

Attn to: Immigration New Zealand, Paige Anderson

27 April 2025

Client: Wei Tan

Client Number: 4388xxxx

Licensed Immigration Adviser: Tatiana Elvery (IAA 202101015)

Subject: Response to Immigration New Zealand PPI Letter Dated 8 April 2025

Dear Paige,

My Licensed Immigration Adviser full licence is 202101015.

I write on behalf of my client, Mr Wei Tan, in response to the Potentially Prejudicial Information (PPI) letter issued on 8 April 2025 regarding concerns about the purpose of his visit to New Zealand in May 2023 and the accuracy of information provided in his visitor visa application.

I respectfully submit the following clarifications and evidence in support of Mr Tan.

1. Purpose of Visit to New Zealand in May 2023

Mr Tan's trip to New Zealand from **10 to 19 May 2023** was undertaken for lawful and genuine visitor purposes, primarily for **holidaying and sightseeing**, as he declared in his visa application, with a secondary intention of visiting some business contacts if the opportunity arose.

During his stay, he also renewed his New Zealand driver's licence — an incidental activity, not a primary reason for his travel.

The following facts demonstrate the bona fide nature of his visit:

- Mr Tan stayed exclusively in Auckland, with a **single day trip to Waiheke Island on 12 May 2023**, for which supporting photographs are provided.
- Numerous receipts confirm Auckland-based hotel stays, shopping, dining, and tourist activities.
- Renewal of his New Zealand driver's licence occurred early in his trip, on **10 May 2023**, and was secondary to his holiday activities.

Importantly, Mr Tan booked his flight ticket to New Zealand on **11 April 2023**, shortly after receiving his visa approval on **5 April 2023** (booking confirmation attached).

He subsequently submitted his company registration application for **Winter xxxxx Ltd** on **20 April 2023** (evidence attached)— **nine days after** booking his travel, and all conducted from offshore. There were **no business-related activities** undertaken between the booking of his travel and the decision to register a company. There is no evidence connecting the two events.

Further supporting this, Mr Tan's first interaction with **Private Box**, his mail-handling service provider, was initiated on **15 April 2023**, with an online appointment booked for **17 April 2023** — both fully conducted from overseas, before his arrival in New Zealand.

Regarding the concern that Mr Tan traveled to New Zealand to establish a business, the following points must be emphasized:

- Mr Tan submitted his **company registration application** on **20 April 2023** while offshore, before traveling to New Zealand.
- **Company registration was finalized on 23 May 2023**, after Mr Tan had already **departed** New Zealand on **19 May 2023**.
- He did not engage with any accountant during his stay. The first engagement with the accounting firm **SBA Auckland** was initiated via email on **23 May 2023 (evidence attached)**, with Mr Tan sending a photo he had taken of their storefront during his earlier trip — demonstrating he consciously waited until he was offshore to make business inquiries.
- The **Private Box** service was contracted entirely online, with a simple signup process (estimated at around 10 minutes) — not requiring any onshore presence. Webpage of the sign up process included)
- Mr Tan did not meet with any business partners while in New Zealand. His known business contacts are based in **Wanaka and Christchurch** (supporting documents attached), whereas he remained exclusively in Auckland throughout his stay.
- No New Zealand based legal representatives were contacted before, during, or after his trip.

Additionally, demonstrating full transparency and willingness to comply with immigration requirements, Mr Tan proactively contacted **Immigration New Zealand on 19 June 2023** to seek advice about his obligations as the director of a New Zealand company while holding a visitor visa. He was advised that working for the company from offshore was permitted without the need for a work visa.

This inquiry evidences Mr Tan's **good faith, respect for the law, and commitment to meeting operational instructions**.

Financial evidence further supports that no active business operations took place during his visit:

- Mr Tan's GST return for the period ending **30 September 2023** shows **only \$1,033.85 (inclusive of GST)** in expenses, consisting mainly of accounting software subscriptions and phone charges.
- No trading income was declared.
- His company's bank statement as at **29 December 2023** shows zero revenue and minimal expenses — consistent with a non-trading, dormant business.

Mr Tan's activities fall squarely within the definition of **lawful visitor purposes** as per **V2.1.1(a)** of the Immigration Instructions.

There is **no evidence** that Mr Tan engaged in employment, business operations, or any activity requiring a work visa while in New Zealand.

Nor is there any evidence that he concealed information or misled Immigration New Zealand regarding the purpose of his visit.

2. Historical Compliance with Immigration Instructions

Mr Tan has traveled to New Zealand numerous times over the past decade and has consistently complied with his visa conditions.

He has never overstayed or breached any conditions. His travel history reflects respect for immigration laws.

Currently, Mr Tan is visiting New Zealand again for the 2025 winter season, holding a valid visitor visa. Evidence of his current activities strongly reinforces his good faith and bona fide visitor status:

- Mr Tan is staying in Wanaka, and we submit his recent bank account statements showing purchases of tourism-related activities such as the Queenstown Skyline Cableway and Wanaka Lavender Farm.
- We attach confirmation of partial payment for his ski pass for the upcoming winter season.
- Mr Tan has entered into a rental agreement for a property at **1158 Aubrey Road, Wanaka**, demonstrating stable accommodation.
- Recent photographs taken around Wanaka are provided to show his genuine tourist activities.
- Additionally, we include photographs from his most recent trip to New Zealand with his daughter, showing tourism activities at Auckland Zoo, MOTAT (Museum of Transport and Technology), Auckland Botanical Gardens, and Mangere Farm.

