragraph (a) above that are relevant to the particular case, the type of temporary entry class visa applied for, and any other relevant information, immigration officers must then determine whether or not an applicant is a bona fide applicant (see also [E7.10](#)).
- c. Where (a)(ii) applies, immigration officers should consider whether there are compelling personal reasons for the applicant to be granted a visa or entry permission to New Zealand.