IMMIGRATION AND PROTECTION TRIBUNAL NEW ZEALAND **[2017] NZIPT 203721**

AT AUCKLAND

Appellant:	**BN (Skilled Migrant)**
Before:	L Moor (Member)
Counsel for the Appellant:	A McClymont
Date of Decision:	7 July 2017

RESIDENCE DECISION

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[1] The appellant is a 34-year-old citizen of China whose application for residence under the Skilled Migrant category of instructions was declined by Immigration New Zealand. The application includes his wife, aged 32 years, and their son, aged four years.

THE ISSUE

[2] Immigration New Zealand declined the appellant's residence application because it was not satisfied that his role as cafe manager at a Columbus coffee store substantially matched the *Australian and New Zealand Standard Classification of Occupations* (ANZSCO) description, including core tasks, of a Cafe or Restaurant Manager. Without points for skilled employment, the appellant did not have sufficient points to meet the lowest selection criteria valid during the currency of his Expression of Interest (EOI).

[3] The principal issue for the Tribunal is whether the appellant organised and controlled the operations of this franchise store. For the reasons that follow, the Tribunal finds that Immigration New Zealand was correct to decline the appellant's application, but that he has special circumstances, arising from his lengthy settlement in and contribution to New Zealand and the best interests of the son.

BACKGROUND

First Residence Application

[4] In December 2008, the appellant made his first application for residence under the Skilled Migrant category. He claimed points for a Bachelors degree in Business Studies from a New Zealand university, as well as points for study in New Zealand and a basic trade qualification. He did not claim points for skilled employment. Immigration New Zealand determined that the appellant was eligible for a total of 110 points. As he did not meet the selection criteria for the Skilled Migrant category, a face-to-face interview was conducted to assess his potential to settle in and contribute to New Zealand.

[5] On 9 July 2009, the appellant was invited to apply for a Work to Residence permit. He was provided nine months in which to find skilled employment in New Zealand. On 24 July 2009, his Work to Residence permit was approved.

[6] On 22 January 2010, the appellant's former representative advised Immigration New Zealand that the appellant was employed as an investment adviser and enclosed relevant employment documentation.

[7] By letter dated 25 March 2010, Immigration New Zealand advised that the appellant's employment as an investment adviser did not substantially match an ANZSCO occupation and could not be considered to be genuine employment. It further advised that, if the appellant could not satisfy Immigration New Zealand that he had become established in ongoing skilled employment by the end of 23 April 2010, he would be assessed as not having the potential to successfully settle in and contribute to New Zealand, and his application would be declined. No further information was provided by the appellant. In April 2010, his application was declined.

Second Residence Application

[8] On 22 December 2015, the appellant lodged his application for residence under the Skilled Migrant category. That application is the subject of this appeal The appellant claimed a total of 155 points, including points for his position as a cafe manager at a Columbus Coffee store. He claimed that this was a substantial match to the ANZSCO description, including core tasks, of a Cafe or Restaurant manager (ANZSCO code 141111). He produced a certified copy of his employment contract, offer of employment letter and job description. According to

his employment contract he was paid wages of $21 per hour “for all hours worked”. His job description stated that his tasks and duties included, but were not limited to, the following:

> 1. Design, plan and price menus.
> 2. Periodically evaluate popularity of menus to ensure profitability.
> 3. Organise, plan and execute product promotions and other events.
> 4. Order and purchase food supplies and cooking equipment.
> 5. Facilitate the payment to suppliers for stock and when appropriate, negotiate for better terms.
> 6. Ensure that ordered products are conforming and accurately invoiced when it arrives.
> 7. Ensure proper record keeping of supplies in stock.
> 8. Maintain proper stock levels.
> 9. Manage the day to day banking and accounts of the premises.
> 10. Train, supervise and if necessary, discipline staff.
> 11. Maintain and update staff time rosters.
> 12. Report staff behaviour.
> 13. Ensure compliance with health and safety regulations.
> 14. Ensure that excellent standards of customer service are upheld and address all customer complaints.
>
> **Additional Tasks**
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> Any other related tasks may be assigned from time to time as assigned by the employer.

[9] By email dated 10 March 2016, Immigration New Zealand requested further information regarding the appellant’s wife’s English language standard, the appellant’s IRD summary of earnings, and evidence of the husband’s and wife’s relationship. By letter dated 22 March 2016, counsel responded, providing evidence of the partnership, the appellant’s IRD summary of earnings and his wife’s New Zealand qualification certificate.

