IMMIGRATION AND PROTECTION TRIBUNAL NEW ZEALAND **[2021] NZIPT 206285**

RŌPŪ TAKE MANENE, TAKE WHAKAMARU AOTEAROA

Appellant:	**KZ (Partnership)**
Before:	T R Cook (Member)
Counsel for the Appellant:	J Turner
Date of Decision:	21 October 2021

RESIDENCE DECISION

[1] The appellant is a 60-year-old citizen of the Netherlands whose application for residence under the Family (Partnership) category was declined by Immigration New Zealand.

THE ISSUE

[2] Immigration New Zealand declined the appellant's residence application because his New Zealand-citizen partner was not eligible to support his application. She had acted as a partner in more than one previous successful residence class visa application, as she had included a secondary applicant partner in each of her two previous successful residence applications. The Tribunal finds that Immigration New Zealand's decision to decline the application was correct.

[3] The principal issue for the Tribunal is whether the appellant has special circumstances, arising from his relationship with his partner and her settlement in and nexus to New Zealand, and the difficulties for the couple to live together, such as to warrant a recommendation that the Minister of Immigration consider an exception to residence instructions.

[4] For the reasons that follow, the Tribunal finds that the appellant's circumstances are special such as to warrant ministerial consideration.

BACKGROUND

[5] The appellant was born in the Netherlands in 1961. He has an adult son from his marriage to his late wife.

[6] The appellant's partner is a 58-year-old dual citizen of the United Kingdom and New Zealand. She was born in the United Kingdom and first obtained New Zealand residence in 1992, but subsequently lost her residence status. In 2004, she was granted a resident visa under the Skilled Migrant category and in 2009, she became a New Zealand citizen. She has two adult children from her first marriage, who reside in New Zealand with their families.

[7] The appellant and his partner met in the Netherlands in early July 2016. Shortly thereafter they commenced a relationship and, since late July 2016, they have spent periods of time living together in the Netherlands and in New Zealand, subject to the restrictions of their respective temporary visas.

[8] From 11 July 2019, the appellant and his partner lived together continuously in both the Netherlands and New Zealand. On 30 March 2021, the appellant returned alone to the Netherlands. Since this time, he has lodged several Expressions of Interest for border exception requests to enter New Zealand, which have been unsuccessful.

Application for Residence

[9] On 23 April 2021, the appellant made his application for residence under the Family (Partnership) category.

[10] In a letter from counsel, he acknowledged that the appellant's partner was not eligible to support the appellant's residence application because she had successfully supported more than one prior partner for residence. However, with the expected decline of the application by Immigration New Zealand, the couple intended to exercise their right of appeal to the Tribunal.

[11] Counsel stated that the couple had been in a relationship for several years and had lived together continuously for a period of over 12 months. Their periods of separation, which were documented, were said to have resulted from their respective temporary visas: visitor visa requirements meant that the appellant could spend only 9 months in each 18-month period in New Zealand, and his partner could spend only 3 out of every 6 months in the Netherlands.

[12] The application was accompanied by various documents in support of the couple's partnership, including a chronology of their relationship, letters of support from their family members and friends, evidence of money transfers between them, evidence of time spent together, and documents addressed to the couple jointly in New Zealand and the Netherlands.

[13] On 2 June 2021, Immigration New Zealand advised the appellant that his partner did not appear to be eligible to support his residence application because she had acted as a partner in more than one previous successful residence application. In July 1992, his partner was the principal applicant in a successful residence application that included her first husband and their daughters. In December 2004, she was the principal applicant in a successful residence application that included her second husband and her daughters.

[14] On 17 June 2021, counsel informed Immigration New Zealand that no substantive response would be provided, and the couple awaited Immigration New Zealand's decline decision.

Immigration New Zealand's Decision

[15] On 23 June 2021, Immigration New Zealand declined the appellant's residence application because his partner was not an eligible supporting partner under residence instructions.

STATUTORY GROUNDS

[16] 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—
>
> (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.

[17] 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

[18] On 2 July 2021, the appellant lodged this appeal on the ground that his circumstances are special such that an exception to the residence instructions should be considered.

