APPRAISAL REPORT

Review of applicability of 1995 Immigration Schedule

JOB NO: OP 99/64

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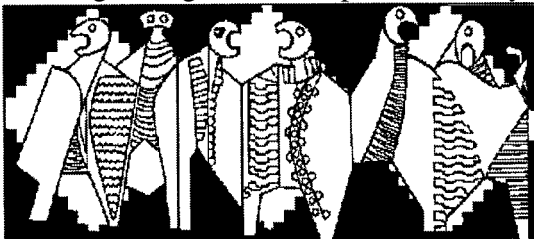   [name removed]
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1.0 EXECUTIVE SUMMARY

A number of key issues concerning the application of the 1995 New Zealand Immigration Service (NZIS) Retention and Disposal Schedule were raised with National Archives' by [name removed] and more recently, [name removed], of NZIS. This review was commissioned to examine these issues and report back on the extent of the problems and suggest a way forward to address them.

No easy solutions were identified to resolve the current difficulty NZIS have matching the current schedule against their body of nominal client files in commercial storage. What was discovered was that the continued validity of certain parts of the schedule have been compromised rendering the entire schedule an unsafe authority upon which to act (this is largely due to uncertainty over the accuracy of the data migrated from the INI database to AMS).

This review recommends the immediate suspension of the schedule prior to consultation with the Chief Archivist regarding the selective withdraw of his authority from parts of it. Also recommended is the establishment of a project to develop a replacement schedule for the record types from which approval will be withdrawn and the implementation of a number of sentencing strategies once disposal authority issues have been resolved.

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2.0 CIRCUMSTANCES & SCOPE OF REVIEW

The original impetus for National Archives' involvement in this project came from an approach by [name removed] of the New Zealand Immigration Service (NZIS) in June 1999. [name removed] was concerned about the potential impact of new work processes on the immigration records created/held by the service. The possibility was mooted that papers submitted in support of an immigration application could in future be returned to the applicants and the fact of their submission, and subsequent suitability, recorded electronically within the Application Management System (AMS). This represented a considerable record keeping shift by NZIS and was identified as potentially illegal under the 1957 Archives Act.

In addition to these future focused record keeping issues [name removed] also raised for discussion the matter of difficulties NZIS were experiencing when trying to apply their 1995 Retention and Disposal Schedule. Among the problems encountered by NZIS are an apparent incompatibility between the schedule's disposal actions and current work processes (and the resultant records' creation). There are also issues surrounding the ready identification of key contextual information from NZIS databases about the records that would allow disposal decisions to be matched against specific files.

Yet another issue raised for consideration was the possible development of a disposal schedule to encompass NZIS administration/subject files.

From this meeting and a subsequent follow-up meeting a proposal for investigation of the applicability of the 1995 schedule was developed for NZIS. [name removed] departure from Immigration meant that the matter progressed little further until late 1999 when the proposal was picked up by NZIS IT Director, [name removed]. Prior staff commitments meant that it was not until 29 February 2000 that the project was able to get formally under way.

The following key issues were identified for closer examination as part of the review:

* An examination of the rationale behind original schedule.
* The migration of INI (Immigration Nominal Index) data to AMS (Application Management System).
* The validity of the schedule's distinction between Branch and National office files.
* Whether sufficient contextual information is available about each file to apply the schedule without physical examination of each file
* Clarification of the disposal action for Temporary Entry applications.
* Consideration of the recordkeeping issues involved in NZIS's aspiration to move towards the elimination of paper application files in favour of AMS.
* Implementation strategies for the current schedules application to legacy records with a goal to reducing ongoing storage costs.

Further to these issues it was agreed that the review report would include detailed information on National Archives outcome expectations and requirements for any consequent `Transfer` or `Destruction' actions arising from this review.

The precise quantity of records held by [company] on behalf of NZIS over which the schedule may be applicable is unclear. Figures provided by [company] are a blend of box and file numbers. It is estimated that NZIS have approximately 51,912 boxes in commercial storage with [company]'. There are also a further 7000 boxes held at [company] that had previously been held in the National Archives' Record Centre.

