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Intelligence Service

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22 June 2023

s 9(2)(a)

Tēnā koe s 9(2)(a)

Official information request

Thank you for your Official Information Act 1982 (OIA) request of 9 May 2023 to the New Zealand Security Intelligence Service (NZSIS) for information about national security checks. I have answered each of your questions below. The timeframe for responding to your request was extended to 27 June as the consultations necessary to make a decision were such that a proper response could not be made within the original time limit.

The NZSIS's role in border screening

The NZSIS supports border security agencies to maintain the integrity of New Zealand's border, and each year we conduct a significant number of National Security Checks (NSC). Immigration New Zealand (INZ) administers the visa application system, including the legislative framework under which NSCs are required. The NZSIS does not approve or decline visa applications, rather we provide assessments, on request, to help INZ make decisions. INZ makes the final decision on all visa applications.

The processing time for individual NSCs varies across the year, for a number of reasons. The NZSIS conducts NSCs in response to INZ's priorities, which are dynamic and change according to circumstances.

Response to your request

Question 1: The average time taken to respond to national security check requests in the last six months. (I have attached the response from my last request for convenience, I would in this question like updated information in a similar format).

Question 2: The average time taken to respond to national security check requests in the last six months which came from INZ.

I must refuse your request under section 6(a) of the OIA, as making the information available would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand.

The NZSIS makes decisions about OIA requests on a case-by-case basis and considers the security implications of releasing information for each request. As you have noted, we have previously released average processing times. When making decisions on several recent requests for processing times, we assessed that there would be a likely harm to New Zealand's national security if we continue to release processing times. This is because providing a snapshot of processing times is not a concern; building a dynamic picture of the

NSC system by releasing this information over a time is of security concern as it could allow our adversaries to exploit the border screening system.

While I cannot advise on actual processing times, I can tell you that the NZSIS works to the following timeframes for responding to NSCs, with the time being calculated from the date NZSIS receives the application from INZ.

- An NSC response is provided for 90% of temporary visas within two weeks (for routine responses).
- An NSC response is provided for 90% of residence applications within six months (for routine responses).

These timeframes are currently being formalised in a Service Level Agreement with INZ.

Question 3: The number of visa applications referred to NZSIS by INZ for the purposes of running a National Security Check in the last year and in 2018. If this request is refused, please provide the percentage increase or decrease in referrals since 2018.

I am refusing your request for the number of visa applications referred to NZSIS by INZ for a NSC under section 6(a) of the OIA, as making the information available would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand.

I can advise there has been a 192.6% increase in the number of resident category visa applications referred to NZSIS by INZ for the purpose of conducting a NSC. This compares NSC referrals between 2018 (10 May 2017 – 9 May 2018) and 2023 (10 May 2022 – 9 May 2023).

Question 4: The number of national security risk assessments sent to INZ from the NZSIS in the last year and in 2018. If this request is refused, please provide the percentage increase or decrease in assessments since 2018.

I am refusing your request for the number (or percentage change) of visa applications referred to NZSIS by INZ for a NSC under section 6(a) of the OIA, as making the information available would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand.

Question 5: Was NZSIS consulted over its ability to provide NSC assessments before the introduction of the RV2021 visa? And before the introduction of the Immigration Green List? What advice did it give?

The NZSIS was consulted about its ability to provide NSC assessments before the introduction of the 2021 Resident Visa. Discussions included an agreement that the NZSIS would have a 12 month timeframe to complete all NSCs, with the expectation each NSC would be completed within six months of receipt. We advised INZ:

- Estimating the time taken for processing NSCs is not straight forward – the time to conduct checks is highly variable depending on a number of factors, including whether we already have holdings relevant to the applicant, the number of holdings we have and the types of these holdings.
- A significant factor in slowing the processing time is whether the application is complete when we receive it from INZ, or whether it has to be returned for further information. Limiting the number of incomplete applications received would improve efficiency of checks.

- We advised a bespoke category of visas would be useful in enabling the NZSIS to identify and prioritise these checks.
- Based on pre-COVID processing times we advised we would be able to process the expected number of Resi21 NSCs in the agreed timeframe. This was dependent on a number of factors, including:
 - successful recruitment within the NZSIS Border Screening function in order to replace staff who had left the organisation
 - the priority and volume of other INZ NSCs, should the border re-open
 - full integration of the INZ/NZSIS systems to ensure applications are sent correctly and in a timely manner
 - minimising the number of incomplete applications that need to be returned for further information
 - creating a bespoke visa category to enable the NZSIS to prioritise this visa type.

The NZSIS was not consulted about its ability to conduct NSCs before the introduction of the Green List Straight to Residence pathway.

Review

If you wish to discuss this decision with us, please feel free to contact oiia.privacy@nzsis.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Ngā mihi



Andrew Hampton

Te Tumu Whakarae mō Te Pā Whakamarumarū
Director-General of Security