[19] In support of the appeal, counsel makes submissions (5 August 2021) and provides the following new documents in support of the appellant's special circumstances:

(a) A letter from the appellant's partner (6 February 2021), outlining her relationship history and support of prior partner's for residence, and her current relationship with the appellant.

(b) United Kingdom divorce documents pertaining to the partner's two previous marriages.

(c) Passport and visa information for the partner's daughters, her grandchildren and brother.

(d) A New Zealand birth certificate, Oranga Tamariki family group conference record and other documents pertaining to a child (the partner's whāngai granddaughter) who is said to be in the care of the partner's elder daughter.

(e) Evidence of the partner's ownership of a property in Z region.

(f) Evidence of the partner's travel to the Netherlands.

(g) Two screenshots of a Facebook page pertaining to a performing arts event organised by the partner.

(h) A photograph of the partner, and a grandchild, at the partner's property in Z region.

[20] The above material will be considered by the Tribunal, as relevant, in its assessment of whether the appellant has special circumstances, pursuant to section 189(3)(b) of the Act.

ASSESSMENT

[21] The Tribunal has considered the submissions and documents provided on appeal and the file in relation to the appellant's residence application which has been provided by Immigration New Zealand.

[22] Although the appellant appeals solely on the ground of special circumstances, before the Tribunal can proceed to consider that ground of appeal it must first determine the correctness of Immigration New Zealand's decline decision. This assessment is set out below and 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

[23] The application was made on 23 April 2021 and the relevant criteria are those in residence instructions as at that time. Immigration New Zealand declined the application because the appellant's partner was not an eligible supporting partner, having acted as a partner in two previous successful residence applications.

Family (Partnership) category instructions

[24] Residence instructions state that an application for residence under the Family (Partnership) category will be declined if an applicant does not have an eligible New Zealand-citizen or resident partner: F2.5.d.i (effective 8 May 2017).

[25] Instruction F2.10.10 (effective 23 December 2019) states that a New Zealand partner is not eligible to support a partnership-based residence application if he or she has acted as a partner in more than one previous successful residence class visa application (see F2.10.10.a.i). This includes acting as the principal applicant in a successful residence application that included a secondary applicant partner (F2.10.10.b.iii).

[26] Immigration New Zealand was correct to decline the appellant's residence class visa application under the Family (Partnership) category on the basis that his partner was not eligible to support the application. His partner had been the principal applicant in two successful applications for residence that included a secondary applicant partner: in July 1992, she obtained residence in an

application which included her first husband; and in December 2004, she again obtained residence in an application that included her second husband.

Conclusion on correctness

[27] Immigration New Zealand's decision to decline the appellant's application was correct. It has no discretion to do otherwise (F2.5.d.i, effective 8 May 2017 and R5.1, effective 29 November 2010).

Whether there are Special Circumstances

[28] 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.

[29] 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.

Personal and family circumstances

[30] The appellant is a citizen of the Netherlands, aged 60 years. His application for residence under the Family (Partnership) category was supported by his partner, whom he met in the Netherlands in July 2016. The appellant has a son, aged 26, from his marriage to his late wife. His son, parents and brother reside in the Netherlands. He is said to be retired.

[31] The appellant has made five trips to New Zealand as the holder of a visitor visa, between 2017 and early 2021. In respect of his last visit, in August 2020 the appellant's Expression of Interest (EOI) for a border exception was successful, and he was granted a Critical Purpose visitor visa, which enabled him to travel to and remain in New Zealand until March 2021, when he returned to the Netherlands. The appellant's subsequent EOIs, lodged on 2 July, 8 July and 18 July 2021, have been unsuccessful.

[32] The appellant's partner is a citizen of the United Kingdom and New Zealand, aged 58 years. She was born in the United Kingdom and first migrated to New Zealand in 1992 but returned to the United Kingdom a year later.

In 2004, she returned to New Zealand and subsequently reacquired residence status.

[33] The partner has largely resided in New Zealand since September 2004. Her two daughters, a New Zealand citizen and resident respectively, are both in their 30s and live in New Zealand with their families, which includes the partner's two grandchildren and a whāngai grandchild. Of the partner's two siblings, one brother is a New Zealand permanent resident.