3.0 METHODOLOGY

The review process involved research and analysis of the history and circumstances of the development of the 1995 schedule, interviews with NZIS personnel, and the examination of past and present paper and electronic record keeping systems. [company] Records Management were visited to identify the level of contextual information held about the files in storage and data matching was used to examine the success of the migration in 1998 of residency information from the INI system to AMS.

4.0 INVESTIGATION

4.1 The Rationale Behind The 1995 Schedule

Work began on the current NZIS Retention and Disposal Schedule on 20 June1994 and was finally approved by the Chief Archivist in March 1995[2]. The NZIS project sponsor was [name removed] and the schedule was created by National Archives' Appraisal Archivist, [name removed].

Ironically the primary drivers for NZIS seeking the creation of a new schedule were concerns that restructuring had rendered their case file schedule of that time' unsuitable, and in addition they were faced with pressing problems of records storage. As part of the development of the new schedule Jennifer examined the appropriateness of the previous schedules as well as identifying for evaluation, the types of records then being created by NZIS.

The project was comprehensive, taking several months, involved detailed research of NZIS systems and functions, embraced international best practices regarding the retention of immigration records, and involved a high degree of client and stakeholder consultation.

Of particular relevance to this review were [name removed]'s findings with regard to knowledge within NZIS about their record keeping systems and the absence of an organisational overview of the record keeping systems. National Archives' own records of archive transfer from Immigration and interviews with NZIS staff suggested that "the former schedule(s) had never been systematically applied by all the District Offices as staff had found the schedule instructions unwieldy and in some cases impractical to implement.

Some brief background on the two schedules authorised prior to 1995 provides valuable insight into the process and thinking behind the current schedule.

' This figure is based on statistics provided by Online that suggest that they hold 11701 boxes and 402111 files on behalf of NZIS. There is likely to be some degree of overlap between the two measures.

[2] See National Archives appraisal job file OP 94/34

' See National Archives office file NA 2/26/2, Schedule L64.

   OP 94/34 Appraisal Report p.2

4.1.1 Head Office Schedule 1976[5]
The 1976 Head Office Schedule authorised that all Permanent Entry case files were to be stored until they were 60 years old. Once they had attained this milestone certain categories of files were to be selected for permanent retention. Also for retention were all the Card Indexes. Temporary entry case files were authorised for destruction after sampling had occurred.

4.1.2 National Schedule 1982[6]
The 1982 schedule applied to the records created by Head Office, District Offices, and Foreign Posts. This schedule identified all approved permanent entry and permanent residence files from head office for transfer to National Archives. Similarly, the Index Cards for Permanent Entry and Residence approvals were to be retained and those declined to be destroyed at both Head Office and District Office level. All declined files, temporary entry files and index cards were to be destroyed only after sampling (there were criteria for the retention of controversial figures, criminal histories, overstayers etc.).

District Office re-entry records were to be retained. Various registers of permanent entry/residence and temporary entry/re-entry were to be transferred from both the Head and District Offices. Certain computer printouts - overseers list and IMPI reports were to be transferred to National Archives. Arrival/departure cards were to destroyed after sampling.
The disposal instructions for the Overseas Posts were essentially the same as for the District Offices other than having shorter retention periods doe to storage constraints.

What [name removed] found was that despite the existence of these earlier statutory authorities neither schedule appeared to have ever been properly implemented at the branch level. The paucity of the records actually transferred to National Archives during this time, as opposed to the quantities that were authorised for transfer, strongly suggested that records were being destroyed without proper regard to the schedules.

This then was the environment within which the 1995 schedule was developed.

The basic premise supporting the 1976 schedule was that the Card indexes, once shorn of temporary entry records, would provide sufficient information for subsequent research. The underlying tenet of the 1982 schedule, as Senior Archivist, [name removed] put it at the time, was that "if files needed to be retained by the Immigration service for 80 years [they were already being held at the National Archives Records Centre] then the practical implications of retaining them indefinitely were of no importance in the medium term".

The appraisal decisions made in these earlier schedules were thus greatly influenced by the business needs of the Immigration Service to retain access over time to key information in the records. The categories of information identified as of on-going value in those former schedules have, by and large, remained the same across all the immigration schedules to date. New technologies have impacted on the form of some of these information categories e.g. the former Nominal Card Index system was replaced by a computerised index in the form of IM but the essence of the information identified for retention has remained the same.

