WORKFORCE (IMMIGRATION NEW ZEALAND)	
INTERNAL ADMINISTRATION CIRCULAR NO: 10/08	

To:	All Workforce (Immigration) Managers	Date: 26 July 2010
	All Workforce (Immigration) Staff	
	MFAT Posts	

Updated Guidelines for Fee Payments and Refunds

Please read this information and ensure all staff members who may be affected are aware of what is required of them.

Purpose

1. The purpose of this Internal Administration Circular (IAC) is to advise all staff and managers that the guidelines and procedures for processing fee payments and refund requests have been updated.

Rationale

2. Branches and corporate finance spend considerable time and effort processing fee refund requests.

3. The number of refunds processed has risen steadily over time.

4. There is inconsistency and a lack of transparency in decision-making on whether or not to issue a refund which leads to inequitable outcomes for customers.

5. The new process will improve customer service by ensuring that refunds are paid into bank accounts nominated by the customer rather than the Department of Labour (DoL) issuing cheques that may be unusable.

Background

6. This IAC responds to the 2009 Office of the Auditor General (OAG) report, 'Inquiry into Immigration Matters (Volume 1): Visa and permit decision making and other issues'.

7. The report recommended that DoL should consider ways to improve sharing of good practice guidance about documentation standards throughout Immigration New Zealand (INZ).

8. This IAC is one of a series of changes being implemented as a result of Phase 2 of the Business Process Diagnostics and Design project in response to this recommendation.

9. Reducing refunds and achieving consistency in the refund process has been identified as an area where improvements can be made.

10. Accordingly, this IAC details those changes and a revision of the Immigration Fee Refund Guidelines.

Key changes

11. The key changes are:

Refunds

- Where an application is Returned Failed Lodgements (RFL), the fee may be retained by INZ to allow the customer the option of resubmitting the application within 14 days (or longer where reasonable). This applies to all forms of fee payment where the fee has been receipted before it has been identified that the application should be RFL.
- Where it is identified that the application should be RFL before the fee is receipted, then, where possible, payments should not be processed (e.g. credit card) or returned with the application (e.g. cheques). Cash must be receipted.
- A new RFL letter has been drafted (Appendix 7) and the Customer Refund Request form should be attached; the customer may complete and return this to the branch if they do not want to resubmit the application.
- Refunds will not be given for withdrawn applications except in special circumstances detailed below
- For clarification, where a visa and permit are lodged at the same time, there will be no refund for the visa application if the permit is declined.
- Customers will be responsible for any bank fees incurred for payment of a refund unless the refund is being made due to a departmental error.
- Requests for Refunds will not be accepted for NZ$30 or less (or local currency equivalent) unless the refund is due to Departmental error.

Onshore:

- Refunds must be paid directly into nominated bank accounts or directly credited to Credit Cards *i.e. refunds will no longer be paid by cheque.* An option to repay by Credit card has been added to AMS.

Offshore:

- Branches and Ministry of Foreign Affairs and Trade (MFAT) posts may continue current practice for the method of paying refunds but follow the new Guidelines in all other respects and use the new forms.

Fee Payments

- Where a customer gives authority for a deduction to be made from their Credit Card account, then an officer may make a **deduction for up to the amount that has been authorised**, but **not** for a greater amount i.e. if the fee is less than the sum specified by the customer, then the correct fee may be charged to the customer.
- Where a customer gives authority for an *insufficient* deduction to be made from their Credit Card account, then an officer *must* contact the customer to obtain permission to deduct the correct sum. The customer contact must be recorded in AMS Notes.

Forms and template Letters

- Application forms will be amended to better manage customer expectations around their entitlement to a refund.

- Template letters will be amended to reflect the changes in this IAC and advise customers.

- The AMS Receipt will be amended to conform to GST requirements. This will have no impact on branches.

AMS Screen Changes

- Some AMS screen titles will be changed to fit in with the changes in this IAC. The changes are detailed in Appendix 5: Procedures for Processing Refunds in AMS.

Refund Forms

12. The manual refund request form and AMS generated refund template have been revised.

13. All branches must delete any refund form templates they are currently using and replace these with the new template refund forms in the appendices of the attached Immigration Fee Refund Guidelines.

Delegations

14. Delegations should be recorded in terms of the 'Instruments of Delegation' set out at chapter A15.4 of the Operational Manual (e.g. 'Schedule 1 Officer').