[34] Evidence before the Tribunal indicates that the partner was initially employed in New Zealand as an osteopath. She subsequently started a successful wedding venue business which she sold in 2015, and the same year she purchased a property in Z region. For the last three years, she has been in the process of establishing a health, dance and fitness business in Z region, together with her daughters.

Partner's relationship history and ineligibility as a supporting partner

[35] In her letter produced on appeal, the appellant's partner explains her relationship history which renders her ineligible to support the appellant for residence. The partner initially obtained residence in 1992, under the 1991 General Skills category, and migrated to New Zealand with her first husband (whom she married in 1985) and the couple's two daughters. The partner states that she was offered a partnership in an osteopathy practice but found it difficult working full-time with two young children and without any extended family for support (her daughters were then aged 12 months and six years of age). The family had very little money and, after spending a year in New Zealand, they returned to the United Kingdom and subsequently lost their residence status. The partner states that after a 17-year partnership, she and her first husband divorced; divorce documents indicate that this was in 1998.

[36] In 2004, the partner returned to New Zealand with her two daughters, then aged 13 and 18, and her second husband, after having been offered a job as an osteopath. (Divorce documents indicate that the partner and her second husband married in 2004, although they had been in a relationship since around 1997.) The partner's Skilled Migrant category residence application was successful in December 2004, and the family were granted residence. The partner states that her second husband did not like the lifestyle in New Zealand, so the couple separated and the husband returned alone to the United Kingdom in 2007. The partner and her second husband divorced in April 2016.

[37] The partner states that her first husband obtained New Zealand residence in 2009; his application having been supported by the couple's eldest daughter. Immigration New Zealand's travel records confirm that the first husband remains a New Zealand resident and is currently residing here. Immigration New Zealand's records show that the partner's second husband retains his New Zealand residence status but has not returned to New Zealand since departing in January 2008.

[38] The appellant's residence application was declined because his partner was not eligible to support his application, as she had acted as a partner in more than one previous successful residence application: see F2.10.10.a.i and F2.10.10.b.iii.

[39] As the Tribunal has routinely observed, one of the main purposes of these instructions is to guard against potential abuses of the immigration system by preventing supporting partners from using their rights of sponsorship to support residence applications based on partnerships which were not intended to be maintained on an indefinite basis: see *MJ (Partnership)* [2015] NZIPT 202701 at [36].

[40] However, the Tribunal has also acknowledged, in such appeals, that by the time a supporting partner is in their mature adult years, they may have had several enduring relationships, which may have ended for finite reasons such as death, or simply irreconcilable differences between the couple.

[41] In the appellant's case, there is no suggestion of any abuse of the immigration system. The appellant's partner states that her partnership with her first husband lasted for 17 years; they were married in 1985 and there are two daughters of their marriage. The family migrated to New Zealand as residents 29 years ago, in 1992, and subsequently lost their residence status. The partner's partnership with her second husband lasted for around 10 years; they married in 2004 and, along with the partner's daughters, were granted residence later that year. The couple's partnership faltered after the family had spent around two and a half years living in New Zealand. The Tribunal has no reason to believe that the partner's previous relationships were not genuine.

[42] The appellant's partner is now 58 years of age. She writes that, having spent nine years alone before meeting the appellant, she now wishes to support him as her partner for residence. As residence instructions currently stand, they operate as a permanent bar to the partner supporting any further partnership-

based visa application (see F2.5.d.i) and preclude the appellant from living together permanently in New Zealand with his partner.

Development of couple's relationship

[43] The appellant and his partner met through a mutual friend on 9 July 2016, while the partner was on holiday in the Netherlands. The couple's letter of chronology explains that they quickly developed feeling for each other, and the partner stayed with the appellant from 23 July 2016 until her return to New Zealand in October 2016.

[44] From this time onwards, the couple spent periods of time together in the Netherlands and New Zealand, subject to the constraints of their respective visas. In 2017 while in the Netherlands, the partner helped the appellant to renovate his boat ready for sale, and shortly after her return to New Zealand in September 2017, the appellant purchased a boat that the couple own jointly.