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[5] National Archives office file NA 2/26/2 L48 [6]
National Archives office file 2/26/2

4.1.3 National Schedule 1995
Building upon these previous schedules, the 1995 model was grounded on the following premise: that a legal and evidential record should be retained of individuals rights to permanent residency and permanent entry into New Zealand and the basis upon which each decision was reached. Applications that resulted in Compliance actions, and/or Appeals were also to be kept as evidential records documenting the consistency of the decision making process and the application of immigration policy.

The myriad ambitions of the schedule make it challenging in parts to interpret. It attempts to provide guidance for current and semi-current office storage requirements in addition to providing instructions as to final disposal of various record types. The schedule also covers such items as old card indexes and IMPI reports, but it is the application records that make up the bulk of the closed files and which have been identified as problematic to sentence.

The following contextual factors and calendar triggers form the basis for understanding the 1995 schedule.

- Up to Oct 1988 there was a dual application file system operating, i.e. there was a Branch Office file and also a Head Office file for each application for permanent residency/entry.
- From Oct 1988 to Nov 1991 there is a period of greyness wherein there can be no confidence that the dual file system was still being consistently operated in all offices.
- For the period Nov 1991 onwards INI was identified as the official record of those who attained permanent residency and on what basis this was awarded. The date Nov 1991 was used because at that point there was a change in Immigration policy towards a more objective points system and the decision tree was captured within the INI database. The particular data set/sub-screen of INI identified as holding this key evidential and legal information was RIMS. The disposal schedule signed by both the Chief Archivist and the NZIS included the requirement for NZIS `to maintain INI within the service'.

4.1.5 Summarised 1995 Schedule - Client Application Case Files

Record Type	Disposal
Former National Office Files	
approved permanent entry files up to and including Nov 1991	A20
declined permanent entry application files pre Oct 1988 (except for below)	D10
- **all** Compliance files	A20
- **all** Appeals files	A20
all temporary entry files pre Oct 1988 (except for Compliance or Appeal cases)	D8

Record Type	Disposal
Branch Offices	D now
all permanent entry files pre Oct 1988	A20
approved permanent entry files post Oct 1988 - 31 Oct 1991	
approved permanent entry files created Nov 1991 onwards (except for below)	D20
all Refugee files'	A20
all Compliance files	A20
all Appeals files	A20
declined permanent entry application files post Oct 1988 (except for below)	D10
all Compliance files	A20
all Appeals files	A20
all temporary entry files (except for Compliance or Appeal cases)	D8
Appeals Branch Files received from Overseas Posts	
approved permanent entry files post Oct 1988 - 31 Oct 1991	A20
approved permanent entry files created Nov 1991 onwards (except for below)	D20
all Compliance files	A20
all Appeals files	A20
declined permanent entry application files post 1988 (except for below)	D10
all Compliance files	A20
all Appeals files	A20
all temporary records post 1989 filed as subject files 22/	D8

Axx = Transfer to National Archives after xx number of years
Dxx = Destroy after xx number of years

4.1.6 NZIS record keeping changes since approval of the schedule

Approval of the schedule in 1995 came at the end of a lengthy process of consultation with NZIS staff about its suitability and applicability. What has changed since 1995 within NZIS, that has caused the schedule to became difficult to implement for legacy records and irrelevant to current record keeping ?

The following developments are in no particular order of significance but appear each to have contributed to the current situation.

- NZIS has out-sourced much of its IT capabilities to EDS. This includes responsibilities for the corporate databases. The extent (if any) to which EDS is

[7] Identified on INI by a unique grounds code.

likely to have been aware of the electronic record keeping requirements of the 1995 schedule is unclear.