Further information

15. Refer also to IAC 05/19 - Secure Storage of credit card details

16. The new guidelines should be followed from the date of this circular.

17. If this IAC is inconsistent with any previous IAC, information or instruction, the instructions contained here prevail.

IMMIGRATION FEE REFUND GUIDELINES
July 2010

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Fee Refund Guidelines

Context

Immigration fee refunds involve discretionary decisions by way of special direction to forgo Department operational revenue.

In addition to being a refund of crown funds, each refund costs the Department of Labour approximately NZ$30 (or local currency equivalent) to process. Therefore, decisions to refund application fees should be carefully considered and the reasons for the refund well documented.

These guidelines should be read in conjunction with the Sensitive Expenditure Policy (SEP) and the Code of Conduct. The SEP highlights the need for financial prudence and an awareness that financial expenditure by government departments may be subject to parliamentary and public scrutiny.

This document does not cover refunds of Visitor Bonds or refunds of English for Speakers of Other Languages (ESOL) monies, the conditions for which are both set out in the Immigration Act and the Operations manual.

Principles/ Objectives

- All clients are entitled to be treated equitably, and therefore the issuing of refunds should be consistent across the business.

- Fees generated from the provision of services to customers fund the operations of the Department. They are set at a level to recover Departmental operational costs, and therefore any decision to issue a refund should be carefully considered as it has a direct impact on Departmental revenue.

- Refunds should be closely controlled and consistent across the immigration service. Exercise of the special direction power to refund fees should be infrequent exceptions where particular circumstances warrant. Inappropriate use of the discretion may create undesirable precedents and result in fee increases for all customers.

Powers to Refund Fees

- The power to impose fees and the amounts of such fees are set out in the Immigration Act and the Immigration Regulations.

- The Ministerial special direction power to refund all or part of a fee imposed is also set out in the Immigration Act. That special direction power has been delegated only to those included in Schedule 1 (as set out in A15.4.1 of the Operations Manual).

Situations Where Fee Refunds Apply

Refunds may be initiated by the Department, the client or the Minister – but in each case the refund is by way of special direction and the matter is to be treated accordingly.

The Department may initiate a special direction for a fee refund under the following circumstances only:

- The original fee was paid in error (e.g. fee paid by applicant from a fee waiver country)

- Where an incorrect fee was paid (e.g. Samoan national pays $700 for residence application instead of $610)

- The application did not meet lodgement criteria and fee has been receipted. (Cheques and credit card authorities may be retained for up to 14 days to allow time for the applicant to meet lodgement criteria assuming the permit does not expire before the missing documents are returned..

- A client requests a permit under section 35A and submits a cash fee for the type of permit they hope to receive. The 35A is refused.

- Withdrawn from EOI Pool

- Departmental errors in the delivery of the service have resulted in the client being unfairly disadvantaged and a fee refund is an appropriate way to mitigate that disadvantage.

- When the original payment has not been suspended.

AMS has been amended to reflect these amended criteria

A client may initiate a refund in writing by completing a Customer Refund Request Form (see Appendix 2 (onshore) or Appendix 4 (offshore)).

Immigration Ministers can make a special direction for the refund of fees in any case they consider appropriate.

The forms in the Appendices or the AMS Request for Payment form must be used to support refunds. Finance must be consulted before any customisation of these forms occurs.

Situations Where Fee Refunds Do Not Apply

Refunds must **not** be initiated where:

- The application is declined or the client suffers hardship.

- The applicant withdraws their application after lodgement has been completed.

- The refund is for NZ$30 or less (or local currency equivalent). The exception to this is where the refund is a result of Departmental error, in which case the client is entitled to the refund.

- The application is replaced by a second application which has a lower fee than the first.

- There may be exceptional circumstances where a refund is applicable in one of these situations, however these are to be **infrequent exceptions only**, and the rationale behind the decision must be clearly documented in AMS for audit purposes.

NB

INZ has the right to subtract any postage and courier costs from the refund unless refunding due to fault on our part or in other reasonable circumstances.

Fee Refund Procedures

Payment of Refund

- Best practice is to process refunds in AMS thus ensuring that no more than the amount originally received is refunded, that the fee cannot be refunded more than once and that the core system is updated to reflect the current status with fees paid.

- Manual Refunds may be processed when the application has been finalised and an AMS refund is not possible. Manual refunds may also be used when or where AMS is not available.