[45] During the appellant's visits to New Zealand, the couple stay at the partner's off-grid property in Z region, and when the partner is in the Netherlands they stay on the couple's boat. The couple explain that, during their times together, they have spent time with each other's families, taken trips away, attended various music festivals, and maintained their boat and the partner's property. When the couple are apart, they maintain their relationship through electronic communication.

[46] Letters written by the appellant's son and his parents, and the partner's daughters and brother, explain that that the couple's genuine relationship is warmly supported and that they have been welcomed into each other's families. Letters from the partner's neighbours who know the appellant through his time spent in New Zealand with his partner, describe him as a positive addition to their local rural community. The letter writers refer to the efforts made by the appellant and his partner to spend time together, the partner's unhappiness when she is apart from the appellant, and the ongoing uncertainty for the couple as to whether they will have to continue their reciprocal travels to maintain their relationship, particularly given the impact of the COVID-19 pandemic.

[47] Immigration New Zealand noted that the partnership of the appellant and his partner appeared to be genuine and stable on the evidence submitted, although it did not make a finding on this matter as the application was to be declined on other grounds. The Tribunal finds that the relationship of the appellant

and his partner is genuine and, insofar as the couple have been able to test their relationship by living together to date, it also appears to the Tribunal to be stable.

Couple's visas and travel movements

[48] The couple informed Immigration New Zealand that due to their respective visa status, they have been unable to live together continuously. The appellant, as a Dutch citizen, can stay in New Zealand for nine months in each 18-month period. His partner, as a New Zealand citizen, can stay in the Netherlands for three months in every six-month period. While the partner could initially stay longer in the Netherlands by virtue of holding a British passport, this ceased after the United Kingdom withdrew from the European Union.

[49] The appellant and his partner outlined the time that they had spent living together at each other's residences, in the Netherlands and in New Zealand, since the commencement of their relationship, and this is confirmed by Immigration New Zealand's records of their travel movements, summarised as follows:

July–October 2016	partner in Netherlands
January–March 2017	appellant in NZ
June–September 2017	partner in Netherlands
November 2017–March 2018	appellant in NZ
June–October 2018	partner in Netherlands
November 2018–March 2019	appellant in NZ

[50] From 11 July 2019 to 30 March 2021, the couple lived together continuously as follows:

July–October 2019	partner in Netherlands
October 2019–June 2020	appellant in NZ
June–October 2020	partner in Netherlands
October 2020–March 2021	appellant in NZ

[51] The partner states that her present separation from the appellant is stressful and unhealthy, and that being confined to contact by electronic means is unsatisfying. COVID-19 has hampered their ability to travel internationally so as to spend as much time together as possible.

[52] The Tribunal accepts that the couple's efforts to live together for any ongoing length of time have been constrained by their temporary visas. It is evident that the partner is not eligible to support any partnership-based visa for the appellant, and it is unclear to the Tribunal whether she could obtain residence in

the Netherlands, although it acknowledges the reasons advanced by the partner (outlined below) for why she would prefer that the appellant be allowed to reside permanently in New Zealand with her.

Partner's current circumstances and settlement

[53] The partner states that her family nexus is to New Zealand, where her daughters, grandchildren and brother reside. Having experience of trying to raise her daughters in New Zealand without family support, when she first migrated here, she understands how important these family relationships are and she feels connected to New Zealand. She wishes to live with her family and the appellant in New Zealand.

[54] The partner states that she purchased her property in Z region for her family. They plan to develop the property, grow organic fruit, and preserve the forest that surrounds the property. The partner states that she has animals at the property who require her care, and that she is currently building a health, dance and fitness business with her daughters, which they are looking to expand through the purchase of a dance studio. She needs to be in New Zealand full-time in order to realise these plans. The partner's elder daughter states that she and her three children live on the property and that the upkeep of the property is a strain when her mother is in the Netherlands.

[55] The partner states that she and the appellant have had lengthy discussions about where they should reside together. While she has a strong family nexus to New Zealand, the partner explains that she does not speak the Dutch language (although she is trying to learn) which is a barrier to her obtaining employment in the Netherlands. In contrast, the appellant is retired, speaks good English, and loves fixing things, which has been a benefit for the maintenance of the partner's property in New Zealand. Finally, the partner writes that it is not practically or financially viable for the couple to continue to maintain two residences. If the appellant was able to reside in New Zealand, they would sell their boat in the Netherlands. In New Zealand, they hope to build their own house on the property and to buy a small sailing yacht.