- A national contract for the commercial storage of semi-current and closed records was signed between NZIS and [company] Records Management. This was an attempt to get some centralised control of the records storage demands across NZIS and to take advantage of the economy of scale afforded by entering into a national contract with one provider! Whereas at the time of the 1995 schedule these records were the responsibility of each of the NZIS offices (and as such they had detailed knowledge about what they held and how it was arranged) this move to a third party contractual arrangement led to a further loss of corporate record keeping knowledge and encouraged the development of a laissez faire approach by parts of NZIS. A sizeable body of the records have been deposited with [company] by the various branches in a decontextualised state, either without any record of what files the boxes contain or with lists so inaccurate as to be of no value.
- In 1998 NZIS introduced the AMS system and closed the old INI database after migrating certain parts of the old data. A small part of INI was retained on CDROM and made available for limited `history' search functions across NZIS.

4.2 The migration of INI data to AMS

A central tenet of the 1995 schedule was an agreement that post November 1991 core information captured in the INI database would form the official record of approved entry and permanent residence in New Zealand and would thereafter be maintained within NZIS in accordance with the National Archives' document, *Standard of Care for Electronic Records'*. Furthermore, that this information would be faithfully migrated into any successor electronic system thereby alleviating the need to retain post November 1991 paper residency application files beyond a twenty year period. At the time of the schedule's approval it was expected that National Archives and NZIS would sign an Electronic Records Agreement (ERA) with the Chief Archivist. Initial discussions were held but never followed through to completion.

A fundamental issue for this review (and for the continuing validity of the current schedule) is how successfully the core electronic data from the INI system has been managed over time and migrated in 1998 into INI's successor, AMS.

Of the original INI system all that remains today within NZIS is a pared down INI `Mainframe History' database which I understand is read from a CD-ROM containing some basic file tracking details allowing NZIS staff to search on a nominal or file number level for the whereabouts at the time of closure of INI of the old INI file. This is a fixed set of read-only data that is technically distinct from AMS.

Some of the information originally captured on the RIMS (Records Immigration Management System) screen of INI can also be found in the AMS Application Details - Determination, Applicant, and Summary sub-screens as, in theory, summary information of all data held in INI was migrated to AMS. RIMS information was only

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[8] The extent to which centralised control has been realised may be moot, during the course of interviewing for this review it was discovered that Support Services have 7000 boxes of application files stored with [company] rather than [company]. The precise reason for this choice of a different provider is not known.

[9] See Appendix A for a copy of this 1995 draft, there is also a version in the 1997 Electronic Records policy.

gathered for applications for permanent entry or residency and not used for temporary applications.

To examine this issue six old RIMS printouts found on National Archives' 1995 project file were compared to the equivalent information now resident on AMS. These six test cases are as follows:

File Number	Name	Points & Result (INI)		AMS Data
ND 930607 (HO 545507)	[name removed]	Qual 15+ Work Ex 5+ Age 6+ NZ$ 2 = 28 Approved		Points match, Visa Residence 1991 General Category, Approved
HO 615740	[name removed]	Qual 15+ Age 10+ NZ$ 2 = 27 Grounds code = RVG[10] Declined		Points do not match (Age now 8, Work Experience (new) 1), Visa, Residence, 1991 General Category, Declined
HO 590339	[name removed]	Age 10 + Family 2=12 Grounds code = RVFM" Approved		No points carried over, Permit, Residence 1995 Transition 33(2) voluntary, Approved
AQ 3432	[name removed]	= 0 Grounds code = RPHQ[12] Approved		No points Permit, Residence Refugee Quota, Approved
HO 615248	[name removed]	Qual 4+ Ex 4+ Age 4+ NZ$ 2 =14 Grounds code = RVB[13] Approved		Points match, Visa, Residence 1991 Business Investment Category, Approved
HO 611806	[name removed]	Age 10+ Family 2 =12 Grounds code = RVFC[14] Approved		No points carried over, Visa, Residence, 1991 Family Child Dependent Approved

This sample, albeit very small and statistically unproven, reveals a disturbing incidence of inaccuracy with regard to the points allocation basis to which applicants were accepted or declined their residency. Although the final decision and the category of the application appears to have been faithfully migrated, the points basis upon which these decisions were based have not. Other than the name, qualification points, and outcome the other information found on a RIMS entry are date of birth, sex, citizenship, occupation code, case officer, and processing dates.

10 Resident Visa General
11 Resident Visa Family Marriage
12 Resident Visa Humanitarian Quota
13 Resident Visa Business
14 Resident Visa Family Child

This calls into question the continuing validity of the current schedule. The front page of the 1995 NZIS schedule contains the explicit caveat on its use that it was approved...