Refunds must be made to the payer of the original fee e.g. applicant/agent/friend/school unless the payer nominates a third party in writing; if a third party is nominated then the customer must obtain written permission from the payer to do so and complete the Customer Refund Request Form.

Onshore:

Refunds may be paid by direct credit to a nominated bank account in New Zealand or, where the original payment was by credit card, by crediting the credit card account originally used. Refunds will not be made in cash or by Departmental Cheque.

- For fees received at New Zealand branches these documents must be must be forwarded to Financial Services to process the payment:

    o approved Fees Refund Form (Appendix 1 or 2) and
    o attached copy of original receipt **or**
    o AMS Request for payment form and
    o attached copy of original receipt

- Branches must ensure that the original payment has cleared the banking system prior to requesting any refund.

Offshore:

No change to process for refunds.

- Refunds will be charged back to the same account code to which the original fee was receipted.

- Offshore refunds must be processed by the original receiving office using either the AMS Request for Payment form or the Fees Refund form in Appendix 3.

- Refunds must be processed at the branch within 5 working days of receipt of written request from the client, or if the refund request is declined, a letter must be sent to the client within that timeframe.

Clients moving country

- If the applicant paid the fee in New Zealand and has now returned home, INZ will pay the refund into an offshore bank account but the customer must pay the bank charges.

- If the customer paid the fee offshore and is now in New Zealand, INZ will only pay the refund into a New Zealand bank account.

- Where a client pays a fee offshore and then moves to NZ and requests the refund in NZ$, Finance will assess the value of the refund using the rate that prevailed in the month the fee was paid.

Justification

The Fees Refund Form (Appendix 1 or 2) or AMS Request for Payment form must be completed by the case officer and must include a full justification for the refund including but not limited to:

- Background of events and dates that gave rise to the claim from the customer.

- The amount of fees proposed to be refunded.

- Other actions that were considered to satisfy the claim.

- Reference to any documentary evidence, receipts to support the claim.

Approval

Only the Minister of Immigration (and his Associate) and persons with delegated authority can make a special direction for the refund of fees.

Branch Responsibilities

- Obtain refund request in writing or by email (if applicant initiated the refund).
- Ensure that reason for request is justified i.e. for one of the nominated reasons.
- Complete refund request process in AMS and print the AMS Request for Payment form.
- Complete Fees Refund Form (if refund can not be processed in AMS).
- Attach necessary documentation (eg written request and original receipt).
- Obtain special direction from appropriately delegated person for the refund.
- Advise customer of outcome.
- Provide secure storage for forms containing bank or credit card details.

Authorised Person Responsibilities

- Consider Fees Refund Form or AMS Request for Payment form.
- If the decision is to make a special direction,
  - record that decision in AMS
  - forward approved Fees Refund Form or AMS Request for Payment form with required attachments to Financial Services (or finance officer in offshore branch office) for payment.
- If application for refund is declined, return to case officer to advise client.

Branch Manager Responsibilities

- AMS Refunds:
  - Monitor the level of refunds on at least a monthly basis through the Periodic Refund Report in AMS.
- Non AMS Refunds
  - Branches must keep a record of all non-AMS Refunds which must be reviewed on at least a monthly basis by the Branch Manager.
  - Onshore Branch Managers must request a monthly Fee Refund Report from the Finance Systems Support

Adherence to the Internal Assurance procedures reported through the Workforce Internal Assurance Certification process.

Finance Responsibilities (or Offshore Branch Admin)

- Ensure original applicant's payment has cleared the banking system.
- Arrange payment within 10 working days of receipt of approved Fees Refund Form.
- Report monthly all refunded fees as part of the monthly reporting package.

Contacts

- Service Delivery is responsible for the application of the Fees Refund Guidelines. Please contact Lynne White in Operational Support for further information or assistance.

Appendices

1. Fees Refund Form (onshore)
2. Customer Refund Request Form (onshore)
3. Fees Refund Form (offshore)
4. Customer Refund Request Form (offshore)
5. Procedures for Processing Refunds in AMS
6. Procedure for printing a Detailed Refund Report in AMS
7. New Returned Failed Lodgements letter

Appendix 1: Fees Refund Form (New Zealand)

MANUALLY GENERATED REFUND FORM
• To be completed by staff for justified refunds
• **No requests will be accepted for sums of NZ$30 or less**

Request for Payment

Branch	
Client Number or EOI Number	
Principal Applicant Name	
Name of person who paid fee	
Address of person who paid fee	
Original Receipt No.	
Date fee receipted	
Was original fee receipted in NZ?	Yes/No (delete one)

Written authorisation (letter or email) from the fee payer is required if the refund is to be paid to a different person.