Health and character requirements

[56] Immigration New Zealand was satisfied that the appellant had an acceptable standard of health for residence. It also found that the appellant's partner met the character requirements for the purposes of supporting his

residence application, as her police certificate from New Zealand (5 May 2021) and her certificate of conduct from the Netherlands (19 March 2021) were clear.

[57] In respect of the appellant's character, Immigration New Zealand received a clear New Zealand police certificate (5 May 2021), and his certificate of conduct from the Netherlands (23 February 2021) was also clear. However, the appellant declared in his residence application that, in March 2016, he was convicted of drink-driving in in the Netherlands. Immigration New Zealand observed that, without further information regarding this conviction, it could not determine whether the appellant met the good character requirements of residence instructions. Although the conviction was not incurred in the last five years (and therefore not caught by instruction A5.25.h, effective 30 March 2015), it was unclear whether it was caught by instruction A5.25.e as a conviction for an offence for which the appellant "was sentenced to a term of imprisonment (whether the sentence was of immediate effect or was deferred or was suspended in whole or in part)".

[58] Immigration New Zealand's website provides guidance on how to obtain a police certificate (as they are termed in immigration instructions) from specific countries. For the Netherlands, a visa applicant is to request a certificate of conduct from their local municipality, and in doing so provide it with a copy of Immigration New Zealand's webpage concerning police certificates. The certificate of conduct will then then be prepared and issued by the Dutch Ministry of Justice and Security ("the Ministry").

[59] The website of the Ministry (Justis *Certificate of Conduct* at www.justis.nl) explains that a certificate of conduct is a document by which the Dutch Minister of Legal Protection declares that the applicant "has not been convicted for any crime relevant to the performance of his or her duties". Such certificates are evidently routinely provided for the purposes of ascertaining whether an applicant is a fit and proper person for a position of employment, and the website gives the examples of:

> [A] taxi driver who has been convicted several times of drunken driving, or an accountant convicted of fraud are unlikely to be issued with a certificate. Obviously, an accountant who has been convicted of drunken driving may well be granted a certificate.

[60] The website also states that when the Ministry receives an application for a certificate of conduct, it consults the "Criminal Records System (JDS)" which contains data relating to criminal offences and their outcomes, ranging from custodial sentences to payment in lieu of prosecution or the dropping of charges. The Ministry may also consult police files and ask the Public Prosecution Service

and the probation service for information. All such information "is studied and evaluated as a whole".

[61] The Government of the Netherlands website (Government of The Netherlands *View Your Criminal Record* at www.government.nl) states that persons are only permitted to view their own criminal record, which the Tribunal presumes is why Immigration New Zealand requests that persons provide a certificate of conduct. The website also states:

> **Who can have a criminal record?**
>
> Persons 12 years of age and older always receive a criminal record (in Dutch) in the event of a criminal offence. Some examples are:
>
> - drug trafficking
> - theft
> - murder
>
> For minor offences, it depends on the type of offence, and on the penalty you receive. For instance, you do not need to appear in court for traffic offences. So you will not receive a criminal record either. If you have a criminal record, you will be on file with the Ministry of Justice.

[62] The Tribunal takes it from this information that, while the appellant's drink-driving conviction is relevant to whether he can demonstrate that he meets the character requirements of residence instructions, it was evidently not considered relevant by the Dutch Ministry of Justice who issued the appellant's certificate of conduct for the purposes of its provision to Immigration New Zealand. The certificate of conduct states:

> The Minister for Legal Protection has conducted an investigation into the conduct of the person named in this Certificate and declares that, in view of the risk to society in relation to the purpose for which the Certificate has been requested and considering the interests of the person concerned, the investigation has not resulted in any objections to this person in connection with this specific profile mentioned above …. The Minister is therefore hereby pleased to issue this Certificate of Conduct, pursuant to section 28 of the Dutch Judicial Data and Criminal Records Act.