> "...on *the condition that the electronic Management System (INI) and its successor is classified as a public archive. These systems must be maintained within NZIS in accordance with Standard of Care for Electronic Records prepared by National Archives.* "[15]

Furthermore, all retention and disposal schedules have the following condition placed upon their use that " *[t]his schedule will lapse if:- iii) the system under which [the records] are organised changes substantially thereby invalidating the disposal provisions.*

While the appraisal report could be read as recommending the capture of the whole database, subsequent correspondence confirms that RIMS was the target data for maintenance and migration. The schedule requirements can therefore be charitably read as an agreement that the RIMS data would be faithfully maintained over time. There is reasonable doubt as to whether this has occurred.

4.3   The schedule's distinction between Branch and National Office files
Concerns raised by [name removed] regarding the validity of the distinction made in the schedule between Branch and National Office files has not been a factor in the process of the review. No evidence was discovered to suggest that it was an unreasonable expectation that the dual file system prior to the September 1988 cut-off point could be relied upon.

4.4   Clarification of the disposal action for Temporary Entry applications

A particular issue of interpretation centres around the recommendation for the Temporary Entry applications records. With the exception of files involving compliance or appeal cases the schedule recommends the following action:

> *To be destroyed 8 years after last action*

> *Records must be retained for minimum of 2 years from date of last action. Records may be destroyed after the expiration of 2 years but must be destroyed 8 years after last action. Most recent returning residents visa papers to be retained.*

This is an inherently contradictory statement as it stands. Discussion with [name removed] revealed that the intention was to provide records management advice to the NZIS offices, as well as provide a final disposal instruction. The intended instruction was that the Temporary Entry application records must not be destroyed, in terms of the 1957 Archives Act, until two years have elapsed from the date of last action. Statutory authority to destroy them existed after that point but NZIS practices and

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[15] OP 94/34

usage meant that if they so desired they could hold onto them for longer. The caveat to this was that the offices should not hold onto them for any more than eight years.

4.5   *The administrative elimination of paper application files*

NZIS aspires to embrace a paper-free application environment where only the electronic records is ever created. Documents provided by an applicant to support their application would be returned to the applicant once they had been verified and that verification process entered into an electronic database. This raises a number of record keeping issues in terms of the 1957 Archives Act and should be discussed directly with [name removed] of the National Archives' Statutory Regulatory Group. Such a move by NZIS would best be made after agreement is reached with the Chief Archivist on the requirements of the 1957 Archives Act. The key consideration of such an arrangement will be the level of assurance NZIS can provide the Chief Archivist that the immigration records identified and authorised as of on-going value as public archives will be faithfully maintained and made available over time. These issues will involve vouchsafing of the physical and intellectual integrity of the electronic records. National Archives' Electronic Records Policy should be consulted for a set of guidelines pertinent to providing this level of assurance.

5.0 STRATEGIES TO REDUCE ONGOING STORAGE COSTS

If we put aside for a moment the issue of the validity of the schedule, the most obvious difficulty with applying the schedule lies more pragmatically with matching the disposal instructions against each file without having to resort to physical. examination. Ideally the summary contextual information available about each file in a database such as AMS would provide a useful set if tools from which to implement such a schedule.
[name removed] has provided assurances that AMS captures sufficient contextual information about each application to be able to apply the existing categories of records from 1998 onwards. Unfortunately, this will have no impact on immediate storage problems.
The problem records for NZIS are those from the 1970s-1990s that were created and processed to decision stage on INI and those prior to INI that were loaded from the old index cards. The contextual data about these records does not exist in the NZIS record keeping systems to enable the different criteria of the schedule to be applied remotely.
In the course of this review a range of potential schedule implementation strategies were proposed and considered as a means of applying various elements of the existing schedule. These suggested strategies are dependent on the validation of the current schedule and are aimed at identifying the obviously valueless files to allow resources to focus on the more contentious and difficult records.