[10] On 6 May 2016, Immigration New Zealand undertook a telephone interview with the general manager of operations at Columbus Coffee head office (the franchisor). The general manager of operations provided information as to the franchise arrangements with its franchisees, one of whom was the appellant’s employer.

[11] On 10 May 2016, Immigration New Zealand conducted a telephone interview with the appellant.

[12] On a date unclear from the file, the appellant’s employer responded to questions from Immigration New Zealand. It appears that the employer’s response was provided by email in March or April 2016.

Concerns regarding employment

[13] By letter dated 16 June 2016, Immigration New Zealand wrote to the appellant, stating that his position did not appear to substantially match the ANZSCO description of a Cafe or Restaurant Manager. It referred to information obtained from verification checks with the Columbus Coffee head office, the appellant and his employer, and an assessment of his job description. It identified its concerns as to the credibility of information provided, the tasks undertaken by the appellant, and the fact that the franchise arrangement meant that the appellant did not have the authority and control of the cafe as required for an ANZSCO Cafe or Restaurant Manager.

[14] In relation to ANZSCO tasks, Immigration New Zealand held concerns regarding the appellant's responsibility for planning menus in consultation with chefs, planning and organising special functions, arranging purchasing and pricing of goods according to budget, maintaining records of stock levels and financial transactions, health and safety, cleaning requirements and staff recruitment. It identified that information provided by the appellant and his employer contradicted the information provided by the Columbus Coffee head office. While the franchise agreement was not provided to Immigration New Zealand, as per a cited confidentiality obligation, head office had stated that, under the franchise agreement, it had 100 per cent control over the beverage menu and 80 per cent control over the food menu. The remaining 20 per cent of the food menu still required head office approval to ensure that the franchise met the Columbus Coffee brand image. However, the appellant had stated that he had 100 per cent control of the menu without needing head office approval.

[15] In relation to the task of purchasing and pricing goods, the appellant and his employer stated that they had authority to decide the suppliers for purchasing and make pricing decisions without approval from head office. Further, the employer stated that the head office did not provide any purchasing and marketing policies; these were developed by the appellant. However, again, this contradicted information from the head office, which said that franchisees had to purchase products from authorised suppliers provided by head office only. Further, head office had full control over national advertising and franchisees paid head office fees for the advertising other than any local advertising.

[16] In addition, the appellant and his employer stated that there were no occupational health and safety regulations provided by head office and the appellant set the service standards himself. This was inconsistent with the

information provided by head office that the franchise agreement contained a health regulation grading system that oversaw health and services standards. Monitoring of this was done every six to eight weeks by head office.

Counsel's response

[17] By letter dated 15 July 2016, counsel responded. He submitted that there was often a considerable gap between the official level of control the franchisor has over the franchises, as set out in the franchise agreement, and the actual level of control the franchisor exercised in respect of each store. He submitted that the appellant was in fact planning menus and advising his employer/the franchisee of what he had done, rather than seeking approval from either the employer or the head office. The appellant was also planning and organising special functions, and ensuring health and safety standards were met, as well as being responsible for the purchasing and pricing of goods.

[18] Counsel provided email correspondence between the appellant and suppliers, including emails that, counsel submitted, identified that the appellant had specifically decided to abandon the head office-recommended supplier in favour of the supplier of his choice. He also produced emails, he submitted, were "advising" head office of menu changes, "for printing, rather than seek[ing] authorisation for the costs he decides to place on each item". Counsel also submitted that Immigration New Zealand had incorrectly interpreted the ANZSCO requirement regarding establishment cleanliness and compliance with health regulations. The appellant was required, not to set standards, but to ensure they complied with such standards.

Immigration New Zealand Decision

[19] By letter dated 25 August 2016, Immigration New Zealand declined the appellant's application on the basis that his position did not meet the ANZSCO description, including core tasks, of a Cafe or Restaurant Manager. Further, Immigration New Zealand was satisfied that the appellant and his partner were in a genuine and stable relationship, but were not satisfied that they had lived together for more than 12 months, at that point. Therefore points for her qualification were not awarded. The appellant was entitled to a total of 85 points, thus falling below the minimum selection criteria of the Skilled Migrant category.