[63] To reiterate, beyond the appellant's voluntary disclosure of his conviction, Immigration New Zealand and the Tribunal have no information regarding this conviction, such as the date it was incurred, or the sentence received. It will be a matter for the Minister of Immigration whether to request that the appellant provide further information regarding his conviction history. Likewise, the Minister may wish to obtain an updated New Zealand police certificate for the appellant's partner (her last police certificate was dated 5 May 2021), should he consider it necessary.

Discussion of special circumstances

[64] 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.

[65] The appellant and his New Zealand-citizen partner have been in a relationship for five years, which has largely been conducted through reciprocal visits between their countries of residence: the Netherlands and New Zealand. They lived together continuously from July 2019 until March 2021 but have been prevented from doing so on a permanent basis due to the constraints of their respective temporary visas and because the appellant's partner is ineligible to support him for a partnership-based visa.

[66] The partner's ineligibility has arisen due to her having supported two prior partners for New Zealand residence. The instructions, which mandate the partner ineligible to support the appellant's application and prevent the appellant from obtaining residence based on his partnership, are designed to prevent residence being granted to persons in serial unsustainable relationships. However, the Tribunal has found that the partner's earlier partnerships, through which her former husbands obtained residence 29 and 17 years ago, were genuine and enduring.

[67] The Tribunal accepts that the couple's partnership is both genuine and stable, and that they have lived together for more than the 12-month minimum required by residence instructions. The Tribunal also acknowledges the couple's desire to further develop their relationship and live together on an ongoing basis. While there is no evidence that the partner could not obtain residence in the Netherlands in order to live with the appellant, the Tribunal accepts that there are compelling reasons why she does not wish to do so.

[68] The partner has a strong nexus to New Zealand, where she has lived for 17 years and where almost all her immediate family reside as citizens or residents. She is well-settled and integrated in New Zealand, where she owns a rural property on which she and her elder daughter's family reside, and she is actively planning for the family's future in Z region through both the development of her property, and the health, dance and fitness business that she and her daughters are building together.

[69] Balanced against his partner's nexus and settlement in New Zealand is the fact that the appellant's immediate family all reside in the Netherlands. However, if the couple are to live together permanently, the reality is that one or the other of them will be separated from their respective families. While the couple own a boat in the Netherlands, the partner lacks fluency in the Dutch language, so her ability to obtain employment there is likely to be heavily reduced. In contrast, the appellant is said to be retired, possess good English, and able to utilise his maintenance and practical skills on the partner's property in New Zealand.

[70] In addition, the Tribunal observes that it is not feasible for the appellant and his partner to continue their regular, long-distance reciprocal travel, given the current COVID-19 environment. Further, at the age of 60 and although in good health, the appellant has no pathway to residence unless an exception to instructions is recommended.

[71] The Tribunal has considered the circumstances of the appellant and his partner, both individually and cumulatively, including the strength of their partnership and the fact that instructions are directed towards preventing serial relationships, whereas the partner's prior partnerships were enduring and stable. The Tribunal finds that the appellant's circumstances are special and warrant a recommendation to the Minister of Immigration for consideration as an exception to instructions. Given that Immigration New Zealand did not complete its assessment of the appellant's character, as discussed above at [57]–[63], it is a matter for Minister whether to elect to do so.

DETERMINATION

[72] Pursuant to section 188(1)(f) of the Immigration Act 2009, the Tribunal confirms the decision of Immigration New Zealand to be correct in terms of the applicable residence instructions but considers that the special circumstances of the appellant are such as to warrant consideration by the Minister of Immigration as an exception to those instructions.

[73] Pursuant to section 190(5) of the Immigration Act 2009, the Minister of Immigration:

(a) is requested to consider whether a residence class visa should be granted to the appellant as an exception to residence instructions; and

(b) may, if granting a resident visa, impose conditions on the visa in accordance with section 50 of the Act.

[74] Pursuant to section 190(6) of the Immigration Act 2009, the Minister of Immigration is not obliged to give reasons in relation to any decision made as a result of a consideration of the Tribunal's recommendation.

Order as to Depersonalised Research Copy

[75] 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 or his partner.

"T R Cook"
T R Cook
Member

Certified to be the Research Copy released for publication.

T R Cook
Member