5.1   *Utilising the data on the (INI) Mainframe History database*

The INI History data was examined for its potential use as a means of identifying records for destruction or transfer. In some cases the Comments fields contain information that identifies whether or not the file should be destroyed or transferred to National Archives. Unfortunately the comments are unstructured text field and are inconsistent. They were entered by the case officers and are so variable in their content and use of abbreviations as to be unsuitable for use as disposal triggers for a report run over the system.

5.2   Utilising the data in AMS
Of the older INI period information loaded into INI there also exist references to 22/files. NZIS utilised a multiple-number subject filing system prior to the late 1990s. Although no copy of the file classification system has been able to be located it appears that the Branch offices used the 22/- files for temporary entry applications up until the early 1990s. In most cases a nominal file was not opened for a temporary visa application unless the matter became a compliance or appeal issue. On this basis it is conceivable that AMS could be used to identify all the 22/- branch files (it is understood that they will only be on AMS if they relate to applications for entry so this should not identify any other subject types records) and locate them for destruction as they only have a retention period of eight years under the 1995 schedule.

[name removed] of NZIS claimed that the 22/- files were only used for this purpose pre 1990 so all such files could be confidently destroyed under the present schedule.

5.3 Pre October 1988 Branch Files
Branch INI file numbers were assigned chronologically within each Branch. A strategy that could be used to identify the pre October 1988 Branch files (which were recommended for destruction immediately) is to undertake a sample examination of each office's files (distinguished by the prefix) to locate the date upon which that number file was opened. Once the files opened in October 1988 are identified all lower numbers from that branch could be safely destroyed. This will not capture all branch files as INI files transferred from offshore offices were given an HO prefix but it could reduce the quantity of files held in storage.

5.4 Physical Examination
The level of information available about the files other than the types identified above leaves no option but that of physical examination as the available means of sentencing records against the schedule. There are, however, difficulties with even this approach as the information relevant to sentencing is often obscure within the file. Training on what to look out for and how to identify the status of each file would be imperative if any such manual examination program was to be established.

With appropriate training I believe that this could be accomplished using temporary staff (e.g. students), however, it would require careful supervision and quality control by NZIS staff familiar with the files.

Any such exercise should be designed to simultaneously capture the disposal decision, and date when this should be applied, for each record within AMS. To prevent double-handling such a project should also be careful to segue with National Archives' transfer requirements for those files identified as of on-going value and which are old enough to be sent to Archives House. The value of capturing in the database the sentencing decision and disposal date for each file is that this will create a pool of information from which future disposal actions may be driven.

6.0 CONCLUSION & RECOMMENDATIONS

No easy solutions could be identified for NZIS in resolving the difficulty they have matching the current schedule against the body of records in commercial storage, in fact a far larger and fundamental issue has been revealed concerning the continued validity of the schedule.

Consideration of the conditions under which the 1995 schedule was signed and subsequent events mean that significant sections of the schedule can no longer be considered valid, and therefore no longer carries with it the Chief Archivist's statutory authority. This has immediate ramifications for the application of all constituent parts of the schedule.

It is therefore recommended that:

1. the current schedule be put before the Chief Archivist for the withdrawal of his statutory authority over those aspects of the schedule relating to the disposal of nominal client case files for Permanent Entry and Residence created after November 1991. In the interim no disposal actions should be attempted on the other record types cited in the schedule.
2. the extent of the changes that have occurred with the NZIS record keeping systems are such that a new schedule project covering the post November 1991 case files and the AMS database be initiated.
3. that (assuming the approval of the Chief Archivist is obtained to the first recommendation) NZIS endeavour to implement the sentencing strategies documented in sections 5.2 and 5.3 of this review.
4. once the previous recommendation has been achieved that NZIS scope the establishment of a sentencing project for the remaining records based on section 5.4 of this review.
5. a retention and disposal schedule also be developed to encompass NZIS subject files (other than the 22/- files used by the branches for temporary visas)."

It should be a consideration in the development of any future information system that they capture information about, and are able to report upon, the record distinctions made in the relevant current retention and disposal schedule. This is not of such importance when dealing with a small number of files that can, with relative ease, be sorted manually, but becomes a significant issue when the body of records is large as in the case of the immigration application case files.

Signed:
[name removed]

Archivist, Appraisal Section

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[16] I understand that [name removed] is currently working on an aspect of this project for NZIS.