STATUTORY GROUNDS

[20] The appellant's right of appeal arises from section 187(1) of the Immigration Act 2009 (the Act). Section 187(4) of the Act provides:

> (4) The grounds for an appeal under this section are that—
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> (a) the relevant decision was not correct in terms of the residence instructions applicable at the time the relevant application for the visa was made; or
>
> (b) the special circumstances of the appellant are such that consideration of an exception to those residence instructions should be recommended.

[21] The residence instructions referred to in section 187(4) are the Government residence instructions contained in Immigration New Zealand's Operational Manual (see www.immigration.govt.nz).

THE APPELLANT'S CASE

[22] On 3 October 2016, the appellant lodged this appeal on both grounds in section 187(4) of the Act.

[23] Counsel makes submissions dated 8 December 2016. On 5 July 2017, counsel provided further evidence and information regarding the appellant's special circumstances. This is addressed below.

ASSESSMENT

[24] The Tribunal has considered the submissions and documents provided on appeal and the files in relation to the appellant's residence applications which have been provided by Immigration New Zealand.

[25] An assessment as to whether the Immigration New Zealand decision to decline the appellant's application was correct in terms of the applicable residence instructions is set out below. This is followed by an assessment of whether the appellant has special circumstances which warrant consideration of an exception by the Minister of Immigration.

Whether the Decision is Correct

[26] The application was made on 22 December 2015 and the relevant criteria are those in residence instructions as at that time. Immigration New Zealand declined the application because it was not satisfied that the appellant's role as the cafe manager of a Columbus Coffee store substantially matched the ANZSCO description, including core tasks, of a Cafe or Restaurant Manager.

[27] Paragraph SM7.10 of instructions states that skilled employment requires specialist, technical or management expertise, and the assessment of whether an occupation is skilled is primarily based on the ANZSCO:

> **SM7.10 Skilled Employment**
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> a. Skilled employment is employment that requires specialist, technical or management expertise obtained through:
>
> i. the completion of recognised relevant qualifications; or
>
> ii. recognised relevant work experience (see SM7.10.15 below); or
>
> iii. the completion of recognised relevant qualifications and work experience.
>
> b. Assessment of whether an occupation is skilled for the purposes of the Skilled Migrant Category (SMC) is primarily based on the Australian and New Zealand Standard Classification of Occupations (ANZSCO) which associates skill levels with each occupation.
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> **Note:** The ANZSCO is available at www.immigration.govt.nz/ANZSCO
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> *Effective 14/05/2013*

[28] For an applicant to be awarded points for his or her skilled employment, SM7.10.1.a requires that the employment substantially match the ANZSCO description, including core tasks, of an occupation on the List of Skilled Occupations at Appendix 6 of the instructions:

> **SM7.10.1 Assessment of whether employment is skilled**
>
> An offer of employment or current employment in New Zealand will be assessed as skilled if it meets the requirements of (a), (b) or (c) below.
>
> a. The occupation is included in part A of the List of Skilled Occupations held at Appendix 6 and the principal applicant can demonstrate that their offer of employment or current employment substantially matches the description for that occupation (including core tasks) as set out in the ANZSCO and:
>
> …
>
> *Effective 14/05/2013*

Cafe or Restaurant Manager

[29] The appellant claimed in his application that his employment substantially matched ANZSCO 141111 (Cafe or Restaurant Manager), and accordingly Immigration New Zealand assessed his employment against that occupation.

[30] The occupation of Cafe or Restaurant Manager is included in Part A of the List of Skilled Occupations at Appendix 6 of Government residence instructions. The ANZSCO describes a Cafe or Restaurant Manager as someone who:

> Organises and controls the operations of a cafe, restaurant or related establishment to provide dining and catering services.

[31] The Unit Group 1411, Cafe and Restaurant Managers, under which the occupation of Cafe or Restaurant Manager is included, comprises eight core tasks as set out below:

- planning menus in consultation with Chefs
- planning and organising special functions
- arranging the purchasing and pricing of goods according to budget
- maintaining records of stock levels and financial transactions
- ensuring dining facilities comply with health regulations and are clean, functional and of suitable appearance
- conferring with customers to assess their satisfaction with meals and service
- selecting, training and supervising waiting and kitchen staff
- may take reservations, greet guests and assist in taking orders.