Direct Credit (to bank account)	Credit Card (if originally paid by credit card)
Name of bank account holder	Name of credit card holder
Bank account number _ _/_ _ _ _/_ _ _ _ _ _/_ _ Prefix Branch Acct No Suffix Bank swift Code Bank name	Credit card number: Expiry date:
Application Number	
Refund Amount	
Finance GL Code	___/___/___
Currency	
Case Officer's name	
Approved for Payment by : (Name of approved Schedule 1 Officer)	
Approval Date	
Comments	

Reason for Refund: tick appropriate right hand column

Fee paid in error	
Departmental error	
Application Returned Failed Lodgement	
Refund withdrawn application [exceptional circumstances]	
Refund 35A request	
Withdrawn from EOI Pool	

Appendix 2: Customer Refund Request Form (New Zealand)

MANUALLY GENERATED REFUND FORM
- To be completed by customer for customer initiated refund requests
- **No requests will be accepted for sums of NZ$30 or less**

Request for Payment: to be completed by customer

Branch	
Client Number	
Principal Applicant Name	
Name of person who paid fee	
Address of person who paid fee	
Was original fee receipted in NZ?	Yes/No (delete one)

Written authorisation (letter or email) from the fee payer is required if the refund is to be paid to a different person.

Customer to complete *either* Direct Credit *or* Credit Card details

Direct Credit (to bank account)	Credit Card (if originally paid by credit card)
Name of bank account holder	Name of credit card holder
Bank account number _ _/_ _ _/_ _ _ _ _ _ _/_ _ Prefix Branch Acct No Suffix	Credit card number: Expiry date:
Bank swift Code	
Bank Name	

Office Use Only: To be completed by case officer/administration

Application Number	
Refund Amount	
Finance GL Code	___/___/___
Currency	
Case Officer's name	
Approved for Payment by (Name of Schedule 1 Officer)	
Approval Date	
Comments	
Reason for Refund request	
Customer Signature	

☐ Proof of payment attached	Signature of case officer

Appendix 3: Fees Refund Form (Offshore)

- To be completed by case officer for Delegated Person approval and payment if unable
- to process the refund on AMS. No requests will be accepted for sums of NZ$30 or less (or local currency equivalent)

Name and address of the payee to be refunded: (if different to applicant, a written approval from the applicant on the appropriate form <u>must</u> be attached)	
Name of applicant (if different from payee)**:**	
Receipt number:	
Amount to be refunded: (total in words and numbers)	
Finance GL Code: (to be the same as the code to which original fee received)	
Branch:	
Application number:	
Type of fee:	
Amount and currency of original fee paid:	
Reason for refund:	o The original fee was charged in error o Application failed lodgement o Application withdrawn before any processing completed o Section 35A request – refused to grant or refused to consider situation o Departmental errors in the delivery of the service
Explanation of reason:	
Rationale for amount of proposed refund:	

Checklist of required attachments for approval:
(to be retained by the approving office)
	o AMS refund request not attached, unable to process refund in AMS as:
	  • the application fee was receipted at another branch
	  • the application has been finalised
	o copy of original receipt
	o copy of AMS notes regarding refund copy of written request from customer requisition refund

Bank account details if applicant nominated a bank account (applicable for onshore branches only)	Bank name (eg Westpac) : New Zealand bank account number :
Name and signature of case officer recommending refund:	
Approved for payment by: (officer with Schedule 1 delegation)	
Date:	

Appendix 4   Customer Refund Request Form (Offshore)

- To be completed by customer for customer initiated refund requests
- No requests will be accepted for sums of NZ$30 or less (or local currency equivalent)

Applicant Information	
Name of Applicant	
Date of Birth	
Application Number	
Postal Address of Applicant	
Daytime phone Number	
Detailed information about the Fee paid	
Who paid the fee	
Application type paid for	
Amount paid	
Date paid	
Proof of payment – preferably copy of receipt	
Request for Refund	
Reason for Refund	
Name and address of who is to be refunded if not the applicant	
Payment details	Departmental cheque Direct credit to bank account* --------------------------------------- Refund to credit card if original payment was from credit card* _____/_____/_____/_____ *** The customer is liable for bank fees associated with refunds paid into a bank account or credit card account.**
Signature of customer	

To be completed by case officer/administration

☐ Proof of payment attached **Approved for payment by:** (officer with Schedule 1 delegation)	Signature of case officer

Appendix 5: Procedures for Processing Refunds in AMS

1. Go to the application in AMS, open the Fees tab. Screen below appears.

2. Right Mouse click on the paid fees. **Options** menu appears. Select **refund. Refund this Payment Item** screen below appears

   a. Enter **Refund Amount**
   b. Select **Refund Reason**
   c. Select **Yes** for "Is this the first or only payment item...."
   d. **Note the ticket number**, click OK.