All submitted evidence consistently points toward Mr Tan being a genuine visitor engaging in lawful tourism-related activities while in New Zealand.

3. Clarification Regarding Marital Status

INZ raised concerns that Mr Tan declared himself "single" while having been married since 28 February 2020.

The following context is crucial:

- Mr Tan married Ms xxxx xxxxx on 28 February 2020 in xxxx.
- Due to the COVID-19 pandemic, he returned to China immediately afterward (6 March 2020). China implemented strict border closures from **January 2020 until December 2022**.
- Ms Leonova could not accompany him to China due to lack of a passport and the pandemic.
- The marriage remained largely administrative. They have spent a total of only two short periods together since 2020, for the purpose of registering the children's births.
- Following the outbreak of the Russia-Ukraine war, Ms Leonova relocated to Germany in October 2022.
- The children born to the family through surrogacy share Mr Tan's DNA but not hers. Ms Leonova has no emotional or practical involvement in their upbringing.
- Mr Tan's passport records and Ms Leonova's passport confirm the lack of cohabitation.

Additionally, it is important to note that at the time of his March 2023 visitor visa application, Mr Tan had two surrogacy pregnancies underway, with his daughter Churan born on **18 June 2023** and his son Haoran born on **26 September 2023**. In the context of managing two upcoming births via surrogacy and under complex personal circumstances, it is understandable how Mr Tan could have easily made a genuine mistake when completing his visa application form.

Importantly, in the subsequent visitor visa applications submitted for his son, Mr Tan **accurately declared his marital status**. Furthermore, in his son's visitor visa application submitted in 2025 (which was eventually declined), Mr Tan voluntarily included a copy of his **marriage certificate**, even though it was **not required** for the purpose of the application. This further demonstrates that Mr Tan had **no intention of hiding his marital status** and that the "single" declaration in his 2023 application was an **unintentional and genuine oversight**.

Given these extraordinary circumstances, the omission of marital status on his 2023 visitor visa application was a **genuine and honest mistake**, not a deliberate attempt to mislead.

In typical cases where applicants deliberately fail to disclose a marriage or partnership, the motivation often relates to obtaining a visa advantage, hiding a problematic relationship, or misrepresenting eligibility criteria. None of these factors apply to Mr Tan. His wife has no known criminal, immigration, or medical issues. There was nothing to hide or conceal; there was no immigration or financial incentive to conceal the marriage; and in subsequent dealings with Immigration New Zealand, Mr Tan has been entirely transparent about his family circumstances.

Declaring single vs married would have potentially made absolutely no difference to his visitor visa eligibility. In fact, disclosing a spouse could have strengthened his ties offshore. Effectively, Mr Tan was applying for a visitor visa — not a category where independence or family status critically changes eligibility. As part of other visa applications, he had already demonstrated strong home ties (business owner). Declaring "married" would not have weakened his case; if anything, it may have added stability.

The omission must therefore be assessed in light of his exceptional personal situation at the time — including separation from his spouse since early 2020, the logistical complexity of managing two pending surrogacy births, and geopolitical disruption due to the Ukraine war. Viewed holistically, the declaration was a genuine oversight made in good faith, not an intentional act of deception.

We respectfully request INZ to assess this situation **holistically**, considering the unprecedented pandemic, wartime disruptions, and the highly unusual family dynamic.

4. Addressing the 2019 Visa Application Reference

INZ's PPI letter mentions a 2019 application; however, no further reference is made to it within the body of the concerns. We respectfully request clarification if INZ intends to rely on any adverse information from that application. Otherwise, we proceed on the basis that no issue arises from the 2019 application.

5. Principles of Fairness and Natural Justice

We respectfully remind INZ of the requirements under **A1.5 Fairness** and **A1.10 Bias** of the Operational Manual:

- All decisions must be based on proper consideration of all relevant facts.
- Harmful information must be properly disclosed, and the applicant must be given a fair opportunity to respond.
- Decisions must be made free from bias, based solely on relevant evidence.

There is **strictly no evidence** that Mr Tan has ever provided false or misleading information in any visa application. On the contrary, the history of his visa dealings with INZ demonstrates a pattern of **full transparency and good faith**.

In light of the evidence presented, it would be disproportionate and unfair to conclude otherwise. We trust that the principles of fairness and natural justice will guide the final assessment of this matter.

6. Conclusion

Based on all the above evidence and explanations, we respectfully submit that:

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- Mr Tan's visit in May 2023 was consistent with a lawful visitor purpose.
- There is no evidence of active business operation or employment while in New Zealand.
- Any discrepancies regarding marital status were genuine errors stemming from exceptional circumstances.
- Mr Tan continues to act bona fide and fully complies with New Zealand immigration laws.

We respectfully request that INZ withdraw its concerns and allow Mr Tan to continue his visit and future visits without adverse immigration consequences.

Should further information be required, we are available to provide any additional documentation.



TATIANA ELVERY

NZ Licensed Immigration Adviser

IAA Licence Number 202101015

DATE OF SIGNATURE: 27/04/2025

Attachments:

- Mr Wei Tan's letter explaining his timeline and personal background
- His submission documents
- This cover Letter
- Additional supporting documents