[32] The appellant worked for a franchise branch of Columbus Coffee. He was employed by the franchisee, who had a franchise agreement with head office. Due to confidentiality requirements, the franchise agreement was not made available to Immigration New Zealand. Similarly, the Tribunal has not been provided with a copy of the agreement. However, Immigration New Zealand obtained information about the appellant's employment through telephone interviews with Columbus Coffee head office and the appellant, as well as information provided by the franchisee/employer, the appellant's job description and other documentation provided by counsel in response to its concerns.

[33] The Tribunal finds that Immigration New Zealand was entitled to find that the contradictions in the information provided by the head office, and that provided by the employer and appellant, meant the information provided by the latter could not be relied upon as to the actual tasks performed. When this concern was put to the appellant for comment, counsel produced an email which, it was submitted,

confirmed that the appellant had 100 per cent control of menus and simply advised head office of new menu items. However, Immigration New Zealand correctly identified that the emails in question between the employer and head office referred to suggestions made by head office about additions to the menu. This can be seen by the head office statement to the employer "once you have talked to your chef and decided, we can format the board for printing". Suggestions were made by head office as to what menu items should be used in the branch. Further, the head office email refers to healthy food guide items that needed to be included in the cabinet, and to a follow-up visit which would take place to confirm that changes had been made. The head office email states that head office would talk further once the employer had sent through a confirmed board menu.

[34] Similarly, the response to the head office email, which does not include the name of the responder, makes specific reference to the Columbus-branded food lists, namely, the healthy food guide and the "Columbus Coffee core food range recipe manual".

[35] Contrary to counsel's submissions, the emails do not establish that the appellant was operating independently from the franchise head office instructions in relation to menu planning, selecting suppliers and decision-making relating to the control and organisation of the cafe. The appellant was required to follow the Columbus brand directions, which came from head office, the franchise agreement and various manuals and guides. Compliance with these standards was monitored by head office, through meetings, correspondence and site visits.

[36] The Tribunal acknowledges counsel's submissions that, while a franchisor may officially impose strict conditions on a store through its franchise agreement, it may actually rarely exercise such control or authority over franchise operations, deliberately giving a franchisee owner and his or her staff a certain degree of autonomy to make decisions regarding the running of the business. Counsel refers to the decision of the Tribunal (differently constituted) of *ZA (Skilled Migrant)* [2015] NZIPT 202682, in which the Tribunal observed that franchise agreements provide a starting point for Immigration New Zealand to determine the scope of the appellant's employment and whether there is a substantial match with an ANZSCO occupation. However, Immigration New Zealand must still assess each case individually, including how the agreements are practically implemented. In the above-mentioned decision, the Tribunal cancelled Immigration New Zealand's decision and referred it back for a reassessment due to the scope the "stand-alone

businesses" had, outside the franchise agreement, for certain functions, in that case, in relation to special menus and some flexibility with suppliers of ingredients.

[37] In this case, while the actual franchise agreement was not able to be produced to Immigration New Zealand, information about its contents was provided by the head office/franchisor. The information about its contents, which could be relied upon by Immigration New Zealand, was insufficient to satisfy it that the franchise was operating as a stand-alone business, outside the franchise agreement. Contrary to the employer and appellant's assertions, it was clear from the head office's statements and correspondence that it retained control of the brand, products and delivery of services, such that, in this particular arrangement, the appellant did not have the level of managerial control required of an ANZSCO Cafe or Restaurant Manager, namely, that he "organises and controls the operations" of the cafe.

Conclusion on correctness

[38] In summary, weighing all the information and noting the particular context of the appellant's employment, the Tribunal is satisfied that Immigration New Zealand's decision was correct. Immigration New Zealand was entitled to find that it could not rely on the information from the appellant and employer, due to the fact that it contradicted information from the franchisor.

[39] While the appellant performed a number of the core tasks included within the ANZSCO description of a Cafe or Restaurant Manager, there was (due to the franchise nature of the employment) minimal scope for performing others such as planning menus and arranging the purchasing and pricing of goods. Moreover, the involvement of the head office and franchisee, within the franchise structure, meant that the appellant was not the person who held responsibility for the organisation and control of the cafe's operations.

[40] For these reasons, the decision to decline the application was correct in terms of Government residence instructions. The appellant's employment was not a substantial match to the ANZSCO description, including core tasks, of a Cafe or Restaurant Manager. Accordingly, he was not entitled to points for skilled employment, without which his points total fell below the minimum selection criteria for the Skilled Migrant category. Without points for skilled employment, the application was unable to succeed. Therefore, the Tribunal has not assessed whether Immigration New Zealand was correct to determine that the appellant was not eligible for points for the partner's qualification.