3. **Enter Refund Address** (for cheques offshore) or name of Direct Credit or Credit Card account (e.g. Frank Jones) (for onshore refunds) in the screen below.

   a. Enter **only** the address or name of Direct Credit or Credit Card account. **NOTE: DO NOT PRESS YOUR "ENTER" KEY TO MOVE TO A NEW LINE – USE SHIFT+ENTER.** (If you do accidentally press enter before completing the address or account details continue through the process and update the address or account details in step # 5)

   b. Click OK.
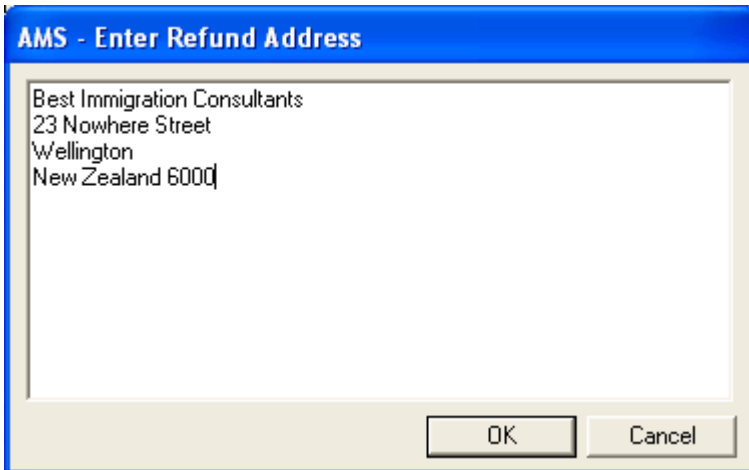
(New screen title at future date: AMS - Enter Refund Address or Account Name)

4. AMS returns you to the fees screen (below), showing an unauthorised fee refund.

5. Go to **Finance** menu, select **Options/Payments.**

   a. Choose **Add a Payment**, and enter the ticket number obtained in step 2. Click OK.

   b. The **Refund** Details screen (below) appears.

   c. Check the information in the fields provided. Make sure that the name appearing in the **Paid in by** field is the name of the person or business the refund is to be paid to i.e. the principal applicant **or** to the person who has been nominated in writing.

Cheque refunds (offshore only)
Make sure that the *address* of the person or business the refund is to be paid to in the **Address** field is correct. Change the name or address shown in the fields if necessary.

Onshore Refunds
Make sure that the *name* of the person or business the refund is to be paid to in the **Address** field is correct. Change the name shown if necessary.

Cheque Refund as Departmental Cheque

Paid in by:	Test, Buddy

Address:	Best Immigration Consultants
	23 Nowhere Street
	Wellington
	New Zealand 6000

Item Description	Amount	Currency		Date Received
Application fee >> Test, Buddy	160.00	NZD		06/Oct/2006

Total Amount Due: 160.00 NZD(s)

OK	Cancel

(New screen title at future date: Refund Details)

6.   Click OK. Transaction is executed and refund authorised. Close **Finance** Payments Screen.

7.   Go back to AMS Application Details (Fees Tab) Screen. Refresh the Screen. The Refund now shows as "processed" with method XX and Type REF). AMS automatically returns you to the Application Details (Summary Tab) screen below.

Note: A refund processed in AMS cannot be cancelled. In the event the refund request (or amount) is not approved by the manager, the application (if not yet finalised) must be cancelled and replaced by a new application.   Detailed notes should be placed on the application regarding the reason for cancelling the application.

AMS - [Application Details]

File   Edit   Special   Window   Help

Application Number : 5823320   Visa, Work, General   00.00

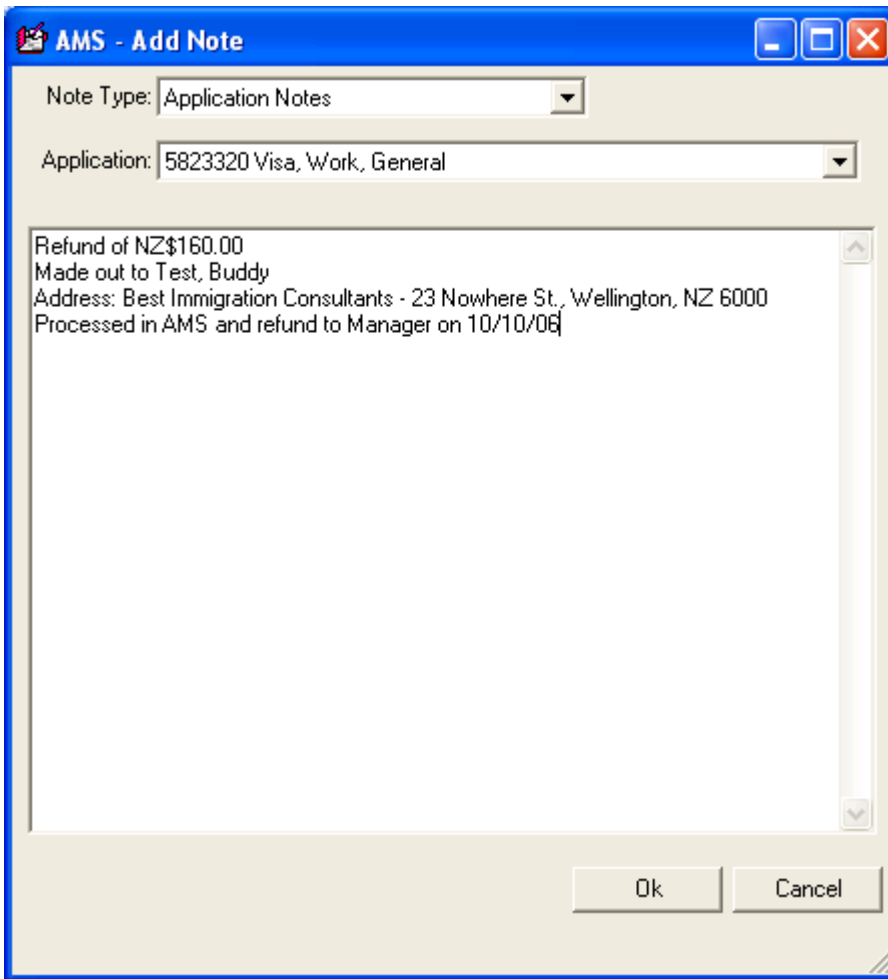| Fee Type	Amt Due	Payment Date	Method	Type	Status	Amt Paid	Balance
Application fee for Test, Buddy					Not Paid		
		06/Oct/2006	CA	REC	Processed	160.00	
		06/Oct/2006	XX	REF	Processed	160.00	
SUB - TOTAL	160.00					0.00	160.00

Total Outstanding : 160.00

Summary   Applicant(s)   Fees   Contacts   Templates

Ready   Audit Trail is OFF   DB = amsbranch

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8. Enter an application note and click "OK".

(New screen text at future date: Insert "or name of Bank or name of CC account" after Address line)

9. Print a **Request for Payment** form.   To print the **Request for Payment** first ensure that the printer has a full supply of paper. Then, go to the AMS **Finance** menu/**Options/Reports** and select **Refund Request**. As soon as the printer has completed printing the reports, click "Yes" to the question "Has the report successfully printed?"

    Note: Unprinted **Request for Payment** forms will also be printed automatically if this step is performed.

Request for Payment   **Office : Wellington**

Authorisation Date	:	01/Aug/2003 11:31
Cheque recipient (name)	:	J Bloggs
Refund Address	:	Best Immigration Consultants
		23 Nowhere Street
		Wellington
		New Zealand 6000
Principal Applicant Name	:	Shoz, Antony
AMS Application Number	:	3506634
AMS Refund Payment Number	:	2562
Currency	:	NZD
Gross Refund Amount	:	500.00
Finance Office Code	:	2225
GL Code	:	2110205
Tax Amount	:	55.55
Nett Refund Amount	:	444.45
Approved for Payment By	:	
Approval Date	:	
Comments	:	