Whether there are Special Circumstances

[41] The Tribunal has power pursuant to section 188(1)(f) of the Act to find, where it agrees with the decision of Immigration New Zealand, that there are special circumstances of an appellant that warrant consideration by the Minister of Immigration of an exception to the residence instructions.

[42] Whether an appellant has special circumstances will depend on the particular facts of each case. The Tribunal balances all relevant factors in each case to determine whether the appellant's circumstances, when considered cumulatively, are special.

[43] Special circumstances are "circumstances that are uncommon, not commonplace, out of the ordinary, abnormal"; *Rajan v Minister of Immigration* [2004] NZAR 615 (CA) at [24] per Glazebrook J.

Personal and family circumstances

[44] The appellant is a 34-year-old citizen of China. His wife is a 32-year-old Chinese citizen and they have a four-year-old Chinese citizen son.

[45] The appellant arrived in New Zealand in July 2003, as the holder of a student visa. He remained living here on a series of student visas, until August 2010. He then returned to live in China, where he married his wife. He then returned to New Zealand in June 2013, and has remained living here since this time.

[46] Throughout his time in New Zealand, the appellant has been the holder of a series of lawful visas: student, visitor, interim and work. He is currently the holder of a work visa, valid until March 2018.

[47] The appellant's wife first arrived in New Zealand in January 2004, as the holder of a student visa. She lived here until August 2010. She then returned to China and lived there until 2015. While she lived in China, the wife made frequent return trips to New Zealand between June 2013 and October 2015. In October 2015, she returned to live in New Zealand with the couple's son. In total, the wife has lived in New Zealand for approximately seven years and the son for one-and-a-half years. The wife and son are currently the holders of visas as dependents of a worker, valid until March 2018.

[48] The appellant, wife and their son have been living together in New Zealand for 20 months.

[49] Both the appellant's and wife's parents remain living in China. The appellant and his wife have no siblings.

Health, character and English language requirements

[50] Immigration New Zealand was satisfied that the appellant and his wife met the health, character and English language requirements of the instructions.

[51] On 27 June 2017, the Tribunal received updated clear police certificates for the appellant and his wife (both dated 26 June 2017).

Qualifications and employment

[52] The appellant holds a Bachelor of Business Studies from a New Zealand university (2008). He also holds a Postgraduate Diploma in Business Administration from a New Zealand institute (2015).

[53] The appellant's wife holds a Level 6 Diploma in Business from a New Zealand institute (2008).

[54] In 2010, the appellant worked briefly as an investment adviser. This employment was not accepted as skilled employment and he returned to live in China for a period.

[55] From September 2014 until April 2015, the appellant worked part-time as a staff member at Columbus Coffee. In April 2015, he was promoted to the position of cafe manager, at the same branch. The appellant is paid $21 per hour and is on a permanent contract. His employer describes him as a stable employee, who works hard. Further, his education in management has equipped him to perform well in the managerial position. The employer/franchisee essentially leaves the appellant in sole charge of the cafe, visiting only once per week.

[56] On appeal, the appellant's employer writes in support, describing the appellant as a "conscientious and reliable employee" who is highly valued (letter dated 3 July 2017).

[57] The wife is currently a full-time mother to their four-year-old son. From 2008-2010, she worked as a customer services representative for a New Zealand

educational services company. She then returned to China, where she worked from 2010-2015, as an accountant.

Settlement in New Zealand

[58] The appellant first came to New Zealand as a young man in 2003. He has lived in New Zealand for most of his adult years, over the subsequent 11 years (first over seven years as a student and then four years since 2013). He has studied for and obtained New Zealand graduate and postgraduate qualifications and pursued employment in the same field: management. The couple are financially secure, with savings of NZ$30,000.

[59] During the appellant's time in New Zealand, he has formed friends and social connections in this country. He has lived with a New Zealand family as a home-stay student during his studies. Friends write in support of the appeal, including one friend of the appellant's who was initially a regular customer to the cafe he manages. She is a director for a local economic development company and often conducted meetings in the cafe. She praises the management of the cafe. They have since formed a strong friendship and share social occasions with the appellant's family (undated letter). Another friend describes witnessing the growth of the couple's relationship after they met in New Zealand. They have a strong and supportive relationship and have adapted well to life in New Zealand. They have also formed positive friendships with those in their community and social circles (letter dated 1 July 2017).

[60] The appellant is a member of his local football club. The club manager also writes in support of his appeal (undated letter from the club manager):

> … [the appellant] is an annual member and he regularly attends our training and matches, [and] also loves to join our community activities. [The appellant] shows his passion about soccer and also very settled with local social life. During the time on the pitch, he shows his corporation with our strategy…

[61] The appellant's wife has spent approximately seven years in this country, initially as a student, then working and now as a full-time mother. Over her time in New Zealand she has formed friendships and social connections. Since the appellant has successfully obtained permanent employment as a cafe manager, she (and the son) has returned to New Zealand and they have now settled as a family here.

[62] One of the mother's friends and former colleagues at an educational services company in New Zealand writes in support of the appeal. They have formed a close friendship over the eight years they have known each other. Their families are very close and often attend community gatherings together. When they worked together the wife was well-liked by former colleagues and managers alike (letter from friend/former colleague dated 30 June 2017).

[63] Another friend describes the wife as patient and caring to those around her. The appellant, his wife and son are actively involved in community activities and have formed strong friendships here (letter dated 2 July 2017).

Best interests of the child

[64] The best interests of the appellant's four-year-old son are a primary, but not paramount, consideration for the Tribunal. The son was born in China in 2013 and has lived in New Zealand since October 2015, when his mother returned to live in New Zealand. During his first two years of life, the son was separated from his father, who was living in New Zealand. Since October 2015, the family has been reunited.

[65] In New Zealand, the son has attended an early learning centre since January 2016. He has settled well into the centre's community and formed connections with friends and educators. The centre manager writes in support of the appeal, stating (letter dated 30 June 2017):

> [The son] has become a much loved member of our learning community. He has built many close relationships with his friends and is known as a gentle, kind boy. He has also gained admiration from his teachers, who all appreciate [the son's] pleasant disposition. During [the son's] time with us he has developed great confidence and has become a real inspiration for many others learning or interests. We all appreciate having [the son] and his family as part of our [early learning centre] whanau, and we will miss him greatly when he begins school next year.

[66] The Tribunal finds that the son's best interests are served by living with both his parents in New Zealand, where he has settled well over his relatively short time here and where he will commence primary school next year.

Discussion of special circumstances

[67] The appellant has lawfully lived in New Zealand over a period of 11 years. His wife has also lived here for approximately seven years.

[68] During the appellant's time in New Zealand he has gained a New Zealand Bachelor's degree and a Postgraduate Diploma in Management. He has obtained employment in this field, as a cafe manager, a role in which he is highly valued. Notwithstanding the fact that this does not constitute skilled employment, as per the instructions, due to the franchise nature of the business, the Tribunal is satisfied that he is contributing positively to New Zealand's economy through his management position, and has a significant amount of responsibility entrusted to him by his employer. Further, he has the intention, potential and education to continue to contribute in the field of management into the future.

[69] While the appellant's and wife's familial nexus remains to China, the period of time that the appellant and his wife (to a lesser degree) have spent in this country, mean they have formed a strong social nexus to New Zealand. They have formed strong friendships in this country and engaged in some community activities.

[70] The appellant, his wife and son have been reunited in New Zealand after the appellant obtained full-time permanent employment here. It is in the best interests of the son that he remains living with both his parents, in New Zealand where he has commenced his education and settled well thus far.

[71] Considered cumulatively, the Tribunal finds that the appellant has special circumstances arising from the significant period of time he has spent in this country, his contribution, the best interests of the son and the family's settlement here such that warrant consideration of an exception to the instructions by the Minister of Immigration.

DETERMINATION

[72] This appeal is determined pursuant to section 188(1)(f) of the Immigration Act 2009. The Tribunal confirms the decision of Immigration New Zealand as correct in terms of the applicable residence instructions but considers there are special circumstances of this appellant that warrant consideration by the Minister of Immigration as an exception to those instructions.

Order as to Depersonalised Research Copy

[73] Pursuant to clause 19 of Schedule 2 of the Immigration Act 2009, the Tribunal orders that, until further order, the research copy of this decision is to be

depersonalised by removal of the appellant's name and any particulars likely to lead to the identification of the appellant, his wife and their child.

"L Moor"
L Moor
Member

[On 15 August 2017, the Minister determined to grant residence to the appellant, his wife and their son as an exception to instructions.]

Certified to be the Research
Copy released for publication.

L Moor
Member