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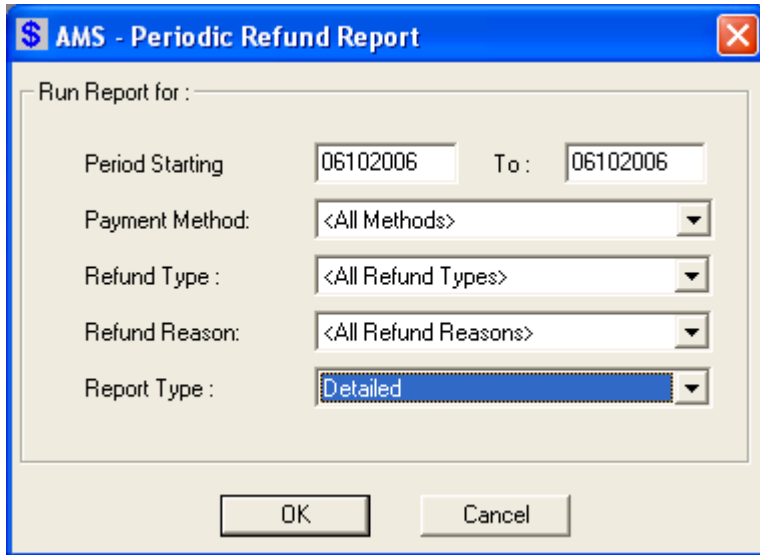
Changes:
1) Replace Cheque recipient (name) with Refund Recipient (name)
2) Principal Applicant Name **OR** Nominated payee's name
3) Change 'Refund Address' to 'Refund Address **OR** Direct Credit or Credit Card Name

Appendix 6: Procedure for Printing a Detailed Refund Report in AMS

1. Open **Finance** Menu. Choose Options/Reports/**Periodic Refund**. The AMS – Periodic Refund Report will appear

2. Enter start and end date. Format other fields as shown.

3. Click OK. **Detailed Refund Report for: (Branch)** is generated.

Detailed Refund Report for: Wellington

For Period   : 01/Aug/2003   to   01/Aug/2003

For Payment Method   : ALL

For Refund Type   : Refund Gen Skills Lapsed 2003

For Refund Reason   : Refund GSC Lapsed Amdmt Act 2003

Auth Officer	Auth Date	Payment Nbr	Currency	Gross Amt	Tax Amt	ApplNbr	Payee Name	Orig Receipt Nbr
Slagter, Bernardine	01/Aug/2003	2562	NZD	500.00	55.55	3506634	J Bloggs	2984

Officer sub-total   : 500.00

Refund Reason sub-total for   : 500.00

Refund GSC Lapsed Amdmt Act 2003

Refund Type sub-total for Refund Gen Skills Lapsed 2003   : 500.00

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Grand totals

: 500.00

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Appendix 7 New V78a RFL template Letter

V78a RFL

Application number:
Client number:

Dear

Application for :

Applicant: Date of birth:

Thank you for your application for a. We received your application on.

Your application is incomplete

We have not accepted your application for processing because it is incomplete. We enclose a checklist that shows the documents and information we need so that we can process your application.

Please see your application form and its related guide for information on what you need to send when applying for a.

Send the required information by [date]
Please send your application again with the required information by this date.

Note that if you are already in New Zealand, you must apply before your temporary permit expires.

Your application and documents
We are returning your application and documents with this letter. The documents are:
■   [List documents/information enclosed.]

Your fee
Please note that we receipt fees received in cash as we do not return cash payments through the mail.
• If you intend to resubmit your application within 10 working days then we will keep the fee and use it when we receive your new application.

- If you do not intend to resubmit your application within 10 working days and would like a fee refund, then please follow the instructions below:
- Complete the form attached to this letter and return to (Branch Address).

Instruction to staff:
Attach onshore or offshore Customer Refund Request Form

Delete this instruction
- If you are in New Zealand the National Office will credit the refund of your fees to your account within the next 20 days.
- If you are not in New Zealand, the branch receiving your application will arrange a refund.

For enquiries **only** on the form of payment, please contact:

Processing Team
Department of Labour
Corporate Office - Financial Services
PO Box 3705
Wellington

PH: 64 (4) 915 4470
Fax: 64 (4) 915 4569

Please note that the Finance Processing Team cannot assist you with any immigration related enquires. These queries should be directed to the Immigration Contact Centre on 0508 55 88 55.

Contact us

If you have any questions, you can:
- call me on ,
- or email me at
- 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

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

Immigration New Zealand